

TOWN OF CONCORD TOWN BOARD MEETING August 13, 2024
7:00 p.m.

MEETING CALLED TO ORDER BY PHILIP DROZD, SUPERVISOR,
at 7:00 p.m.

ROLL CALL: PHILIP DROZD, SUPERVISOR
CLYDE M. DRAKE, COUNCIL MEMBER
KENNETH D. ZITTEL, COUNCIL MEMBER
KIMBERLY S. KRZEMIEN, COUNCIL MEMBER
KENNETH KASSEL, COUNCIL MEMBER

ALSO PRESENT: STEPHANIE A. BACON, Deputy Town Clerk
BRIAN F. ATTEA, Town Attorney
LAURA SAFFORD, Deputy Town Clerk

GEORGE DONHAUSER	JENNIFER MORRIS
JOHN NESSELBUSH	CHERYL AARON
FRANCES KINGSTON	ED & JAYNE KNIERIM
MARK MOLNAR	ERIC WILLIAMS
PAM ADANTI	

INVOCATION DELIVERED BY COUNCIL MEMBER DRAKE

PLEDGE TO THE FLAG LED BY COUNCIL MEMBER ZITTEL

ITEM #1 CONSENT AGENDA

- a) Approval of Minutes:
- (1) Work Session – 7/11/2024
 - (2) Town Board Meeting – 7/11/2024
 - (3) Bid Opening Hulbert Library Community Space – 7/17/2024
 - (4) Public Hearing BESS Moratorium – 7/22/2024
 - (5) Public Hearing Solar Moratorium – 7/22/2024
 - (6) Special Town Board Meeting – 7/22/2024
 - (7) Public Hearing KBCR WWTP – 7/29/2024
 - (8) Special Town Board Mtg WWTP & Gutters – 7/29/2024
 - (9) Special Town Board Mtg Award Hulbert Library Bid –
7/31/2024
 - (10) Special Town Board Mtg Personnel – 8/2/2024

Motion by Council Member Drake, seconded by Council Member Zittel, to approve Consent Agenda, Items 1-10. Council Members Drake, Zittel, Krzemien & Kassel; Supervisor Drozd, voting aye. Carried.

- b) Monthly Reports:
- (1) Code Enforcement Report – July 2024
 - (2) Dog Control Officer Report – July 2024
 - (3) Town Clerk Report – July 2024
 - (4) Assessor's Report – July 2024
 - (5) Senior Center Report – July 2024

Motion by Council Member Zittel, seconded by Council Member Drake, to approve Consent Agenda, Items 1-5. Council Members Drake, Zittel, Krzemien & Kassel; Supervisor Drozd, voting aye. Carried.

Motion by Council Member Zittel, seconded by Council Member Krzemien, to add Item (6) Justice Court Report (Judge Gibbin) – July 2024 and (7) Justice Court Report (Judge Frank) – July 2024, to tonight's Agenda. Council Members Drake, Zittel, Krzemien & Kassel; Supervisor Drozd, voting aye. Carried.

- (6) Justice Court Report (Judge Gibbin) – July 2024
(7) Justice Court Report (Judge Frank) – July 2024

Motion by Council Member Drake, seconded by Council Member Zittel, to approve Consent Agenda, Items 6-7. Council Members Drake, Zittel & Kassel; Supervisor Drozd, voting aye. Carried.

ITEM #2 RESIDENT CONCERNS

Supervisor Drozd opened the floor for Public Comment:

a) Townsend Road Residents – Supervisor Drozd prefaced the discussion by saying that discussion of the topic of the requested changes to Townsend Road is under old business for tonight's meeting. He also stated that Councilmember Zittel has suggested a traffic study to better understand the needs for the road. Ed Knierim addressed the Board. He would like to know why the Town Board would request a traffic study and not just approve the residents' requests. Discussion ensued between the residents and the Town Board members as to what role the Town plays in any changes that can be made on a County road.

