

TOWN OF CONCORD TOWN BOARD MEETING July 9, 2026
6:00 p.m.

MEETING CALLED TO ORDER BY PHILIP DROZD, SUPERVISOR,
at 6:00 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: MICHELLE DELL, Deputy Town Clerk
 LARRY HEIM, Hwy Supt.

Barbara Lipka	Mary Carol Dearing	Mary Brummer
Gary Koeppel	Karen Oesterle	Devin Kowalski
Kara Kane	Eric Williams	Gerald Krzemien
Sarah Rodriguez		

INVOCATION DELIVERED BY DEPUTY TOWN CLERK DELL

PLEDGE TO THE FLAG LED BY COUNCIL MEMBER DRAKE

1. Community Engagement Team

Deputy Miller gave Town Clerk Safford his report, which he went over with the Board. He thanked the town for the No Parking signs that they installed by the park.

2. Consent Agenda

- a) Approval of Minutes:
 - (1) Work Session – 6/11/2026
 - (2) Public Hearing – BESS Local Law 6/11/2026
 - (3) Public Hearing – Solar Local Law 6/11/2026
 - (4) Town Board Meeting – 6/11/2026

Motion by Council Member Drake, seconded by Council Member Zittel, to approve Consent Agenda, Items (a) 1-4. 5 ayes, 0 nays. Carried.

- b) Monthly Reports:

- (1) Code Enforcement Report – June 2026
- (2) Dog Control Officer Report – June 2026
- (3) Town Clerk Report – June 2026
- (4) Judge Frank Report – June 2026
- (5) Judge Gibbin Report – June 2026
- (6) Senior Director Report – June 2026
- (7) Assessor's Report – June 2026
- (8) Supervisor's Reports – June 2026
- (9) Deputy Town Historian 2nd quarter Report

Motion by Council Member Krzemien, seconded by Council Member Zittel, to approve Consent Agenda, Items (b)1-9. 5 ayes, 0 nays. Carried.

3. Resident Concerns

Supervisor Drozd opened the floor to anyone wishing to address the Town Board. Karen Oesterle stated that she has many reasons to oppose the ECRT project and has asked the Board not to approve any improvements or extensions to the trail until the ECRT abides by NYS and Town rules including SEQR or EID requirements. She feels

that there are safety measures that need to be put in place and is concerned for her family's safety. She also added that she has had people trespass onto her property from the trail on more than one occasion. Supervisor Drozd advised that this would be a law enforcement issue, to which Ms. Oesterle questioned if it should be handled by a private security company, which the ECRT should the trail should fund.

Springville resident, Devin Kowalski, spoke in support of ECRT stating that the grant that they are applying for is money that is already out there an available and should be brought to our town as there is no cost to the tax payers.

Sarah Rodrigues, also a resident of Concord, spoke in support of ECRT as she uses the trail very regularly. She felt that the grant would be a good as the surface of the trail would be much easier for individuals to traverse. Resurfacing it would also open the trail to more people with mobility issues or families with small children. She does not feel that there are safety concerns and believes that most people who use the trails respect the surrounding homeowner's properties.

Town of Concord resident, Mary Carol Dearing, who is the Friend's Group leader for the Springville-Concord Friends of the rail trail. She advised that she is in full support of the ECRT and apologized the resident Oesterle for any issues that she has faced and invited her to reach out to the ECRT Board with her concerns. She advised that the current surface of the trail is limiting for some individuals as it is very rough and uneven. Therefore, resurfacing it would be a massive improvement. They are also looking to extend the trail from Kissing Bridge to Sprague Brook Park, which would allow mountain bikers who utilize the trail to have safer travel between the two areas. It would also be safer for kids that are travelling between the areas. She also advised that studies have shown that increased use of the trails lessens potential issues and wrong doing as it increases visibility to the area.

Kara Kane, although not a resident of Concord, but a tax payer, strongly urged the Board to approve this grant opportunity as it is about preserving the existing infrastructure. The trail is community driven and an asset to so many.

East Concord resident Oesterle readdressed the Board advising that in West Valley there was just a petition submitted against the ECRT expansion and referred to like information and opinions that have been posted to social media. Ms. Dearing advised that she is aware of the petition and the information on social media and advised that it is not the same trail; it is the Southern Tier Trail, which is managed by Go Bike Buffalo and has nothing to do with the ECRT.

