

TOWN OF CONCORD TOWN BOARD
Work Session 6:30 p.m.

July 13, 2022

Supervisor Drozd opened the Work Session and discussed the following with the Members:

1. The following items will be added to tonight's Agenda under New Business:

l) J. Bognar Construction put in their first payment application in for the Highway Garage drainage project.

m) Start the SEQRA process for combining the Craneridge and Kissing Bridge Wastewater Treatment plants because the Town received notice that the State Environmental Facilities opened up applications for State water grants. September 9th is the deadline to apply and the SEQRA needs to be done first to apply for this grant. Municipal Solutions is assisting the Town on this application.

n) Continuation of the flooring upgrade at Town Hall. The Court Room/Board Room, Justice Office, DA Office has been completed. The elevator is being rebuilt now so the flooring project is on hold this week. The LED lighting project at Town Hall and Community Park are both done. The project at Community Park was cut in half of what was originally planned to be done. Community Park did not need any new fixtures; LED bulbs were installed. The restrooms were done. The shelters were not done. The savings is around \$600. The floor project will start again next Wednesday with the Town Clerk's Office, the hallway downstairs, the front entrance and inside the elevator. Supervisor Drozd will be asking the Board to continue the flooring upgrade project on the second level: the CEO Office, the old van room and the landing going into the Auditorium.

o) The Boy Scouts want to use the Community Park for a regional recruitment drive on September 10th.

2. The Bensley Center needs some wiring. There has been a wiring issue at the Center and bulbs kept needing to be replaced. There were four lights put in architectural lighting and the fixture was running too hot and causing the bulbs to be blown out. The wiring was not done correctly. The alarm company will be coming back next week to get the smoke detectors changed there and they will allow Electrician Chapman use the manlift to finish this lighting project.

3. The alarm will be starting the Senior Center alarm system next week. The Senior Center will be closed all next week.

4. Court Clerk Jean Kwasnik is requesting permission to attend Court Clerk Training in Albany on October 16-19th. Supervisor Drozd spoke with the Town of Ashford Supervisor and Ashford will split the cost of this training with the Town. Clerk Kwasnik is also attending training for the first time so she is eligible for scholarship money so both Towns should get reimbursement from the scholarship money. The Towns will need to pay the costs upfront.

5. Joanne Walker, Senior Center Aide, submitted her written resignation.

6. Supervisor Drozd attended the pre-construction meeting for the Hulbert Library Parking lot paving project. The project will start mid-August. The pine tree at the end will need to be removed; the Highway Department will assist with that removal. This was discussed with neighbor, Dr. Scharf.

7. Bob Schueler submitted his resignation as part-time laborer at the Senior Center. He will be spending Winters in Florida and will not be available. As of right now, Custodian Wayne Ott says he can do the cleaning there as well so the Board will not look for another person and see if Custodian Ott can handle the work.

8. Supervisor Drozd will be asking the Board to purchase a floor scrubber for the Town Hall now that the flooring is being changed at Town Hall. Supervisor Drozd obtained quotes from HJS Supply for battery operated small area scrubbers. The Town

Hall does not need a big scrubber. HJS Supply will be coming out to demo scrubbers; this cannot wait until next month since the flooring is being done/completed.

