

TOWN OF CONCORD TOWN BOARD MEETING July 13, 2023
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
WILLIAM F. SNYDER, III, COUNCIL MEMBER
KIMBERLY S. KRZEMIEN, COUNCIL MEMBER

ALSO PRESENT: DARLENE G. SCHWEIKERT, Town Clerk
BARRY A. EDWARDS, Hwy Supt.
CAROLYN A. ROBINSON, Dog Control Officer

GEORGE DONHAUSER	STEVE RINEHART
BRUCE NISBET	LEE NISBET
EDWARD ABDO	BONNIE ABDO
BRIAN A. JOHNSON	CURT ROBLEE
TIM HERBERGER	CHRISTINE HERBERGER
JOHN WATSON	JOHN BARONICH
MARK FERGUSON	KEN LILLIS
MICHAEL CAFENA, NYS Cemeteries	THOMAS A. HAWKINS
CAMERON GENTNER	DIANE GENTNER
COLIN DEARMYER	VERNON RIDDER
MOLLY KRUSZKA	MICHALEEN HERNAULT
KATHY LUX	MARLENE ZIECKER
RON ZIECKER	MARY JANE MIESS

INVOCATION DELIVERED BY TOWN CLERK SCHWEIKERT

PLEDGE TO THE FLAG LED BY COUNCIL MEMBER KRZEMIEN

ITEM #1 CONSENT AGENDA

- a) Approval of Minutes:
(1) Work Session – 06/08/2023
(2) Town Board Meeting – 06/08/2023

Motion by Council Member Drake, seconded by Council Member Zittel, to approve Consent Agenda (a)(1-2). Council Members Drake, Zittel, Snyder & Krzemien; Supervisor Drozd, voting aye. Carried.

- b) Monthly Reports:
(1) Code Enforcement Report – June 2023
(2) Dog Control Officer Report – June 2023
(3) Town Clerk Report – June 2023
(4) Judge Frank Report – May 2023
(5) Judge Gibbin Report – May 2023
(6) Senior Transportation Van Report – May & June 2023
(7) Senior Center Report – June 2023
(8) Assessor's Report – June 2023
(9) Historian Report – May & June 2023

Motion by Council Member Zittel, seconded by Council Member Krzemien, to approve Consent Agenda (b)(1-9). Council Members Drake, Zittel, Snyder & Krzemien; Supervisor Drozd, voting aye. Carried.

ITEM #2 RESIDENT CONCERNS:

a) Vernon Ridder – Maplewood Cemetery – Mr. Ridder had called and asked to be put on the Agenda. The Cemetery is 150 years old. Earlier this week, the Treasurer went to pay the Cemetery's bills totaling \$3,500 and there was \$700 in their account. The Cemetery Board meet and came up with a plan to get a Line of Credit. This was applied for and received but as of right now the Cemetery is operating in the red. This has been an on-going concern over the last six months or so; deciding which bills to pay and which bills to put off. It looks like the Cemetery is sliding into dissolving the Cemetery Board and handing the Cemetery to the Town unless something can be figured out. Mr. Ridder believes the Cemetery is in this state because of cremations. In 1960 the cremation rate in this country was about 3.5% and now this year it is expected to be 60% and that cuts into their business model. Times are changing and the Cemetery Board has to change with it. Mr. Ridder introduced Michael Cafena from the NYS Division of Cemeteries who has a number of good suggestions as to what can be done but they will need the Town's help. Mr. Cafena is an Investigator with the NYS Division of Cemeteries and one of his duties is to help reorganize cemeteries; to not be abandoned to the Town. This is done with an audit and look for places where money can be saved. The first step of the process is to meet with the Cemetery Board and a representative of the Town. The Cemetery can lay out what they need to stay solvent and the Town can get the information and go back to the Town Board to see if there is anything that can be done; short of the Cemetery being abandoned. They would like this meeting scheduled relatively soon. Supervisor Drozd noted that two of our Council Members are on the Fairview Cemetery Board and have more knowledge than the rest of the Board on this matter. Supervisor Drozd would like Council Members Zittel and Krzemien to meet with the Maplewood Cemetery Board on this matter. Mr. Ridder will contact Supervisor Drozd regarding a meeting; then he can arrange with Council Members Zittel and Krzemien. Mr. Cafena advised that there has been success over the years with this reorganizing. Mr. Ridder advised that John Ornce, their Superintendent, has been doing this for over 23 years and this has been the slowest year he has seen. There were no other questions or comments.