In regards to the safety concerns that Ms. Oesterle again mentioned, Supervisor Drozd stressed to all that were attending that the Town of Concord doesn't have anything to do with that, nor do they have the authority to address any concerns. The rail is owned by the Federal Government who are in a long-term lease with ECRT. The town also does not have the authority to demand SEQR be completed and permits filed for projected projects as there is a distinct separation between Federal, State, and Local governments. Ms. Oesterle was again referred to the ECRT board to address her concerns.

Supervisor advised that he also received several phone calls in support of ECRT.

4. Highway Department

- a) Hwy Supt Heim went over his report for June 2026.
- b) Supt Heim added that the new sign for the Town Park has been picked and is at the shop as well as the tractor for the town buildings, which will be brought down next week.

Motion by Council Member Drake, seconded by Council Member Zittel, to receive and file the Highway Department Report. 5 ayes, 0 nays. Carried.

5. Old Business

- a) KBWWTP – there is an update but may involve litigation. This will be discussed during the executive session.

6. New Business

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

Year 2026 Abstract 7:

General Fund (A), Abstract 7, \$31,105.69
General Fund (B), Abstract 7, \$2,423.10
Concord Senior Van (JV), Abstract 7, \$330.93
Joint Youth (JY), Abstract 7, \$56,136.15
Highway Outside Village (DB), Abstract 7, \$180,807.33
Kissing Bridge Water (SW1), Abstract 7, \$8,775.34
Kissing Bridge Sewer (SS2), Abstract 7, \$21,613.99
Capital (HI) KB/CR Sewer Project, Abstract 7, \$21,613.99

Motion by Council Member Zittel, seconded by Supervisor Drozd, to approve the bills in Abstract 7. 5 ayes, 0 nays. Carried.

b) Mobile Home Park Renewals Year 2026

- 1) Richard Perkins – 9582 Middle Road
- 2) Springville MHP LLC – 9230 North Street

Motion by Council Member Zittel, seconded by Council Member Krzemien, to approve the Mobile Home Park Renewals for Year 2026, as approved by CEO Roberts and recommended by the Planning Board, for the Perkins Mobile Home Park and Springville MHP LLC. 5 ayes, 0 nays. Carried.

c) Resolution in regards to parking area on South Cascade near the Cattaraugus County line

RESOLUTION ACCEPTING THE TRANSFER OF REAL PROPERTY FROM THE COUNTY OF ERIE AND AUTHORIZING THE TOWN SUPERVISOR TO EXECUTE ALL NECESSARY DOCUMENTS

At a regular meeting of the Town Board of the Town of Concord, held on the 9th day of July, 2026, at Springville, New York.

WHEREAS, the County of Erie is the owner of certain real property located within the Town of Concord, County of Erie, State of New York, and more particularly described in Schedule “A”, attached hereto and made a part hereof;

and

WHEREAS, the County has determined that it is in the public interest to transfer ownership of the above-described parcel to the Town of Concord; and

WHEREAS, the Town Board has determined that acceptance of the transfer of said parcel will promote a valid municipal purpose and is in the best interests of the Town and its residents; and

WHEREAS, the Town Board has reviewed the proposed conveyance and desires to accept title to the property subject to the terms and conditions contained in the deed and any related transfer documents.

NOW, THEREFORE, BE IT RESOLVED:

1. The Town Board hereby accepts the conveyance of the above-described real property from the County of Erie, for One (\$1.00) and No More Dollars, contingent upon the County being able to convey title to the parcel of real property in fee simple absolute title, free and clear of any liens or encumbrances, and

to the terms and conditions set forth in the deed and any related conveyance documents.

2. The Town Supervisor is hereby authorized and directed, on behalf of the Town, to execute and deliver any and all documents necessary or appropriate to effectuate the acceptance of the property, including but not limited to deeds, transfer documents, acknowledgments, affidavits, tax forms, closing documents, and any other instruments required to complete the transfer.
3. The Town Attorney is authorized to review and approve all conveyance documents as to legal form and sufficiency and to take such additional actions as may be necessary to complete the transfer.
4. The Town Clerk is directed to maintain this Resolution in the official records of the Town and to provide certified copies as may be required.
5. This Resolution shall take effect immediately upon its adoption.

The foregoing Resolution was duly put to a vote by motion of Supervisor Drozd, seconded by Council Member Kassel and unanimously approved.

The Resolution was thereupon declared duly adopted.