9. Erie Cattaraugus Rail Trail (ECRT) is requesting the Town's Resolution in support of the Cascade Bridge engineering study. This is not an endorsement of the Rail Trail. The Town of Ashford will be supporting this engineering study. The Town would like the ECRT to get an engineering firm to evaluate that high-level bridge for safety. This is not the Town's endorsement of the Rail Trail. The Town would be endorsing ECRT to get a grant for an engineer evaluation of the bridge to see if the bridge is even feasible to do what the ECRT wants to do. Council Member Snyder does not think the Board should approve the Resolution without seeing the actual grant application. Supervisor Drozd advised that ECRT needs the support of the municipalities involved (Concord and Ashford) to get the grant. The email received from ECRT advised that there will be no cost to the Town for this project and that there is no actual trail or bridge development included in the project. The only physical work is for the engineering company to evaluate the safety of the bridge and the rest is a paper study. Council Member Snyder would want to see it in writing what the grant project includes. Town Attorney Attea had reviewed this draft resolution which was prepared by ECRT; Town Attorney Attea had no issues with the resolution. Council Member Snyder felt that this resolution would mean that the Town is on the record endorsing a portion of the trail; Supervisor Drozd said no; just the engineering study to evaluate the safety of the bridge. Supervisor Drozd advised that he sees no reason the Town can't give support for the grant to have the bridge evaluated. The evaluation could even come back saying that the bridge should be torn down. Council Member Snyder noted that he had previously prepared Code language regarding changes for Special Use Permits so that the ECRT would need to apply for a Special Use Permit and the Town would then be able to exert some measure of control. Supervisor Drozd asked Town Attorney Attea for his thoughts. Town Attorney Attea noted that the ECRT is not going anywhere. ECRT has been talking about studying that bridge for several years. He was on the Board of the Springville Country Club and attended some of the initial formation meetings with some serious concerns about this being the natural terminus even though the dream was to connect it to the Cattaraugus County Trail. The concerns were where do people go when they get there? The obvious concern from the Club's perspective is that they may not turn around and just go back the track. If they would get off the track and go over the Country Club's lands, hundreds of thousands worth of damage really quick. At that time, ECRT said there was funding out there. Town Attorney Attea can't even phantom the cost associated with getting the bridge to a point where it would be safe for recreational use. Supervisor Drozd feels that the ECRT may be able to get the grant to fund the study but to fix the bridge, may be not. Town Attorney Attea noted that there was an economic return to repairing the bridge when trains took passengers and cargo over it; measuring the value from a recreational standpoint is important but there could be other needs that so greatly outweigh this project. There has to be needs greater than this project. The railroad owns the bridge and would have the liability. Town Attorney Attea advised that there is no problem with ECRT asking for money to conduct a study; if they get the funding from some source to go make repairs to the bridge, it is not hurting anything but it doesn't answer the ultimate question for the Town. Are there any reasonable steps that the Town can take to exert some measure of control over how ECRT is conducting themselves and then the follow-up question would be "does the Town want to?" Balancing the interest between private landowners who feel their rights are being trampled and whatever rights the ECRT continues to tell us from this secret agreement the ECRT has with the railroad that they say can't be shared because it is "confidential." Town Attorney Attea asked the ECRT attorney and asked for a redacted version of the agreement taking out the portions that they feel are so sensitive and confidential so that the Town Board or resident that has a question as to their source of their authority. The ECRT attorney said no to the request and referred to him to the federal statutes for rail banks. Council Member Snyder advised that he is not sure that the agreement matters anymore. It's private property. The issue is the use of the property and how the use has changed and how it impacts adjacent landowners. Town Attorney Attea noted that portions of the trail go over town lands and roadways and creates safety issues. The Town should have the right to see the source of authority; just because it is between two private entities to the extent it impacts the Town and involves Town property. If this was such a powerful source of authority, why wouldn't ECRT be leading with that

agreement? What does it actually say? What kind of authority does it grant them? Why not hand it over? Town Attorney Attea asked if any Council Members reached out to surrounding towns for input. Supervisor Drozd did reach out to the Town of Aurora and that Board would probably vote just to let the trail come in. Council Member Snyder advised that he does not think that the Town is trying to stand in the way of it but would be creating a mechanism to establish reasonable guidelines for use of the property as the ECRT plans to use it which is essentially a public park. Town Attorney Attea noted that his only caution flag on that would be "be careful what you wish for". If the Town is going to say that the Town has the power and authority to grant or deny, the Town first needs to know that the Town has the legal standing based on the secret agreement to do that. If the Code is changed, the Town would also carry the obligation to make sure that we are going to exercise those responsibilities.

Supervisor Drozd advised that it is time to open the Town Board Meeting.