



ITEM #2      RESIDENT CONCERNS

There were no resident concerns.

ITEM #3      HIGHWAY DEPARTMENT

Supt. Heim went over his report for the month of February.

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

ITEM #4      OLD BUSINESS

- a) KBWWTP-Supervisor Drozd is working on a new agreement with Kissing Bridge. Ehmke Well Drillers met with Tim Domes, the Chief Operator, in regards to the water main extension. The cost to get the tank cleaned out and inspected is \$2,333.00 which will come out of the loan from Municipal Solutions.

Motion by Council Member Drake, seconded by Council Member Zittel, to approve work by EHMKE. Council Members Drake, Zittel, Krzemien & Kassel; Supervisor Drozd, voting aye. Carried.

- b) RIC Energy- Peter Sorgi, attorney for the project, said that the final Public Hearing was in October 2025, and on December 11, 2025 the Board issued a Negative Declaration for the SEQR after the Environmental Impact Statement. The Board has 62 days by law to make a decision on the project, and it has now been 93 days. NYS Town Law requires a decision within 62 days. The Town Board unanimously approved the Negative Declaration, which said the potential impacts to agricultural resources were sufficiently mitigated, same with aesthetic resources, same with open space and recreation, same with comprehensive plans. RIC Energy has addressed every issue, and the Town Engineer and Attorney agreed with that at the meeting on 12/11/25. Mr. Sorgi stated again that by law the Town Board is required to issue a vote within 62 days on the Site Plan and Special Use Permit. RIC Energy would like a vote tonight. Supervisor Drozd replied that there will not be a vote taken tonight. The Town Attorney and Town Engineer cannot be here. Mr. Sorgi said but what about the law? Supervisor Drozd stated that general council was present this evening, not the Town or Deputy Town Attorney. Caleb Henning, the Town Engineer, sent a note to Supervisor Drozd stating that there needs to be adequate time to evaluate the changes to make sure they all fall into the scope of the Environmental Review that was just completed. Supervisor Drozd also said that the Town has not seen anything yet on the Pilot Agreement that Mr. Sorgi was supposed to give the Board. Mr. Sorgi replied that that is not part of the Special Use Permit or Site Plan approval. Supervisor Drozd commented that there needs to be some time to discuss that and get that on there also. This is coming from Caleb Henning and Brian Attea. Bottom line is there will be no vote tonight. Mr. Sorgi wants it noted for the record that the Board is not complying with the law. They had 62 days to do it. It is the 93<sup>rd</sup> day. Supervisor Drozd said then they are not complying with the law, and Mr. Sorgi appreciates his honesty. Attorney McCann stated that he would not say that, but Mr. Sorgi replied that Supervisor Drozd already said it. Attorney McCann did speak with Town Attorney Attea and he asked that Attorney McCann fill in for him because he could not make the meeting. Town Attorney Attea indicated that he did need some time to review this, but in terms of any concessions, we are not making any concessions that the application is complete, or anything along that nature, with respect to our time having the clock start ticking. Mr. Sorgi told him that that is not

when the clock starts ticking. The application was deemed complete months and months and months ago. He knows that Mr. McCann is filling in, but the law does not say 62 days unless Brian Attea and Caleb Henning want a little more time. He said that they have worked with the Town the whole time. He knows that the Town gave a Positive Declaration for no reason to try and delay them, hoping they would go away, and they didn't. We went through and spent \$140,000 and blew another year and went through four Public Hearings. They have complied with everything, and the Negative Declaration says that. You are acknowledging that you are not following the law and the law does not talk about complete application because you cannot have a Public Hearing without a complete application. Mr. Sorgi asked the Board if there would be a vote at the next meeting, and if they could commit to that at the very least. Attorney McCann stated that we can't commit to that at this time, and Mr. Sorgi replied that they can't commit to following the law. Town Attorney Attea needs to review it, and it will be on the agenda for the next meeting, to Attorney McCann's understanding. For what purpose on the agenda, Mr. Sorgi wanted to know. Attorney McCann told Mr. Sorgi that he needs to talk to Town Attorney Attea about that. Attorney McCann told Mr. Sorgi that he understands his position and will convey it to Mr. Attea. Mr. Sorgi asked if he would be told in advance if there are any questions, can he ask for that courtesy, and Supervisor Drozd told him if they come up with anything he will let him know. Supervisor Drozd said that he never got anything from Mr. Sorgi, that it was sent to the Town Clerk, and Mr. Sorgi said that it is not his job to submit anything. After the Public Hearing closed the Board had 62 days to vote. It is not his job to tell them, so that is not an excuse, but he appreciates the honesty about not following the law. Supervisor Drozd stated that on advice of the Town Attorney, General Council and the Town Engineer he cannot have a vote today.