Town Attorney Attea wished to give some historical perspective; as Town Attorney he does not have a vote on the matter. He's sometimes asked to step in to provide some research or insight from a legal perspective on some of the legal issues the Town Board faces. He contacted Gina Wilkolaski (Traffic Safety Engineer) and had a couple of conversations with her to follow-up this point. He said that it's really important to understand some of the Town's limitations with what they can and cannot do because it is a County road. When the County took the weight limit signs down, they did it County-wide. The explanation given to Town Attorney Attea was that over time, there was a hodge podge of municipalities that put up weight limit signs where they wanted. The County made the decision that on County roads, unless there was an improvement on that road (e.g., structure, bridge) or something that required the County to determine from an engineering standpoint the need for a weight limit, they would take down every weight limit sign across the County, wherever they didn't have a historical record that the County authorized it or put it in themselves. This was a blanket move to clean it all up and start from scratch. The County is strongly encouraging municipalities to come up with truck routes, which may work for some towns and villages and not well for others. Designated truck routes for a town such as Concord, which is much more spread out and has a lot of rural routes, could be difficult because of the restrictions for commercial traffic. This is something that the Town Board can weigh and weigh in on, but ultimately, it's the County's decision because it is their road. He has a number of friends on Townsend Road and he has used the road quite a bit. He doesn't disagree that the intersections are a problem and can be an accident waiting to happen. But the Town has sent a letter to the County imploring them to make those changes to the intersection. The County has taken the position that they do want all of the intersections (with angles less than 75°) removed and, to the extent they can, have them all be right angles that would be much safer. When they get to Townsend Road is anybody's guess and the Town Board has limited control over that. There has been some disagreement as to how to treat the requested changes, but he doesn't think anyone is being insensitive to the very valid and well-thought-out points that the residents have raised. The Town has reached out to request additional patrols from local law enforcement, to hopefully slow traffic. The issue with the approval of a weight limit on the road being a one-time opportunity is being debated.

Mr Knierim questioned why with the numerous requests that have been made in the last 27 years aren't the requests being put into an order of emergency in order to get the intersections changed. Supervisor Drozd stated that that is a question for the Erie County Commissioner of Public Works. Town Attorney Attea stated that Ms. Wilkowski was familiar with the residents' requests and is hearing and cataloging the complaints. He does not know where they stand in terms of the priority of the concerns and complaints from residents in all other municipalities in the County. The complaint as to why any action isn't being taken is valid. The residents are doing the right thing by putting together their message and the Town Board has not dismissed it. They continue to discuss it. The extra steps they are taking to understand it better may drive to the very

decisions the residents are hoping they do. The Board is taking a half step back to take a look at the issue from a different perspective. The County representative shared that if the Town Board does make the decision to install the weight limit sign, the pattern has been that residents from other Town and County roads in Concord will approach the Town Board with the same request.

Supervisor Drozd explained what a traffic study on Townsend Road would entail and the possible timeframe. He is not sure if the Town would bear the cost of the study or if the County would. Recently, the Town requested a traffic study on Brown Hill Road as part of a request for a four-way stop. The Town did not have to pay for this study.

Mr. Knierim stated that Bill Geary (Erie County DPW Commissioner) stated in a letter that if he receives a resolution from the Town Board, he is 100% behind making the requested changes (intersections, speed limit, weight limit). Supervisor Drozd requested a copy of the letter, as he had not received it. The residents all asked the Board to submit a resolution for each of their requests to the County. Supervisor Drozd requested that the resolution in support of replacing the weight limit sign and conducting a traffic study to include speed and truck count and also correcting the intersections be put on the agenda under new business later in this meeting.

ITEM #3 HIGHWAY DEPARTMENT

a) Hwy Supt Edwards asked the Board to receive and file his Highway Report.

Motion by Council Member Kassel, seconded by Council Member Zittel, to receive and file the Highway Department Report. Council Members Drake, Zittel, Krzemien & Kassel; Supervisor Drozd, voting aye. Carried.