b) Kathy Lux addressed the Board regarding the Senior Center. Ms. Lux had concerns about the Senior Center being closed next week for the entire week. The Euchre Club is baffled at why the DMV can use the Center on Thursday but they can't have their activities on that day. Supervisor Drozd advised there will be no staff members there and the Town will need be lending out keys to the building. The Senior Center is closed next week because the contractor will be resealing and striping the parking lot and the Town wants the sealant to set a couple days before being used. The Center will not have their staff on site. The Auditorium at Town Hall has Probation on that day but Supervisor Drozd had previously discussed other options for the group to play cards including Community Park but no location was agreeable to the Club because they are Seniors and sitting at picnic tables is not conducive for playing cards. The building be closed for entire week is affecting all the groups and luncheons. Supervisor Drozd advised that this project was approved in May. Ms. Lux did not feel the Euchre Club was informed of the Center closure early enough. Supervisor Drozd noted that he thought it was in an earlier monthly brochure that Director Eschborn puts out but in future he will try to make sure people are aware of any closures. Ms. Lux even signed up for lunches for next week; Supervisor Drozd advised that the menu is prepared at Erie County. Ms. Lux also discussed the need for a full-time employee at the Center; she understands that the Town doesn't have the funding but she came up with some suggestions like charging the Jazz Band and put these funds back into the Center instead of the General Fund. Supervisor Drozd advised that building can now be used by other groups besides the Seniors and more groups are going there. The parking is better there and it is one level. It is for the benefit of the whole community for other things to happen there. Supervisor Drozd noted that this project needs to be done and it requires the Center to be closed. Ms. Lux wants to have a full-time employee there; the building sits there a lot with no one using it. Supervisor Drozd advised that the Center is getting a lot more use than it did five years ago. Ms. Lux noted that it doesn't make sense that they can't use the building when the DMV is there; they have a key and can lock up the building. Council Member Drake advised that in the past, the organizations were asked for someone to take charge and be in control of the key and the organizations at that time

did not want to do it so this is where the Town is at. Ms. Lux noted that she would be willing. Things just don't make sense to her like why the DMV cannot share a room with other activities using the dividers. Supervisor Drozd noted that the Town had to work with the DMV to get them back to Concord for the service to the community. Supervisor Drozd said that the DMV and Board of Elections Early Voting has their own requirements and they cannot share the space. Ms. Lux just can't understand why the dividers can't be used. Supervisor Drozd advised Ms. Lux that he will catch up with her at the Center and sit down to discuss her concerns.

No one else wished to address the Board. Motion by Council Member Krzemien seconded by Council Member Drake, to close Resident Concerns. Council Members Drake, Zittel, Snyder & Krzemien; Supervisor Drozd, voting aye. Carried.

ITEM #3 HIGHWAY DEPARTMENT

a) Hwy Supt Edwards asked the Board to receive and file his report.

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

ITEM #4 OLD BUSINESS

a) Community Park Pavilion Project Update/DASNY Grant – Supervisor Drozd updated the Board on the Community Park Pavilion Project during Work Session earlier this evening. Alliance Homes advised that the project should be completed by the end of this month.

b) KB Sewer Plant – This project was discussed earlier this evening during Work Session. Supervisor Drozd asked for a motion to add (1) Approval to submit the design to DEC for environmental permitting and authorize Supervisor Drozd to sign the necessary application forms and paperwork and (2) Approval to submit the design to NYSDEC for design review and authorization of Supervisor Drozd to sign the necessary application forms and paperwork. Motion by Council Member Zittel, seconded by Council Member Krzemien, to add Items (1) and (2) as above to tonight's Agenda. Council Members Drake, Zittel, Snyder & Krzemien; Supervisor Drozd, voting aye. Carried.