Motion by Supervisor Drozd, seconded by Council Member Kassel to approve the adoption of this Resolution. 5 ayes, 0 nays. Carried.

d) Erie County Rail Trail request for Resolution of Support

WHEREAS, Erie Cattaraugus Rail Trail, Inc. is applying to the New York State Office of Parks, Recreation, and Historic Preservation (OPRHP) for a grant under Title 9 of the Environmental Protection Act of 1993 for a park project to be located on the ECRT trail in the Town of Concord, a site located within the territorial jurisdiction of this Board; and

WHEREAS, as a requirement under the rules of this program, said not-for-profit corporation must obtain the “approval/endorsement of the governing body of the municipality in which the project will be located”;

NOW, THEREFORE, be it resolved by this august body that the Board of the Town of Concord hereby does approve and endorse the application of Erie Cattaraugus Rail Trail, Inc. for a grant under Title 9 of the Environmental Protection Act of 1993 for a park project known as “Accessible Multi-Use Trail in Concord” and located within this community.

The Resolution was thereupon declared duly adopted.

Motion by Council Member Krzemien, seconded by Council Member Zittel to approve the adoption of this Resolution. 5 ayes, 0 nays. Carried.

e) Declare Highway Garage items as surplus

Supt Heim advised there is the CASE IH roadside mowing tractor as well as two other push mowers that are no longer needed so he would like to put them up for auction. He also found misc. parts and tools for equipment that the town no longer owns or uses and would like to get rid of as they are now obsolete

Motion by Council Member Zittel, seconded by Council Member Krzemien to declare these items as surplus. 5 ayes, 0 nays. Carried.

f) Gold Star would like to use Senior Center parking lot on 7/22/26

Motion by Council Member Krzemien, seconded by Council Member Zittel to allow Gold Star use of the senior center parking lot. 5 ayes, 0 nays. Carried.

g) Association of Towns Resolution

Supervisor Drozd read over the NY Association of Towns Bill of Rights as was distributed to board members.

Motion by Council Member Drake, seconded by Council Member Krzemien to approve the adoption of this Resolution. 5 ayes, 0 nays. Carried.

h) Agreement for Operation of Sewage Treatment System

Supervisor Drozd has been working with Caleb, Town Attorney Attea, and the lawyer for Kissing Bridge All Seasons Resort, as well as the new owner of Kissing Bridge All Seasons Resort to finally reach an agreement with regards to the operation of the sewer treatment system, mainly the new pump station.

Motion by Council Member Zittel, seconded by Supervisor Drozd to approve this agreement. 5 ayes, 0 nays. Carried.

Motion was made by Council Member Zittel, seconded by Council Member Kassel to add i) to the agenda, to approve the extension for JMM Construction to work on the Kissing Bridge Lane project. 5 voting aye, 0 nays. Carried.

i) Approve extension for JMM Construction on Kissing Bridge Lane work

The contractor has asked to extend the contract for an anticipated completion by October 31, 2026, with final payment to be issued by November 30, 2026. Initial projection was for July 2026; however, that is no longer possible due to the delays resulting from obtaining the appropriate easements and right-of-way agreements. Letters have been sent to the affected residents informing them of the extension.

Motion by Council Member Kassel, seconded by Council Member Zittel to approve the extension. 5 ayes, 0 nays. Carried.

7. Council Member Notes

Council Member Krzemien advised July 19th is East Concord Community Church ice cream social from 11 to 4.

Council Member Zittel advised July 21st is the Chief's Council at Morton's Corners. July 27th at 5:30pm the South Towns Development Group will be meeting at the Water Stone Grill in Hamburg.

Supervisor Drozd reminded everyone of the All-Class Reunion on July 17th. Sunday, July 19th will be Springville Volunteer Fire Company's big fundraiser craft and car show with more than 50 craft vendors signed up already. It is the 10th anniversary of the event so there will be several door prizes to thank the patrons. A craft vendor will also be winning their registration fee back as part of the 10th anniversary celebration.

Highway Supt. Hiem wanted to thank Deputy Miller and express his appreciation for local law enforcement officials that have been helping to keep our highway workers safe by enforcing work zone restrictions.

8. Executive Session

Supervisor Drozd made a Motion to enter an Executive Session, seconded by Council Member Drake, to go into Executive Session at 6:43 p.m. 5 voting aye, 0 nays. Carried.

9. Motion to Adjourn

Motion by Supervisor Drozd, seconded by Council Member Drake, and passed unanimously, to adjourn the meeting at 7:31 p.m. in memory of:

Rosemary MacLeod
Paul Meyers
James Schweickert

Michelle Dell
Deputy Town Clerk