Councilmember Drake questioned the lack of progress on the removal of the lights at Craneridge. Hwy Supt Edwards said that he was asked by National Fuel to halt removal until the lines were completely disconnected. National Fuel's workers are disconnecting the lines and removing the lights. The Town Highway workers will then pick up the lights once National Fuel's work is complete.

ITEM #4 OLD BUSINESS

a) KBCRWWTP Update-Payment Application #6 for Meyer SepticMeyer Septic Payment Application #6 as recommended by MDA Consulting Engineers in the amount of \$15,800. Motion by Council Member Zittel, seconded by Council Member Kassel, to approve Payment Application #5 – Meyer Septic in the amount of \$15,800. Council Members Drake, Zittel, Krzemien & Kassel; Supervisor Drozd, voting aye. Carried.

b) Townsend Road Resolutions

TOWNSEND ROAD – TRAFFIC STUDY

Council Member Krzemien moved the adoption of **Resolution 17**, seconded by Council Member Kassel:

WHEREAS, the Town Board of the Town of Concord has received a request from numerous residents of Townsend Road for re-establishment of weight limit restrictions for Townsend Hill due to dangers and threats to residents and pedestrians that heavy truck traffic causes; and

WHEREAS, the Town Board of the Town of Concord has also received a request from numerous residents of Townsend Road to reduce the speed limit for Townsend Hill; and

WHEREAS, Townsend Road is a County of Erie road located within the Town of Concord; and

WHEREAS, the Town Board of the Town of Concord approves a request to ask Erie County Department of Public Works for a traffic study to be done on Townsend Road to include speed and truck count.

Voting as follows:

Council Member Drake	Aye
Council Member Zittel	Aye
Council Member Krzemien	Aye
Council Member Kassel	Aye
Supervisor Drozd	Aye

The foregoing Resolution was thereupon declared duly adopted.

Motion by Council Member Krzemien, seconded by Council Member Kassel, to pass a Resolution requesting a traffic study with a speed and truck count for Townsend Road. Council Members Drake, Zittel, Krzemien & Kassel; Supervisor Drozd, voting aye. Carried.

TOWNSEND ROAD - INTERSECTION IMPROVEMENTS & REALIGNMENT

Council Member Drake moved the adoption of **Resolution 18**, seconded by Council Member Zittel:

WHEREAS, the Town Board of the Town of Concord has received a request from numerous residents of Townsend Road to improve the intersections of Townsend Road and Genesee Road and Townsend Road and Springville Boston Road; and

WHEREAS, Townsend Road is a County of Erie road located within the Town of Concord; and

WHEREAS, the Town Board of the Town of Concord approves a request to ask for improvement and realignment of Townsend Road and Genesee Road and Townsend Road and Springville Boston Road.

Voting as follows:

Council Member Drake	Aye
Council Member Zittel	Aye
Council Member Krzemien	Aye
Council Member Kassel	Aye
Supervisor Drozd	Aye

The foregoing Resolution was thereupon declared duly adopted.

c) Crump Brook – Supervisor Drozd advised that the Crump Brook project is finally complete.

d) Hulbert Library Community Space Project – The agreement with the contractor has been signed. The contractor is ordering the materials and will be starting the project soon. The project should be complete by the end of September.

ITEM #5 NEW BUSINESS

a) Audit of the Bills – Council Member Krzemien audited the Bills this month.

Year 2024 Abstract 8:

General Fund A, Abstract 8, \$172,548.11
General Fund B, Abstract 8, \$481.98
Library Fund, Abstract 8, \$42.24
Fire Protection, Abstract 8, \$4,875.25
Joint Van, Abstract 8, \$582.98
Joint Youth, Abstract 8, NONE
Craneridge Lighting, Abstract 8, \$1,763.32
Craneridge Sewer, Abstract 8, \$1,978.66
Highway DA, Abstract 8, NONE
Highway DB, Abstract 8, \$34,548.89
Kissing Bridge Water, Abstract 8, \$737.50
Kissing Bridge Sewer, Abstract 8, \$429.48
Trevett Rd. Water, Abstract 8, NONE
Cattaraugus St. Water, Abstract 8, NONE
Trust & Agency, Abstract 8, NONE
Capital (HA) C. Sewer, Abstract 8, NONE
Capital (HB) Land, Abstract 8, NONE
Capital (HD) Catt St, Abstract 8, NONE
Capital (HE) Sr. Ctr, Abstract 8, NONE
Capital (HF) Hwy Equip, Abstract 8, NONE
Capital (HG) Waste Study, Abstract 8, NONE
Capital (HI) KB CR WWTP, Abstract 8, \$24,878.28

