

TOWN OF CONCORD TOWN BOARD MEETING May 9, 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: DARLENE G. SCHWEIKERT, Town Clerk
 BARRY A. EDWARDS, Hwy Supt.
 KEVIN RAUTENSTRACH, Deputy Town Attorney
 CAROLYN A. ROBINSON, Dog Control Officer
 THOMAS ROBERTS, Code Enforcement Officer
 HOLLY HUNT, Senior Center Director

GEORGE DONHAUSER	DENNIS DAINS
JAMES TARAVELLA, RIC Energy	NATHAN LYNCH
MICHELLE & SCOTT ZELIE	JACOB ZELIE
LYDIA JOHNSON	JAMES HALL
ALICE GURNEY	SCOTT GURNEY
ELLEN O'BRIEN	CINDY SANTONOCITO
JOHN SANTONOCITO	DONNA LAMBERT
CHARLES LAMBERT	BILL AVERY
MARIANNE AVERY	RICHARD HAAG
KEVIN HAAG	DONNA HENAULT-ROTH
MOLLY KRUSZKA	RAMEY HENAULT-ROTH

INVOCATION DELIVERED BY TOWN CLERK SCHWEIKERT

PLEDGE TO THE FLAG LED BY COUNCIL MEMBER KASSEL

ITEM #1 CONSENT AGENDA

- a) Approval of Minutes:
- (1) Work Session – 4/11/2024
 - (2) Town Board Meeting – 4/11/2024
 - (3) Special Town Board Meeting – 4/24/2024
 - (4) Special Town Board Meeting – 4/29/2024

Motion by Council Member Zittel, seconded by Council Member Krzemien, to approve Consent Agenda, Items 1-4. Council Members Drake, Zittel, Krzemien & Kassel; Supervisor Drozd, voting aye. Carried.

- b) Monthly Reports:

- (1) Code Enforcement Report – April 2024
- (2) Dog Control Officer Report – April 2024
- (3) Town Clerk Report – April 2024
- (4) Judge Frank – March 2024
- (5) Judge Gibbin – March 2024
- (6) Assessor's Report – April 2024

Motion by Council Member Drake, seconded by Council Member Zittel, to approve Consent Agenda, Items 1-6. Council Members Drake, Zittel, Krzemien & Kassel; Supervisor Drozd, voting aye. Carried.

ITEM #2 RESIDENT CONCERNS

Supervisor Drozd opened the floor for Public Comment to address the entire Town Board. There is a three-minute time set aside for each person.

(1) Alice Gurney addressed the Board. She and her husband Scott live at 10435 Trevett Road. She is here with a group of neighbors to address an issue regarding the owners of 10442 Trevett Road. They are in the process of building a home; a barn-type structure has already been built on the property. Mrs. Gurney played a recording of what the neighbors are being subjected to; semi-automatic and automatic weapons. The noise has become increasingly more disruptive, occurring at any hour of the day and night. The last incident began at approximately 8:24 p.m. on May 2nd. It was pitch dark outside and it appeared as though a flashlight was being used while firing the weapon. On April 28th she was advised by the owners of the property that they were building a business for their son. The business name was JT Customs & Firearms. Mrs. Gurney stated that this is a dangerous situation. It is extremely loud and highly disturbing. They do not feel like they should have to live in a warzone; they understand that they live in the country. They have guns and sight them in and understand about hunting season; that's normal for the area; this is not normal. They are trying to get ahead of this and ahead of letting the neighbor open up a firearms and ammunition business in their neighborhood. Scott Gurney showed the Board a map area and the angle of fire; the line of fire in the direction of the 219 Expressway. There is a nice berm. There is also the concern that the property will be filled with lead that goes into the creek; thankfully the area has County water now and not well water. Mr. Gurney noted that there are a lot of shots going off. The neighbors have called the New York State Troopers and Erie County Sheriffs have been called by the neighbors.

Other Trevett Road residents spoke about this situation: John Santonocito who lives at 10400 Trevett Road noted that the NYS Troopers came up and did their job but he believes it is the Town Board's decision to approve a business like that coming into the area without any restrictions; then the Board becomes responsible. The Trooper showed up at 9:30 p.m. and he was still firing. They understand NYS laws about shooting for hunting which is ½ hour after sunset which on that particularly day would have been 8:18 p.m. If something were to happen, who would be responsible? Mr. Santonocito said they could all look back to the Town Board who approved this thing. Charles Lambert who lives at 10343 Trevett Road agreed with the neighbors who spoke.

