

TOWN OF CONCORD BOARD PUBLIC HEARING
Local Law: Section 142 V&T

May 9, 2024
6:30 p.m.

PUBLIC HEARING OPENED BY PHILIP DROZD, SUPERVISOR

ROLL CALL:

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

ALSO PRESENT: DARLENE G. SCHWEIKERT, Town Clerk
BARRY A. EDWARDS, Hwy Supt
KEVIN RAUTENSTRAUCH, Deputy Town Atty
CAROLYN ROBINSON, Dog Control Officer
THOMAS ROBERTS, Code Enforcement Officer

GEORGE DONHAUSER

DENNIS DAINS

Supervisor Drozd opened the Public Hearing at 6:30 p.m. Town Clerk Schweikert had published the Notice of Public Hearing in the Springville Journal on May 2, 2024. The Public Hearing Notice was posted on the signboard at the Town Hall and on the Town's website: townofconcordny.com on April 25, 2024. The proposed Local Law:

Local Law Year 2024
Town of Concord, County of Erie
Local Law Amending the Code of the Town of Concord:

Chapter 142 Vehicles and Traffic, Article I, Parking, Subsection 142-6: No parking and no standing signs, shall be amended as follows:

- A. No person shall park any vehicle under his or her control between no parking signs or permit the same to stand between no standing signs which are placed on the street by the police to control the parking or standing of vehicles at funerals, weddings, church services, where street repair work is taking place or utility lines are being repaired or where an accident has occurred.
- B. No person shall park any vehicle under his or her control between no parking signs or permit the same to stand between no standing signs which are placed by the Highway Superintendent as authorized by the Town Board of the Town of Concord.
- C. The Town Board of the Town of Concord authorizes the Highway Superintendent:
 - (1) To post no parking and no standing signs on any roads which are under the jurisdiction of the Town of Concord.
 - (2) To post no parking and no standing signs on any county owned roads located in the Town of Concord with approval by the County of Erie Department of Public Works through the appropriate permitting process.

Chapter 142 Vehicles and Traffic Article II, Weight Limits, Subsection 142-8: Authority to post, shall be amended as follows:

The Town Board of the Town of Concord authorizes the Highway Superintendent:

- A. To post an axle limit on any roads which are under the jurisdiction of the Town of Concord.
- B. To post an axle limit on any county owned roads located in the Town of Concord with approval by the County of Erie Department of Public Works through the appropriate permitting process.

Supervisor Drozd noted that this was brought about when he received a call from Gina Wilkolaski, Erie County Traffic Safety Engineer, asking why this had not gone through previously. Long story short: someone must've gotten caught going down Townsend Road and the person's ticket was reduced or thrown out because the road was posted and it got back to the County. About 15 years ago, there was a petition from all the residents on Townsend Road to lower the weight limit on the road because there were trailer trucks coming down through there. There were a few instances of vehicles going into the ditches there. Erie County researched this and the Town of Concord never made that a local law back then so at the request of Erie County Traffic Safety Engineer Wilkolaski, asked that the Town put the local law in effect because it is not in our Code Book. Under Vehicle Traffic and Highway Law, the towns have authority to post for no standing, no parking and weight limits; that is our business; it is not a County deal. Whatever the Town may think of it, that is the law. Hwy Supt Edwards asked for an explanation of the law that was just mentioned. Deputy Town Atty Rautenstrauch advised that the Town can adopt a local law. Hwy Supt Edwards continued, but the Town does not have to post it. Deputy Town Atty Rautenstrauch noted that the Town does not have to post anything but if it is in our Code, then the Town could post just Townsend Road but we can't do more than that without having to create the full-blown truck route; he believes. Hwy Supt Edwards advised that Erie County took down all their County signs. Council Member Zittel stated that if we do one, we might as well do them all. Supervisor Drozd said not really because a lot of them were put up temporarily when logging operations were going on and the other towns that signs were taken down in, they were never made into local laws either. There was a lot of logging going on years ago and that was ruining the roads. Supervisor Drozd noted that the County asked the Town to do this. This was never followed through with years ago; the Town would basically be clearing up something that should've been done and wasn't done. Supervisor Drozd was involved in this in the beginning and he put the signs up through the County as a courtesy to the Town of Concord. The Supervisor at the time did not want to spend the money for signs. Dennis Dains asked if the Town passed the local law, then would the County repost Townsend Road? Supervisor Drozd said we could get the signs from the County but the Town would put them up. Mr. Dains noted that that road is under County jurisdiction. Hwy Supt Edwards stated that if the Board passes this local law, it would be up to the Town to post the road. Mr. Dains noted that it is a County road and Supervisor Drozd said that it doesn't matter; that that is the law. Just like the no parking on Buffalo Street when the Town took Community Park over in 1993-1994. The Town put the signs up there. Hwy Supt Edwards said he is against this local law. Mr. Dains said that he would not do it. Supervisor Drozd noted that this is not a County or State thing; this is the way the V&T Law reads. The Town did not write it, the County did not write it. This is one of those old things on the books since the beginning of time. Council Member Zittel said that the Town does not have to accept it. Supervisor Drozd noted that the Town does not have to but, personally, he spent a lot of time when that did happen years ago and he can guarantee that when the residents up there hear about this, they will be here. Hwy Supt Edwards and Council Member Zittel said to have the residents call the County. Supervisor Drozd said that it doesn't matter; they are not seeing the big picture. It is not a County problem. This is under the Town's jurisdiction. Mr. Dains asked if the Town does post it, who is liable? Council Member Zittel responded that it would be the Town's problem. Deputy Town Attorney Rautenstrauch asked if they meant liability in case the road was damaged or if someone goes there and has an accident? Mr. Dains said yes, who would be responsible on the County owned road? This is just the County trying to shuffle more of their roads off on the Towns. Supervisor Drozd said it was not. This is how the law is written; the County did not have anything to