Motion by Council Member Krzemien, seconded by Council Member Kassel, to approve the bills as presented. Council Members Drake, Zittel, Krzemien & Kassel; Supervisor Drozd, voting aye. Carried.

b) S&P Global Rating – Supervisor Drozd advised that the Town's bond rating has been improved from A+ to AA-.

c) Ross Road Bridge Replacement – The initial project proposal report has been submitted as of last week to the NYS Department of Transportation, who will then send it to the US Department of Transportation.

d) Surplus Equipment – Hwy Supt Edwards requested that the surplus equipment he has submitted be listed on Auctions International:

2015 International Single Axle Truck with Everest Body, Plow & Wing
1988 Case 752B Roller
Old lights removed from Senior Center
Old lights removed from Hulbert Library
Old lights removed from Craneridge
2-Vacuum pumps from Kissing Bridge Sewer Plant
File Cabinet
Old Manual Transit
Echo CS4400 Chainsaw
Echo CS340 Chainsaw
Echo Pole Saw
Cub Cadet Rototiller from Town Park
Misc Small Tools
Tsurumi Generator (if it cannot be used at the new pumping station)

Motion by Council Member Drake, seconded by Council Member Zittel, to declare the listed equipment as surplus to be listed on Auctions International. Council Members Drake, Zittel, Krzemien & Kassel; Supervisor Drozd, voting aye. Carried.

e) ARPA Funds – Supervisor Drozd requested that the remaining ARPA Funds be allocated for the repair of the brick on the Lucy Bensley Center.

Motion by Council Member Drake, seconded by Council Member Zittel, to allocate ARPA Funds for the repair of the exterior brick on the Lucy Bensley Center.

Council Members Drake, Zittel, Krzemien & Kassel; Supervisor Drozd, voting aye.
Carried.

ITEM #6 COUNCIL MEMBER NOTES

a) Supervisor Drozd said that Budget Workshop dates need to be set. The first date will be September 12th, 2024 at 6pm. Packets will be sent out to the departments in the next week.

b) Council Member Drake said the Board of Directors for Southtowns Preservation met. They are trying to figure out how to make people in the Concord area more aware of the grants for window and roof replacements through the organization. A direct-mailing in Holland seemed to be effective. They may try that in our area to increase applications.

c) Supervisor Drozd and Council Member Drake wished to remind everyone that the next Public Hearing for the Springville Boston Road solar project will be August 27th at 7pm.

d) Council Member Krzemien said that Legislator Lindsay Lorigo will be holding a meeting on Wednesday, August 21st at the Springville Municipal Building (65 Franklin St) at noon regarding the Erie County Assessment Office.

e) Hwy Supt Edwards said that 300 ton of highway salt will be delivered on Wednesday, August 14th. He ordered it ahead of time to lock in last year's prices.

f) Council Member Kassel announced that there will be a motorcycle ride to benefit Wings Flights of Hope on August 25th at 1pm. It starts at Horschel Brothers and is in memory of Carl Schelble.

ITEM #7 EXECUTIVE SESSION

There was nothing for Executive Session.

ITEM #8 MOTION TO ADJOURN

Motion by Council Member Krzemien, seconded by Council Member Zittel, and passed unanimously, to adjourn the meeting at 7:59 p.m. in memory of:

Andrew P. Salzler
Carol Dmochowski
Cheryl Crossan
Gertrude Feldman
Yvonne Wozniak
Doris M. Dewey
Dean A. Dennis
David G. Sears
Timothy Lexer



Stephanie A. Bacon
Deputy Town Clerk