Scott Zelig addressed the Board. He lives at 10442 Trevett Road; the property being discussed. Mr. Zelig is not aware of any noise ordinance in the Town of Concord; is that correct? Supervisor Drozd confirmed that the Town has no noise ordinance. The owners were told by the Sheriffs that they did not do anything wrong. The Troopers had been there a month or two earlier had inspected the berm and said the berm is more than adequate. The property is not being opened up to the public. Mr. Zelig and his son are Veterans; these are their rights. If they are violating something or have broken a noise ordinance, let them know and they will correct it. If an ordinance will be put in place in the future, it would be for all of Concord and they would have an opportunity to speak on it at a Public Hearing at that time. Right now, he understands, he hears what they are saying but they have not broken anything. The Sheriffs and the Troopers have both visited the property and have said that the owner is doing nothing wrong. Mr. Zelig said that there was some night shooting using night vision gear because they want to stay sharp; they are still in the reserves; protecting all of us so we have these rights. A neighbor noted that the owner could show common courtesy to their neighbors. Mrs. Gurney noted that every problem has a solution. Clearly there are a bunch of the neighbors that think all these gunshots and shooting is a problem; perhaps an indoor shooting range and contain the shooting inside; that's something to be considered. They have a right to shoot their guns but the neighbors have a right to live in peace and quiet. Mr. Zelig noted that when he purchased the property, there was an R-Ag Rider. That Rider said that he may be subject to noises and odors that happen in that type of environment. Mr. Zelig noted that the intent of the property moving is probably going to be a Christmas tree farm and some other things. The nature of his son's business is not a firearm's range. It is a coating business called Cerakote that gets applied to firearms but also to other items. Jacob Zelig stated that he is a licensed firearms dealer; co-owner of

10442 Trevett Road. The business is coating and manufacturing small pistols etc. in the coating realm. It is not open to the public. Other neighbor noted that the shooting goes on a good share of the day. It sometimes starts at 9 or 10 a.m. and will go into 9 at night. He can tell some are AK47 types and not the type of guns the neighborhood wants around. How will it be when he gets other people involved? Bill Avery who lives at 10376 Trevett Road noted that he is an avid hunter; Second Amendment and agree with all of that but also has eight grandchildren; what does he say to them when they hear that when they are trained in school to hide? This is a country neighborhood, a safe, quiet place. Everyone has the right to do something but we forget the morality of everything; how considerate we are going to be as neighbors. Our neighborhood does stuff for each other. Hunting on each other's property and trespassing on properties was discussed between the Trevett Road neighbors.

Supervisor Drozd advised those in attendance that this is the first the Board has heard of this matter. He has CEO Roberts if the property owner had applied for any permits. CEO Roberts noted that they have two: one complete for the pole barn and one new one for the house. CEO Roberts went to the property and inspected the berm; it runs parallel with the 219 Expressway. He has pictures in his office if the Board members want to see them. The Town has no noise ordinance; Deputy Town Atty Rautenstrach confirmed this. The Zelies do not have a shooting range; this is his personal property and he is shooting his personal weapons. It is not a public shooting range. Council Member Krzemien asked if the Town had received any permit for the business; Mr. Zelig noted that his son Jacob would apply to the Town if he wants to move the business to the Town of Concord. The business is still located in the Town of Boston. CEO Roberts discussed the R-Ag zoning for this property and that either a Home Occupation Permit or a Special Use Permit would be required; depending upon the details of the business. Mr. Zelig advised that when the house is finished, they will move his business up there. Jacob Zelig said he will contact the Town about requirements at that time. It is a coating business where a very thin ceramic coating is applied to metal to keep them from rusting and helps with lubrication; the guns are personal. They do more than just firearms; they do parts for manufacturing, fishing rods/reels. Only Mr. Zelig and Jacob Zelig work at the business. The business does not involve shooting guns; that is a separate matter. Scott Gurney asked for an explanation of how a person can discharge firearms with bigger than 10 round clips and automatic weapons. Jacob Zelig noted that he is exempt from the Safe Act under his firearms license because he has the license that allows him to sell weapons to law enforcement agencies.