(1) Approval to submit the design to DEC for environmental permitting and authorize Supervisor Drozd to sign the necessary application forms and paperwork. Motion by Council Member Zittel, seconded by Council Member Drake, for approval to submit the design to DEC and authorize Supervisor Drozd to sign the necessary application forms and paperwork. Council Members Drake, Zittel, Snyder & Krzemien; Supervisor Drozd, voting aye. Carried.

(2) Approval to submit the design to NYSDEC for design review and authorization of Supervisor Drozd to sign the necessary applications forms and paperwork. Motion by Council Member Zittel, seconded by Council Member Drake, for approval to submit the design to NYSDEC for design review and authorize Supervisor Drozd to sign the necessary application forms and paperwork. Council Members Drake, Zittel, Snyder & Krzemien; Supervisor Drozd, voting aye. Carried.

ITEM #5 NEW BUSINESS

a) Audit of the Bills – Supervisor Drozd stated that these bills were audited by Council Member Krzemien, and reviewed by the Board.

Year 2023 Abstract 7:

General Fund A, abstract 7, bills 737-830; \$80,931.55
General Fund B, abstract 7, bills 831-838; \$6,548.75
Library Fund, abstract 7, bill 839; \$39.50
Fire Protection, abstract 7, NONE
Joint Van, abstract 7, bills 840-843; \$155.08
Joint Youth, abstract 7, bills 844-847; \$50,871.01
Craneridge Lighting, abstract 7, bills 848-849; \$4,424.20
Craneridge Sewer, abstract 7, bills 850-863; \$20,460.16
Highway DA, abstract 7, NONE
Highway DB, abstract 7, bills 846-876; \$94,690.94
Kissing Bridge Water, abstract 7, bill 877; \$15.00
Kissing Bridge Sewer, abstract 7, bills 878-882; \$16,557.00
Trevett Rd. Water, abstract 7, NONE
Cattaraugus St. Water, abstract 7, NONE
Trust & Agency, abstract 7, NONE
Capital (HA) C. Sewer, abstract 7, NONE
Capital (HB) Land, abstract 7, NONE
Capital (HD) Catt St, abstract 7, NONE
Capital (HE) Sr. Ctr, abstract 7, NONE
Capital (HF) Hwy Equip, abstract 7, NONE
Capital (HG) Waste Study, abstract 7, NONE

Motion by Council Member Krzemien, seconded by Council Member Snyder, to approve the bills in Year 2023 Abstract 7 as presented. Council Members Drake, Zittel, Snyder & Krzemien; Supervisor Drozd, voting aye. Carried.

b) Wittmeyer/Zoar Moto Park Special Use Permit – The Public Hearing was held earlier this evening.

Motion by Council Member Drake, seconded by Council Member Zittel, to approve the Wittmeyer/Zoar Moto Park Special Use Permit as recommended by the Planning Board for the one-time 50th Year Reunion and Ride conditioned that the Town of Concord being fully indemnified and proof of insurance provided to the Town prior to the event date. Council Members Drake, Zittel, Snyder & Krzemien; Supervisor Drozd, voting aye. Carried.

c) Craneridge Zoning Local Law #3 of 2023 – The Public Hearing was held earlier this evening.

Council Member Zittel moved the adoption of Resolution 8, seconded by Council Member Snyder:

Town of Concord
Local Law #3 of 2023

§ xxx-xx The Craneridge District shall be located on the Zoning Map of the Town of Concord, other than in the legend thereto, only in areas of the Town, outside the incorporated Village of Springville.

A.

No portion of the Craneridge District shall be included on the Zoning Map of the Town of Concord for an area of less than 10 acres.

B.

No building permits for construction nor certificates of occupancy shall be issued for any permitted principal or accessory uses in the Craneridge District until the required public utilities have been installed and are in an operational condition satisfactory to the code enforcement officer or public health officials.

§ XXX-XX Permitted principal uses and structures.