do with it. The law has never been changed. It's the same as if the Town wanted to post a 20-mile speed zone, the Town has to do a TE-9 request. That is up to the Town to decide that, not Erie County. Mr. Dains stated that he still does not agree with it. Supervisor Drozd said the Town did not start this. That is the way the law reads. The Town at the time did not enact a local law. They wanted the weight limit signs up there but the next step was not taking. Mr. Dains wanted to know if the Town did a local law when the Town posted Kern Road and Smith Road. Hwy Supt Edwards noted that those are Town roads. The Highway Superintendent would have the authority under our current Code to post Town owned roads. Hwy Supt Edwards noted that people steal these signs. Supervisor Drozd noted that V&T Article 12 Weight Limit 142.8 Towns have the authority to post that. Hwy Supt Edwards added if the Town chooses to do it. Supervisor Drozd noted that those two signs that were up there did not get hit or stolen and in his personal opinion he believes the Board owes it to the residents there who complained about that back then; most of whom still live up there. There were issues up there. Hwy Supt Edwards noted that the Town can't just stop trucks coming down a road. Any truck can go down that road for local delivery; this just makes no sense. Supervisor Drozd noted that he did not write the State law. Hwy Supt Edwards said that the Town does not have to do anything with this. Council Member Zittel said he would vote against it; he does not think the Town should be in charge of a County road. Supervisor Drozd noted that the Town would not be in charge of the County road; it's the law. Mr. Dains said the Town would be putting a sign up. Supervisor Drozd said that the Town is taking advantage of how the law is written by NYS. Council Member Zittel said to let the State post it then; to which Supervisor Drozd answered that they are not going to post it. It is our responsibility as lawmakers. That is how the law reads.

Supervisor Drozd asked if there were any questions or comments. Supervisor Drozd advised the Board that if they don't want to do anything on it, like he said, he was advised on this from the Traffic Safety Engineer and they wished the Town would do it. Supervisor Drozd read Article 41 of the NY V&T Law: Section 1660. Traffic regulation in all towns. (a) The Town Board of any town with respect to highways outside of villages in any such town, but not including state highways maintained by the state except with respect to subdivisions six, eight, nine and ten, subject to limitations imposed by section sixteen hundred eighty-four may by ordinance, order or rule or regulation: (10) Establish a system of truck routes upon which all trucks, tractors, and tractor-trailer combinations having a total gross weight in excess of ten thousand pounds are permitted to travel and operate and excluding such vehicles and combinations from all highways except those which constitute such truck route systems.

Supervisor Drozd asked if there were any other questions. There were none.

Motion by Council Member Drake, seconded by Council Member Zittel, to close the hearing at 6:45 p.m. Council Members Drake, Zittel, Snyder & Krzemien; Supervisor Drozd, voting aye. Carried.



Darlene G. Schweikert
Town Clerk