Supervisor Drozd asked Deputy Town Attorney Rautenstrach for any guidance to provide to the residents. There is no noise ordinance in the Town of Concord. Depending on the nature of the business, if and when it moves into the Town of Concord, would be subject to the regulations contained in the Town Code; there may be a Special Use Permit required, he can't answer that now. With respect to the complaint about the noise, there is nothing in the Town Code currently that would prohibit the noise. There was conversation about how to change that and create a noise ordinance. The Town would need to make the decision to adopt a local law. Supervisor Drozd noted that there are two issues going on: (1) the shooting going on and (2) a possible business that may move into the Town. Right now that business is not in the Town of Concord and the owner has not put in a permit to move it to the Town.

The Trevett Road residents would like to see a compromise; maybe with a level of shooting and days/times of shooting. Supervisor Drozd advised that the Board cannot legally do that; maybe the residents of Trevett Road could work together on a compromise. Council Member Krzemien had asked about permits because one of the neighbors questioned why the Town Board allowed the business to come and it has not come before the Board; there has been no Town Board approval. The only permits the owner has applied for are building permits; no other permit is necessary at this time. Supervisor Drozd noted that unfortunately the Town Board does not have an answer for the residents; because the Town does not have a noise ordinance. The Town has not had a need for a noise ordinance in the past. Concord is the largest Town in Erie County with 77 square miles. This is a huge Town to put a noise ordinance into effect. Council Member Zittel noted that he has only seen noise ordinances in effect in Villages. Mr. Lambert understands that but just wants the Town to respect their concerns. Mrs. Gurney

just wonders what can be done to resolve the issue; Mr. Zelig noted that the neighbors have obviously been talking; what are they looking for? It is not going to be that the Zelies are not going to be shooting again; that is not realistic. Mr. Zelig asked if something that would work for now is no shooting after dark? That's on the table; and he hasn't heard any responses. That is out there for a start. Supervisor Drozd noted that the Board can't broker an agreement. Mrs. Zelig noted that the law enforcement agencies have been out there and said they are not in the wrong legally. There is a berm, targets. The Troopers came out to inspect the property and the berm is built correctly; not close to the 219 Expressway. There needs to be a mutual respect. Mr. Gurney noted that just because they are not breaking the law, does not make it right.

Supervisor Drozd advised the residents that this took the Board by surprise; the Board does not have an answer. The Board allowed all of the residents to speak; the residents came down here for that reason. The residents have a neighborly situation here. This cannot be solved at the Town Board meeting even the Board may have concerns about this. A resident asked what happens now? Supervisor Drozd said that the Town will have to wait to see what kind of permit the Zelig apply for if and when they decide to move their business to the Town of Concord. Council Member Drake noted that that will not stop the shooting but Mr. Zelig did offer a compromise by no night shooting. He encouraged the residents to agree between themselves; only weekends, one night a month, whatever compromise the residents can agree to. Supervisor Drozd noted that he hopes the owner of 10442 Trevett Road heard his neighbors and takes the discussion under consideration. The Town has no law on the books. Council Member Kassel noted that there are NYS regulations. They can shoot within 500 feet of a building/dwelling; they can shoot into a berm. Disagreements come from not understanding both sides and understanding the law. Mrs. Gurney advised that it is just so loud; the noise level, not the shooting. Every problem has a solution. The residents are not asking them to not do what is within their rights to do; it is the noise level. If the noise level could be curtailed; however, it is illegal in NYS to put something on the gun to muffle the noise. Supervisor Drozd asked the neighbors to talk amongst themselves civilly and try to reach a compromise. The Town is a big community land wise but a small community people wise with only 9000 people in the Town including the Village. Most of us have known each other for years and years. This has been a very informative meeting for the Board. Molly Kruszka who lives at 10368 Trevett Road is glad to see that all her neighbors are here including the new neighbors. There is a side to everything. She belongs to the Springville Field & Stream which has a shooting range; she just feels that can be a compromise here. They all own guns; they all shoot their guns to sight them in; they all hunt. She doesn't want to infringe on other people's rights but there could be a compromise here: days of the week/times of the day so the neighbors could plan their day around the shooting.