A. Permitted principal uses shall be as follows:

Single-family detached dwelling, other than a mobile home, with no other dwelling or other principal building on the same lot.

B. Permitted accessory uses shall be as follows:

Private garages, located only to the rear of the front yard setback line.

Off-street parking spaces, including the parking of not more than two (2) commercial vehicles used by occupants of the premises.

Storage of campers, house trailers or boats owned by occupants of the premises for personal use, provided such storage is located to the rear of the setback line and does not occupy the required side yard.

§ XXX-XX Maximum height.

Maximum height requirements shall be as follows:

A.

Two and one-half stories, not to exceed 35 feet for principal buildings.

B.

One story not to exceed 15 feet for accessory structures.

§ XXX-XX Minimum ground floor area of dwelling.

Minimum ground floor area of a dwelling shall be 700 square feet.

§ XXX-XX Minimum lot width.

Minimum lot width shall be 100 feet measured at the principal building setback line.

§ XXX-XX Minimum lot area.

Minimum lot area shall be 17,000 square feet.

§ XXX-XX Front yard depth or setback.

Front yard depth or setback shall be 35 feet measured from the edge of the nearest right-of-way, regardless of whether or not said right-of-way is public or private.

§ XXX-XX Minimum depth of rear yard.

Minimum depth of rear yard shall be 35 feet measured from the rear of the principal building to the rear lot line.

§ XXX-XX Side yards.

Minimum width of side yards shall be 15 feet each.

§ XXX-XX Required yards.

Each lot shall contain one front yard, one rear yard and two side yards, one on each side of the principal building.

Voting as follows:

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

The foregoing Resolution was thereupon declared duly adopted.

d) Court Clerk Kwasnik – Court Clerk Conference (split costs with Town of Ashford) – The Court Clerk Conference will be held in Verona, New York, from September 17th to September 20th. Supervisor Drozd discussed this matter earlier this

evening during Work Session. Motion by Council Member Krzemien, seconded by Council Member Snyder, to approve Court Clerk Jean Kwasnik's attendance at the Court Clerk Conference with the cost split with the Town of Ashford. Council Members Drake, Zittel, Snyder & Krzemien; Supervisor Drozd, voting aye. Carried.

e) Senior Center Photocopier – Supervisor Drozd discussed this earlier this evening during Work Session. Motion by Council Member Zittel, seconded by Council Member Snyder, to approve the purchase of the Toshiba 330AC Color System printer and relocation of the existing Toshiba copier to the Assessor's Office. Council Members Drake, Zittel, Snyder & Krzemien; Supervisor Drozd, voting aye. Carried. The 2023 budget had \$1,800.00 for replacement of the Assessor's Office photocopier. The balance of the cost will come out of the Senior Center budget line. No personal use of the photocopier will be allowed; it is for official Town photocopying.

f) Accept Resignation of John D. Simmons, Part-time/Highway – Motion by Council Member Zittel, seconded by Council Member Zittel, to accept the resignation of John D. Simmons, part-time/Highway effective July 1, 2023, with regrets. Council Members Drake, Zittel, Snyder & Krzemien; Supervisor Drozd, voting aye. Carried.

g) Zoar Valley Road Erie County Request to Lower Speed (55 mph to 40 mph) – Supervisor Drozd discussed this matter earlier this evening during Work Session. The Town received contact from Erie County asking if the Town would like to reduce the speed to 40 mph on Zoar Valley Road from the Town line. The Town of Collins had the posted speed limit from Foster Road to the Concord Town Line reduced to 40 mph.

Council Member Zittel moved the adoption of Resolution 9, seconded by Council Member Drake:

WHEREAS, the Town Board of the Town of Concord has received a request to lower the speed limit from 55 mph to 40 mph on Zoar Valley Road from the Concord Town Line to the top of the hill at the Oatman Property located at 7476 Zoar Valley Road due to poor sighting lines causing dangers and threats to residents and pedestrians; and

WHEREAS, Zoar Valley Road is a County of Erie road located within the Town of Concord; and

WHEREAS, the Town Board of the Town of Concord approves a request to ask for a Speed Limit Reduction study to be done on Zoar Valley Road from the Concord Town Line to the top of the hill at the Oatman Property located at 7476 Zoar Valley Road.