ITEM #5     NEW BUSINESS

- a) Audit of the Bills – Council Member Zittel audited the bills this month.

Year 2026 Abstract 3:

General Fund A, Abstract 3, \$23,118.52

General Fund B, Abstract 3, \$1,706.88

Craneridge Sewer, Abstract 3, \$3,276.83

Highway DB, Abstract 3, \$23,165.08

Kissing Bridge Water, Abstract 3, \$2,591.44

Trevett Rd. Water, Abstract 3, \$2,290.80

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

- b) Approve Town Clerk Safford – Town Clerk Conference Training in Albany – Town Clerk Safford has requested that the Town Board approve her attendance at the Town Clerk Conference in Albany, April 19<sup>th</sup> to April 22<sup>nd</sup>; this was included in the 2026 Budget.

Motion by Council Member Krzemien, seconded by Council Member Kassel, to approve Town Clerk Safford's training. Council Members Drake, Zittel, Krzemien & Kassel; Supervisor Drozd, voting aye. Carried.

- c) Kayla Higgins-Permission to survey/trap for ECFE – The Board is awaiting input from Town Attorney Attea on this, so it will be tabled until next month.

- d) Diane West, leave of absence (maximum six weeks.)

Motion by Council Member Zittel, seconded by Council Member Kassel, to approve this unpaid leave. Council Members Drake, Zittel, Krzemien & Kassel; Supervisor Drozd, voting aye. Carried.

- e) Center for the Arts Art Crawl Request- Supervisor Drozd said that there were not any issues with the Arts Center using the parking lot or side lawn last year. There were also no issues with pick up of artwork on Saturday night in the main hall, but there were problems with people accessing the building and the Arts center opening it up. That was the start of the sewer back up problems in the restrooms. There was a big mess downstairs by the bathrooms. Council Member Krzemien and Supervisor Drozd were at the building, and former Town Clerk Schweikert got called. Wayne Ott had to come in and get things cleaned up. Supervisor Drozd's suggestion is to not let the Center use the restroom facilities. Regardless of what the Village tells the Center about port a johns, the Town should require them to set up port a john and hand washing stations in the parking lot or on the lawn. Council Member Zittel thinks that since there were so many issues last year that the Board should not give the Center any access to the building at all. Council Member Krzemien stated that she is good with letting them use the parking lot and the side lawn. Council Member Drake agrees that Town Hall should be locked completely. The floors may be getting refinished in the Main Hall at that time. There was discussion on letting the Center use the tables and chairs in the Main Hall, and it was decided not to let them use them.

Motion by Council Member Zittel, seconded by Council Member Kassel, to approve the Arts Center to use the side lawn and parking lot only-no building or tables and chairs. Council Members Drake, Zittel, Krzemien & Kassel; Supervisor Drozd, voting aye. Carried.

- f) Caleb Henning's report regarding the sewer line work for Town Hall- Council Member Zittel asked if the camera was going to go in and look again-yes. If anything is different the Board will have to make changes.

Motion by Council Member Kassel, seconded by Council Member Zittel, to approve the contract with Trenchless Today LLC to line the sewer pipe in Town Hall. Council Members Drake, Zittel, Krzemien & Kassel; Supervisor Drozd, voting aye. Carried.

