

TOWN OF CONCORD TOWN BOARD  
Work Session 6:00 p.m.

June 23, 2022

ROLL CALL: PHILIP DROZD, SUPERVISOR  
CLYDE M. DRAKE, COUNCIL MEMBER  
KENNETH D. ZITTEL, COUNCIL MEMBER  
WILLIAM F. SNYDER, III, COUNCIL MEMBER  
KIMBERLY S. KRZEMIEN, COUNCIL MEMBER

ALSO PRESENT: DARLENE G. SCHWEIKERT, TOWN CLERK  
KEVIN R. RAUTENSTRAUCH, Deputy Town Attorney  
PAUL KRAMER, Erie-Cattaraugus Rail Trail

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

1. Town Atty Attea working on the Mortons Corners Cemetery Jirak plot matter to resolve who has the legal right to any renumeration.

2. Erie County Department of Health will be conducting an inspection of the Kissing Bridge water system. This inspection is set for July 12<sup>th</sup> at 1 p.m. Tim Domes will be at the inspection in person and Duane Boberg will be available by phone.

3. NYS Comptroller's Office emailed regarding dissolving the IDA. The Town received a letter from the state advising that no documents had been filed for 2020-2021. The IDA must be formally dissolved by resolution of the municipality that the IDA served. When the formal dissolution has been passed by the Town, the Town of Concord IDA will be designated as "inactive" for reporting purposes. Additionally, as an IDA created under NYS GML Article 18-A, Title 2, Section 925-T, an act of the NYS Legislature is required to repeal this section of law to remove it from consolidated law. The Legislature will need to introduce legislation through a home rule message to dissolve the IDA. The IDA will remain on the State Comptroller's list of active public authorities until it is dissolved by the Legislature.

Supervisor Drozd will put this on the July Town Board agenda.

4. Andrew Reilly, Wendel Companies, provided the Town with the updated NYS Unified Solar Permit and Permit Application, for the Town to adopt. Supervisor Drozd will put this on the July Town Board agenda. Supervisor Drozd advised that CEO Roberts completed the certification for solar applications. The Town has now met all four criteria for the NYSERDA program.

5. Update on Lighting project. The Community Park lights are now done except the two restroom lights which have not yet come in yet. Some wiring work was also done. Supervisor Drozd advised that he sent all documents in to our insurance company regarding the accident with the fence on the Varsity Field for their review. The Town Hall has a couple lights/exit signs still to be done. The Bensley Center lights/supplies are all here and this is anticipated to take ½ day.

6. Flooring project. The flooring project is scheduled to start next Wednesday, June 29<sup>th</sup>. In preparation, Custodian Ott and Bob Schueler moved the fireproof file cabinets out of the Town Clerk's Office.

7. Supervisor Drozd introduced Paul Cramer, Erie-Cattaraugus Rail Trail. Deborah Fenn, President of the ECRT, had reached out to the Town for a meeting to provide an update on the ECRT and answer any questions. She was not able to be in attendance tonight; Mr. Cramer came in her place. Mr. Cramer sits on the legal committee. Mr. Cramer advised that their biggest focus is applying for a grant for the Cattaraugus Bridge to turn it into an observation area. A letter of support from the Town would help their grant process.

## Discussed:

- what the ECRT is doing to work with property owners as was promised by ECRT to talk to each property owner to discuss their issues and try to resolve. Mr. Cramer noted that some individuals have legitimate concerns and others who just don't want the trail. Possible privacy mitigation could be fences, trees. There are grants available for this.
- when the ECRT is having a meeting, that both the Village and the Town be invited to attend. They all should be meeting at the same time; please keep that in mind when scheduling future meetings. Supervisor Drozd questioned why the Town cannot have a copy of the "agreement" with the railroad. He had reached out to two Congressmen who felt that the agreement should be made public and that it is a FOIL-able document and should be made available to the municipalities. Mr. Cramer advised it is not his choice to release it. It is the railroad's choice. Mr. Cramer provided the Members with the December 3, 2019 detailing the rail banking agreement and ECRT being named as trail sponsor
- what is being done about security on the trail. There are trail patrollers walking the trail and there are trail cameras on trees on the trail. Tickets have been given out.
- besides cameras is anything in their budget to restrain people from going on to the neighboring private property? Nothing for containment of people wandering off? Any plan to mitigate? If real reoccurrence, there could be but at present there is no plan.
- Mr. Cramer did not know who paid for the rebuilding of the bridges, whether it was the snowmobile club or ECRT? The contractor was not contacted by the ECRT.
- Mr. Cramer advised that ECRT is not subject to local and state zoning requirements for trail use but they cannot do anything else on the trail.
- liability insurance is under NYS Recreation Use Action as long as no fee is charged for the trail use. The individual landowner should not be liable for personal injury; as the landowner did not invite someone onto their individual property.
- currently there is no access available to get to the Bridge. That is part of the study being performed.
- the railroad railbanked the property; they don't own it. There is a lease with CRX to protect for future rail.
- maintenance of the trail is a big concern. The Town does not have the resources to maintain; no public works division and our Highway Department cannot do it. Until details are in writing, the Town can't be liable, that is the biggest question. What can and cannot be done on the trail.
- Special Use Permit requirement would give the parties involved a voice, would address safety, environmental and security concerns. Signage could be addressed.
- Public Forums might be useful to the residents.
- signage may be beneficial at road crossings to alert cars and trail users of the roadway. No motorized vehicles on trail yet snowmobiles on trail; that should say "wheeled/motorized". Currently there are no signs on Buffalo Road, North Street, Sharp and Middle. These are the Town road locations. Town would need to pass a resolution to see if "advisory" signs could be put up.
- each town on the trail has trail stewards who walk the trail and look for trash and debris i.e. down trees. There is a Springville-Concord group that does this section of the trail.

The Board Members will formulate questions and get them in writing for the ECRT. The Work Session was adjourned at 7:07 p.m. The Board thanked Mr. Cramer for his attendance this evening.