Voting as follows:

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

The foregoing Resolution was thereupon declared duly adopted.

h) Springville Pediatrics 50th Anniversary Proclamation –

Council Member Snyder moved the adoption of the Proclamation, seconded by Council Member Zittel:

Town of Concord Proclamation
Honoring Springville Pediatrics
50th Anniversary

WHEREAS, in July 1973, Dr. Gerald Daigler started the practice in Springville and persevered through many tough times and competing forces; and

WHEREAS, over time, as he added partners and numerous patients, the practice thrived; and

WHEREAS, since that time, many of the names and faces have changed but the same high quality of care, teamwork, and a family-friendly workplace have remained; and

WHEREAS, the commitment to high quality care by the staff at Springville Pediatrics has made the practice a vital part of our community:

NOW, THEREFORE, BE IT RESOLVED, on this day; July 13th, 2023 the Concord Town Board celebrates Springville Pediatrics on this milestone.

Voting as follows:

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

The foregoing Proclamation was thereupon declared duly adopted.

i) Thomas Flyer Day Proclamation –

Council Member Zittel moved the adoption of the Proclamation, seconded by Council Member Drake:

Town of Concord Proclamation
Honoring Thomas Flyer Day

WHEREAS, in the early 1900's horses and trains were considered the only reliable means of transportation and the newfangled automobile was considered a toy for the wealthy; and

WHEREAS, to prove the durability of the automobile, the NY Times was sponsoring an automobile race from New York City to Paris, France; and

WHEREAS, six automobiles - 1 German, 3 French, 1 Italian and 1 American entered the race on February 12, 1908; and

WHEREAS, 169 days and 22,000 miles later the American entry, a Buffalo, NY-built Model 35 Thomas Flyer arrived in Paris, France and was declared the winner; and

WHEREAS, the winning driver was George Schuster, the chief mechanic for the E.R. Thomas Company; and

WHEREAS, George Schuster later operated an automobile dealership in his hometown of Springville NY and lived in Springville until his death in 1972 at the age of 99; and

WHEREAS, in 2023 on the 115th anniversary of the completion of this amazing feat the Village of Springville and the Town of Concord will be hosting a celebration to honor our hometown hero; and

WHEREAS, possibly 18 to 20 of the remaining 52 Thomas Flyer automobiles will be coming to Springville to see the recreation of the Schuster Motor Car Co display in the Concord Historical Society Heritage Building and see the large collection of photos and other artifacts of the race; and

WHEREAS, this could be the largest single day gathering of THOMAS automobiles since they left the Buffalo plant over one hundred years ago:

NOW THEREFORE, BE IT RESOLVED that the Board of the Town of Concord declare Thursday July 27, 2023 "SPRINGVILLE THOMAS FLYER DAY" in honor of this historic day in Springville and the Town of Concord.

Voting as follows:

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

The foregoing Proclamation was thereupon declared duly adopted. Supervisor Drozd will deliver this Proclamation on July 27th.

Supervisor Drozd asked for a motion to add (j) Congressman Langworthy's Use of the Town Hall Court Room for a meeting on Thursday, July 20th from 1-3 p.m. Motion by Council Member Zittel, seconded by Council Member Krzemien, to add Items (j) to tonight's Agenda. Council Members Drake, Zittel, Snyder & Krzemien; Supervisor Drozd, voting aye. Carried.

j) Congressman Langworthy's Use of the Town Hall Court Room for a Meeting on Thursday, July 20th from 1-3 p.m. Motion by Council Member Zittel, seconded by Council Member Krzemien, to approve Congressman Langworthy's use of the Town Hall Court Room for a meeting on Thursday, July 20th from 1-3 p.m. Council Members Drake, Zittel, Snyder & Krzemien; Supervisor Drozd, voting aye. Carried.

ITEM #6 EXECUTIVE SESSION

There was nothing for Executive Session.