Supervisor Drozd thanked the residents for coming and being civil and Mrs. Gurney thanked the Board for listening. A resident asked if the neighbors would be notified when a permit is filed; it would depend on what kind of permit Jacob Zelig would apply for. A Home Occupation Permit goes before the Planning Board with no Public Hearing. A Special Use Permit requires a Public Hearing and notice of that Public Hearing would be published in the Springville Journal, posted on the Town's signboard and website and also mailed to neighboring property owners within 500 feet of the property. Mrs. Gurney asked the Zelig if they would be willing to get together at the Gurney home to chat and try to talk things through; try to come up with a compromise that the residents could be happy with. Jacob Zelig agreed to attend; she will set up a time. Supervisor Drozd noted that he hopes the residents can work this out; as a Board their hands are tied right now. The residents thanked the Board and left the meeting at 7:44 p.m.

(2) Supervisor Drozd introduced the new Senior Center Director, Holly Hunt. She has been on the job for about a week now. Director Hunt read her report: lunches for the month 444 meals; \$769. Frozen meals for the month 170 meals; \$426. The Center received a \$3,000 donation from the Carl Sturzenbecher estate. The Feedmore veggie truck did not show up the first Friday; someone had cancelled it; but it will be continuing its original schedule in the future. She has a meeting with Peggy from

the Trading Post to coordinate community events and gain more information on the Feedmore distribution. The Ansul system was updated and the fire extinguishers were renewed for two years. The prior Director's name has been removed from all accounts and new passwords have been established. Director Hunt also noted that Harold Omphalius will be turning 100 years old in about five weeks. The Center will be having a celebration for him in collaboration with the Senior Wish Program. The aim date for the celebration is June 13th. She will be reaching out to the family members.

Supervisor Drozd asked Director Hunt how she was settling in; everything is going well so far. George Donhauser asked why her Report was not on the Agenda. Supervisor Drozd advised that Director Hunt just started and getting settled into the position.

ITEM #3 HIGHWAY DEPARTMENT

a) Hwy Supt Edwards asked the Board to receive and file his Highway Report. Hwy Supt Edwards asked if the Board would approve the quote for the compressed air lines system. Supervisor Drozd noted that this is under the procurement policy amount; no board approval is required. Money is in his budget line.

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

ITEM #4 OLD BUSINESS

a) KBWWTP – Supervisor Drozd updated the Board on this project. Caleb, MDA Consulting Engineers, is working with Meyer Septic on the Ridgeview Pumphouse project. This was discussed at an earlier Special Town Board Meeting. If a proposal comes in for this project, the Town Board may have to have a Special Town Board meeting to keep this project moving while Meyer Septic is still under contract with the Town and Meyer Septic can get this project into their work schedule. The ground is settling at the new pumphouse. Hwy Supt Edwards will work with Meyer Septic to get more fill down there; the project is over their allotment. Once that is complete, Payment Application #5 can be submitted to the Town.

b) Supervisor Drozd spoke with the company that got the bid to put in the audio system in the Court Room. As of May 7th, all parts are in; this project is being scheduled in as soon as possible.

ITEM #5 NEW BUSINESS

Supervisor Drozd asked for a motion to add (k) Springville Center for the Arts use of the Town Hall property use for Art Crawl and (l) Change order for \$3,000 extra for Meyers Septic for the restoration by the new pump station. Motion by Council Member Krzemien, seconded by Council Member Drake, to add Items (j) and (k) noted above to tonight's Agenda. Council Members Drake, Zittel, Krzemien & Kassel; Supervisor Drozd, voting aye. Carried.

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

Year 2024 Abstract 5:
General Fund A, Abstract 5, \$59,494.03
General Fund B, Abstract 5, \$31.22
Library Fund (L), Abstract 5, \$42.24
Fire Protection (SF), Abstract 5, NONE
Joint Van (JV), Abstract 5, \$283.34
Joint Youth (JY), Abstract 5, \$20,187.81
Craneridge Lighting (SL), Abstract 5, \$5,431.85
Craneridge Sewer (SS1), Abstract 5, \$2,833.63
Highway DA, Abstract 5, NONE

Highway DB, Abstract 5, \$35,594.08
Kissing Bridge Water (SW1), Abstract 5, \$3,315.29
Kissing Bridge Sewer (SS2), Abstract 5, \$1,181.50
Trevett Rd. Water (SW2), Abstract 5, NONE
Cattaraugus St. Water (SW3), Abstract 5, \$284.00
Trust & Agency (TA), Abstract 5, NONE
Capital (HA) C. Sewer, Abstract 5, NONE
Capital (HB) Land, abstract1, NONE
Capital (HD) Catt St, Abstract 5, NONE
Capital (HE) Sr. Ctr, Abstract 5, NONE
Capital (HF) Hwy Equip, Abstract 5, NONE
Capital (HG) Waste Study, Abstract 5, NONE
Capital (HI) Waste Study, Abstract 5, NONE