ITEM #7 COUNCIL MEMBER NOTES

a) Council Member Krzemien noted that the East Concord Community Church will be having their Ice Cream Social and Basket Raffle on Sunday, July 16th from 1-4 p.m.

b) Council Member Krzemien noted that there was nothing to report from the West Valley Citizen Task Force. The next meeting is the end of the August.

c) Council Member Snyder talked with the newly elected Mortons Corners Fire Chief Bob Darling and he noted that everything is running smoothly; they have a good crew in their department.

d) Council Member Zittel informed those in attendance that the East Concord Fire Department will be having their Tractor Pull on Friday, July 15th and Saturday, July 16th.

e) Council Member Zittel noted that the next Southtowns Planning & Development Meeting will be held Monday, July 24th at JP Fitzgerald's at 5:30 p.m.

f) Council Member Drake advised the Board that he and Supervisor

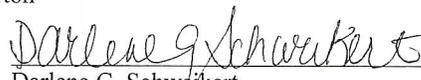
Drozd moved the Town funds from Cattaraugus County Bank to Community Bank. The money is now earning 4.88%.

g) Supervisor Drozd informed the Board that next weekend is the SGI All Class Reunion on Friday, July 21st from 5-10 p.m. The Springville Volunteer Fire Company will be having their Car Show, Food Fest and Craft Show on Sunday, July 23rd. Revive Church will also be there doing face painting since they had budgeted money to do this at the Oktoberfest.

ITEM #8 MOTION TO ADJOURN

Motion by Supervisor Drozd, seconded by Council Member Drake and passed unanimously, to adjourn the meeting at 7:30 p.m. in memory of:

Kenneth A. Lounsbury
Dona J. Hopkins
Theresa C. Sliwinski
Jean Marie Call
Marie D. Lawton



Darlene G. Schweickert
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

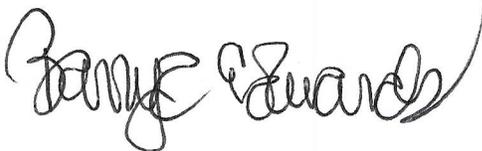
Highway Superintendents Report for the period of June 7, 2023 to July 12, 2023.

With thirty-four days in this period the Highway Department

- Hand patched and paved in Craneridge.
- Finished sweeping all roads.
- Serviced zero turn mower.
- Changed the brooms on the HI- lift.
- Put oversized stone on Morton Road by the bridge.
- Sent three (3) trucks to the Village of Springville to help with milling.
- Novachipped in Craneridge, Meadow Court, 500 feet of Deer Run, Edelweiss, and Tarn Trail. Also, in July we will be oil and chipping Mayo, Rocky, Ross and Upper Randall Roads. In the first week of August, we will be recycling Crane Road from Route 240 to the Dead End.
- Continued to mow cemeteries and Senior Center.
- Did brakes and service on TK#11. All trucks have been checked over and brakes have all been replaced.
- Cleaned up trees in Mortons Corners cemetery.
- Continued to mow road shoulders.
- Sent to two (2) trucks to Colden to help chip roads.
- Screened millings.

- Weed trimmed around guardrails.
- Put handicapped signs up at the Town Park.
- Serviced TK #15.
- Installed replacement oil cooler on the Sweeper.
- Took TK#15 to dealer for a battery disconnect, also engine light came on while transporting to dealer. After further inspection of the engine light issue, it was determined that the truck needed a whole new exhaust system to meet DEF emissions. This has to be done to pass inspection.
- Took 550's to Emerlings to have battery disconnects installed.
- Did mowing for Village of Springville with the boom mower.
- Serviced the Town Park's tractor.
- Changed cab filters and mower blades on JX90U.
- Cleaned the DI covers off the manholes on Transit Line Road.
- Hauled limestone from County Line.
- Installed culvert on Middle Road.
- Continued to clean bathroom, breakroom and office.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read "Barry A. Edwards". The signature is written in a cursive, flowing style.

Barry A. Edwards,
Highway Superintendent