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

b) (1) Set Public Hearing Date – RIC Energy Solar Project Special Use Permit - Motion by Council Member Drake, seconded by Council Member Krzemien, to set the Public Hearing for the RIC Energy Solar Project Special Use Permit for Thursday, June 13, 2024 at 6:00 p.m. Council Members Drake, Zittel, Krzemien & Kassel; Supervisor Drozd, voting aye. Carried.

(2) Supervisor Drozd noted that a SEQR Resolution is also required.

Council Member Drake moved the adoption of Resolution 5, seconded by Council Member Kassel:

RESOLVED, that the Town Board has received the application of RIC Development LLC, on behalf of Concord PV, LLC. Tax Map No. 307.00-3-37. Concord, New York, for a Special Use Permit to allow the construction of a Solar Facility on Boston Springville Road. In accordance with the New York State Environmental Quality Review (SEQR) regulations, the Town Board of the Town of Concord hereby announces its intent to serve as lead agency to conduct an environmental review of the project.

FURTHER RESOLVED, the Town Board has determined that, as portions of the project are located within a Erie County Agricultural District, the proposed action is a Type I action as defined under SEQR; and, be it

FURTHER RESOLVED, the Town Board will notify the Involved Agencies of its intention to act as Lead Agency for this project and will provide them with a copy of the full Environmental Assessment Form.

Voting as follows:

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

The foregoing Resolution was thereupon declared duly adopted.

c) Set Public Hearing Date – Buffalo Flex Business Park Rezone Application – Motion by Council Member Zittel, seconded by Council Member Krzemien, to set the Public Hearing for the Buffalo Flex Business Park Rezone Application for Thursday, June 13, 2024 at 6:15 p.m. Council Members Drake, Zittel, Krzemien & Kassel; Supervisor Drozd, voting aye. Carried.

d) Set Public Hearing Date – Zoar Moto Cross Special Use Permit - Motion by Council Member Drake, seconded by Council Member Zittel, to set the Public Hearing for the Zoar Moto Cross Special Use Permit for Thursday, June 13, 2024 at 6:30 p.m. Council Members Drake, Zittel, Krzemien & Kassel; Supervisor Drozd. voting aye. Carried.

e) Drew Taylor – Increase hourly wage to \$25/hour effective May 12, 2024 - Hwy Laborer Drew Taylor’s six-month probationary period will end May 12, 2024. Motion by Council Member Zittel, seconded by Supervisor Drozd, to increase Drew Taylor’s hourly wage to \$25/hour effective May 12, 2024. Council Members Drake, Zittel, Krzemien & Kassel; Supervisor Drozd, voting aye. Carried.

f) Underberg Proclamation – Supervisor Drozd advised that Town Clerk Schweikert did the research for this Resolution and he confirmed the details with Town Historian Hawkins.

TOWN OF CONCORD PROCLAMATION
RECOGNIZING
EDWARD A. UNDERBERG &
CAROLINE M. UNDERBERG

WHEREAS, Edward A. Underberg and his wife, Caroline M. Underberg, donated the Community Park land on Buffalo Road to The Springville Baseball Club, Inc., by deed dated December 10, 1952; and

WHEREAS, The Springville Baseball Club, Inc., thereafter, deeded the land to the Town of Concord by deed dated December 29, 1992; and

WHEREAS, at the time of transfer of the property to the Town of Concord, there was one hardball baseball diamond on the Community Park lands; there are now four diamonds on the lands with several school and community teams playing on the fields.

NOW, THEREFORE, BE IT

RESOLVED, that the Town of Concord hereby names the hardball baseball diamond “Underberg Field” in recognition of the generous gift from the Underberg family.

Motion by Council Member Krzemien, seconded by Council Member Zittel, to authorize Supervisor Drozd to sign the Proclamation recognizing Edward A Underberg and Caroline M. Underberg. Council Members Drake, Zittel, Krzemien & Kassel, Supervisor Drozd; voting aye. Carried. Supervisor Drozd advised that he did consult with Lawrence Zielinski Jr. on this Proclamation. The Zielinski name was synonymous with Springville Baseball in the area for a number of years and he will be at Community Park on May 18th representing generations of Zielinski families that did a lot of work at Community Park.

g) Local Law Section 142 V&T – Supervisor Drozd noted that this the Public Hearing was held earlier this evening and asked the Board how they wanted to proceed on this? Council Member Krzemien questioned if this could be tabled to allow more information? Deputy Town Atty Rautenstrauch noted that other than more discussion as to whether or not the Board deems it worthwhile to post the restriction as opposed to being unposted. Supervisor Drozd noted that the Board could pass the Local Law and not the Resolution for Townsend Road. By adopting the Law, it would allow the Town to post No Parking signs in the future. Council Member Zittel said that the Town has the upper hand on the Burke Winery on Trevett Road with their Special Use Permit; the Town should not have to police that. Supervisor Drozd advised that he looks at it that the Town has the power to make the local law and put some bite into it and then

tickets could be issued and prosecuted. Council Member Zittel informed the Board that he is opposed to passing this local law in case it could be used for something extraordinary but doesn't want to get in the habit of posting another entity's roads. Supervisor Drozd stated that this is State law; changing State law. Hwy Supt Edwards asked Supervisor Drozd what he meant by changing NYS law; it's not a State law that the Town has to post that road. Supervisor Drozd said he didn't say that; the Town has the option to post. Hwy Supt Edwards noted that Supervisor Drozd said that that is State law if the Town wants to do it. The County won't. It's up to the Town. Hwy Supt Edwards questioned what that says about the County? Why did they take all their posted signs down? Supervisor Drozd responded because there are not local laws on the books in other towns and in ours. The signs weren't legal; they weren't done right. Hwy Supt Edwards said the County just doesn't care; the only time they post a road is if a bridge is involved and that's it. Supervisor Drozd said that if the Town gets a petition again, he will set up a committee and the other Board members will have to do some work on it. Hwy Supt Edwards noted that the petition should go to the County. Supervisor Drozd said that it is up to the Town to post it; it is not up to the County; that's the way the State law is written. Hwy Supt Edwards advised that Traffic Safety Engineer Wilkolaski did not say anything to him that if a petition is filed to post that road that the Town has to post it. It is a County road. Supervisor Drozd said the Town does not have to but can if the Town wants to. The County is not going to do anything about it. Under NYS Vehicle & Traffic Law. If the Town wants to enforce it, the Town can. The Town does not have to if the Town does not want to. Supervisor Drozd worked on this when he worked for the Erie County Highway; various meetings and he does not want to go through that again. Council Member Zittel said that in his opinion there is no committee, nothing. It is a County road. Council Member Zittel suggested that this matter be tabled to find out more information. Council Member Zittel asked Deputy Town Atty Rautenstrauch if the Town is responsible; he doesn't know the answer to that question. Council Member Zittel said the matter could be tabled to get more information.

Motion by Council Member Kassel, seconded by Council Member Zittel, to table Agenda Items 5(g) and 5(h) to find out more information. Supervisor Drozd asked the members to provide their questions via email to him so that Town Attorney Attea can review and advise. One email chain will be used so that everyone is involved and aware. Council Members Drake, Zittel, Krzemien & Kassel; Supervisor Drozd, voting aye. Carried.

h) Resolution – Townsend Road Weight Limit. This matter was tabled. See 5(g) above.

i) Local Law Section 199 Smoking – Supervisor Drozd stated that the Public Hearing was held earlier this evening. Council Member Krzemien asked if this included chewing tobacco and it does (smokeless tobacco). Council Member Zittel wanted to add cannabis to the proposed law. The Members agreed.

Council Member Zittel moved the adoption of Resolution 6, seconded by Council Member Krzemien:

Local Law #1 of Year 2024
Town of Concord, County of Erie
Local Law Amending the Code of the Town of Concord:

Repealing Chapter 199 Smoking replacing said Chapter 199 Smoking as follows:

Chapter 199 Smoking

Section 199-1. Smoking Prohibited.

- A. Purpose. The purpose of this section is to preserve the public health and welfare by creating a healthier community, and a cleaner environment by prohibiting the use of any tobacco products and smoking of any kind in all Town buildings and on Town properties, including but not limited to: Town parks, playgrounds, trails

and athletic fields and regardless of whether such properties are owned or leased by the Town.

- B. The use of tobacco products and smoking of any kind, including but not limited to, cigarettes, pipes, cigars, smoke-less tobacco, cannabis, vaping and the use of electronic cigarettes, or other cartridge devices, is prohibited at or in all Town properties, buildings or structures. The use of any tobacco products and smoking is also prohibited during any event-permitted or sponsored by the Town.
- C. It is unlawful for any person to dispose of any tobacco or smoking materials, including, but not limited to, cigarette/cigar butts and filters or vape cartridges within any Town building, Town park, Town playground, or Town athletic field in any manner other than in a trash receptable.
- D. "No Use of Tobacco or Smoking" signs shall be placed at or near the entrance to Town properties and buildings.
- E. This tobacco and smoking law shall be prominently posted upon the Town Bulletin Board and in each separate building in which Town employees work.
- F. Employees, volunteers, students, guests, visitors, clients, caretakers, family members, vendors or other persons using or present in Town buildings or on Town properties who are violating this section of the law may be removed from said building or property if they fail to comply with a reasonable directive to refrain from such activities.

Section 199-2. Penalties for Offenses.

- A. Any person who shall violate any provision of this Chapter shall be punished by a fine not to exceed \$250 per occurrence.
- B. In addition to this penalty, the Town Supervisor or the designee of the Town Supervisor, may revoke for a period of one year any and all Town-issued permits, licenses, and/or passes held by an individual or organization in violation of this Chapter. Further, any individual or organization in violation of this Chapter may be removed from, and refused admission to, any area stated in this Chapter.

This Local Law shall take effect immediately upon filing in the Office of the Secretary of State of the State of New York.

Voting as follows:

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

The foregoing Resolution was thereupon declared duly adopted. Supervisor Drozd will contact Rashawn Smalls, Tobacco Free Erie and Niagara to start the process of getting the signs.

j) Community Park Rental – Bounce House and Alcohol – Supervisor Drozd noted that under the new rental policy the Town Board has to approve the use of a bounce house for part of the day at Community Park. They would also like to bring in beer and wine. There is no baseball scheduled for the date of the rental. This would be for the rental of Shelter #1 only. Motion by Council Member Krzemien, seconded by Council Member Zittel, to approve the bounce house on the lawn and have beer and wine at their family reunion on July 21st. Council Members Drake, Zittel, Krzemien & Kassel; Supervisor Drozd, voting aye. Carried.

k) Springville Center for the Arts use of the Town Hall property use for Art Crawl on Saturday, June 1st – Executive Director Seth Wochensky had a conflict and could not be in attendance tonight. Supervisor Drozd noted that SCA has used the Town parking lot and lawn in the past for this event. There has never been an issue. Council Member Drake noted that the SCA puts a tent up in the parking lot and leaves holes in the parking lot. Supervisor Drozd advised that the SCA could use sand bags to hold the tent down. Council Member Zittel said the Highway Department just repaired the parking lot. Motion by Council Member Zittel, seconded by Council Member Drake, to approve the Springville Center for the Arts' use of the parking lot and lawn for the Art Crawl event with the caveat that no stakes be used in the parking lot to hold the tent in place. Council Members Drake, Zittel, Krzemien & Kassel; Supervisor Drozd, voting aye. Carried.

l) Change order for \$3,000 extra for Meyers Septic for the restoration of the area by the new pump station to close out Payment Application #5. Motion by Council Member Drake, seconded by Council Member Krzemien, to approve the Change Order of \$3,000 extra for Meyers Septic Service. Council Members Drake, Zittel, Krzemien, and Kassel; Supervisor Drozd, voting aye. Carried.

ITEM #6 COUNCIL MEMBER NOTES

a) Council Member Kassel noted that the West Valley Demonstration Plant is trying to get approval to have a tour through the location; he will keep the Board updated. Council Member Krzemien stated that this was discussed last year and then they changed their minds. Once the decommissioning started, West Valley did not want people around.

b) Council Member Krzemien reminded those in attendance about the events on May 18th: The DiPietro Town Hall meeting at the Senior Center at 10 a.m.; the Pageant of Bands and then the grand re-opening of the Community Park Pavilion at 2:30 p.m. Council Member Krzemien noted that SYI will be having a baseball event after the Town festivities.

c) Council Member Zittel advised that the Kiwanis Club will be having a Chicken BBQ on May 15th starting at 4 p.m. at Emerling's car dealership. Council Member Krzemien noted that the Kiwanis Club is also looking for new members.

d) Supervisor Drozd talked about this earlier in Work Session but wanted it in the Minutes. The Neighborhood Health Center "Health in Motion" bus is welcoming new patients at BestSelf. BestSelf is located at 2101 Spruce Street, North Collins on the fourth Thursday of each month from 1 to 3 p.m.

ITEM #7 EXECUTIVE SESSION

Supervisor Drozd advised that an Executive Session will be necessary to discuss personnel. Motion by Supervisor Drozd, seconded by Council Member Drake, to get into Executive Session at 8:16 p.m. Council Members Drake, Zittel, Krzemien & Kassel; Supervisor Drozd, voting aye. Carried.

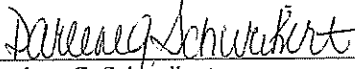
Motion by Supervisor Drozd, seconded by Council Member Krzemien, to come out of Executive Session at 8:54 p.m. Council Members Drake, Zittel, Krzemien & Kassel; Supervisor Drozd, voting aye. Carried.

Before the Members went into Executive, Town Clerk Schweikert introduced James Taravella from RIC Energy to the Board. He was in attendance tonight in case the members had any questions for him.

ITEM #8 MOTION TO ADJOURN

Motion by Supervisor Drozd, seconded by Council Member Drake, and passed unanimously, to adjourn the meeting at 8:56 p.m. in memory of:

David A. Biscup
Cecilia Timmel
George D. Decker
David J. Learn
Keith E. Little
Daniel S. Baldwin
Mabel Underberg
Aliza Rae Rosier



Darlene G. Schweikert
Town Clerk



Town of Concord Highway Department

13076 N. Central Avenue

Springville, NY 14141

716-592-4892 Phone

716-592-4357 Fax

Barry A. Edwards, Highway Superintendent

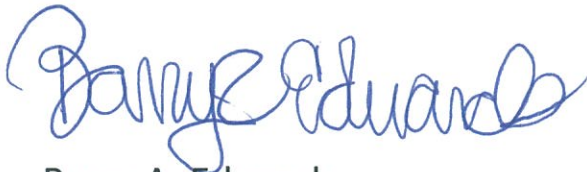
Highway Superintendents Report for the period of April 10, 2024 to May 7, 2024.

With twenty-eight days in this period the Highway Department

- Replaced 3 cross culverts on Pritchard Road.
- Hauled in limestone from Woodruff Gravel.
- Removed plows and wings from TK#11,13, & 18.
- Hauled in gravel from Gernatt's.
- Took plow frames off TK#11,13, & 18.
- Performed spring check over and brake job on TK#11.
- Took TK#16 to Emerlings for transmission repairs.
- Turned on the water at the Town Park and repaired the leaks.
- Did ditching on Hoffman Road.
- Took new 5500 to Valley Fab for hitch and fender installation.
- Started to sweep Town roads.
- Took TK#19 for water pump repairs.
- Moved new equipment into the snack shack at the Town Park.
- Removed wings, plows and frames from TK#14,16, & 19.
- Did some ditching for the Village on Franklin Street and Transit Line Road.
- Rolled in the ruts at the East Concord Cemetery.
- Rolled lawn at the Town Hall.

- Replaced tail lights on TK#19.
- Checked over Trailer#2, ZD1211, and trimmers for mowing.
- Went to the UDig excavation safety glass.
- Started to mow lawns.
- Cleaned up a down tree on Morton Road.
- Did spring check over and brake job on TK#13.
- Two of the highway men went to Sardina to help with their Spring trash pickup.
- Changed oil in TK#16 & 19.
- Performed spring check over and brake job on TK#18.
- Installed driver culvert pipe on Transit Line Road.
- Did some ditching on Transit Line Road.
- Repaired PVC drain in the shop.
- Black topped the new cross culvert on Pritchard Road.
- Started hauling in chip stone from County Line Stone.
- Continued to work at Town Park flushing water system and getting ready for Erie County inspection.
- Continued to clean shop, breakroom and restroom.
- Hauled scrap to Preivity's.

Respectfully Submitted,



Barry A. Edwards,
Highway Superintendent