- g) CEO discussion regarding 13072 Belscher Rd.- CEO Roberts is requesting that the Town proceed with demolition of this property. He received a complaint from the neighbor next door. There are certain steps that need to be made. CEO Roberts believes that it is an unsafe property, and it fits all the definitions in the Code. He believes the next step is notifying anyone who has a legal right to the property. Council Member Zittel asked if CEO Roberts has contacted the family of the deceased owner-no he has not. From CEO Roberts' understanding the family wants nothing to do with the property. If they had any interest in the property they should have taken care of this. Council Member Zittel asked if the taxes have been paid on the property-no, not for years. He also asked if it has gone to auction for the County-it has, but no one has ever bid on the property. CEO Roberts is also asking the Board to approve him posting No Trespassing signs on the property. There was discussion between the Board and Attorney McCann about the next steps that would need to be taken. CEO Roberts spoke with Highway Supt. Heim in regards to demolishing the property and the Supt. thinks that it would only take two days for the Highway Department to clean up the property. Attorney McCann said that the next steps should be checking to see if there is an estate that the property is part of, and if so, then notifying the fiduciary. Then if no one has been appointed, check to see if the Town has an obligation to notify Erie County Public Administrators Office. The first step is to declare by Resolution that the property is unsafe, and then a hearing needs to be held in the future.

Motion by Council Member Kassel, seconded by Council Member Krzemien to make a motion by Resolution declaring 13072 Belscher Road, Town of Concord unsafe, and also to approve CEO Roberts to post No Trespassing Signs on the property. Council Members Drake, Zittel, Krzemien & Kassel; Supervisor Drozd, voting aye. Carried.

- h) Town of Ashford Resolution- Supervisor Drozd asked the Board if they have any interest in passing a Resolution similar to the Town of Ashford for the electric delivery charges-cost control and transparency. Council Member Zittel asked if any other town have done this, and Town Clerk Safford and Supervisor Drozd do not know of any other Towns doing this. Council Member Zittel then stated that he would like to table this matter under the Board has more information.

Motion by Council Member Zittel, seconded by Council Member Kassel, to table this matter. Council Members Drake, Zittel, Krzemien & Kassel; Supervisor Drozd, voting aye. Carried.

- i) Auditorium Floor Refinishing – Supervisor Drozd asked the Board to approve spending up to \$5000 to refinish the auditorium floors, as discussed in the work session.

Motion by Council Member Krzemien, seconded by Council Member Kassel, to approve the work on the auditorium floors. Council Members Drake, Zittel, Krzemien & Kassel; Supervisor Drozd, voting aye. Carried.

- j) Accept rates for Azar Engineering re: Ross Road Bridge NY Grant – The rates are the same as 2025.

Motion by Council Member Drake, seconded by Council Member Zittel, to accept the rates. Council Members Drake, Zittel, Krzemien & Kassel; Supervisor Drozd, voting aye. Carried.

- k) Approve Azar Engineering to work with MDA on the survey for the new WWTP-

Motion made by Council Members Zittel, seconded by Council Member Drake to approve Azar Engineering to work with MDA. Council Members Drake, Zittel, Krzemien & Kassel; Supervisor Drozd, voting aye. Carried.

- l) Approve changes in Employee Manual regarding the Health Insurance Buyout Policy- as discussed in the work session.

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

Motion was made by Council Member Krzemien, seconded by Council Member Drake to add m) Approve Kevin Manchester leave of absence extension. Council Members Drake, Zittel, Krzemien & Kassel; Supervisor Drozd, voting aye. Carried.

- m) Kevin Manchester leave of absence extended- his leave would be extended for another two payroll periods that would go until 4/11/26, for a continuation of his unpaid leave.

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

Motion was made by Council Member Kassel, seconded by Council Member Krzemien to add n) Hire Eric Wiedemann to help in CEO office while Kevin Manchester is on leave. Council Members Drake, Zittel, Krzemien & Kassel; Supervisor Drozd, voting aye. Carried.

- n) Hire Eric Wiedemann to help CEO Roberts while Kevin Manchester is on leave- CEO Roberts asked the Board to hire Mr. Wiedemann to work with him part time. Council Member Zittel asked if he has experience to help out with Diane West's job while she is also out on leave-CEO Roberts said he would help as much as he can. Tracy McNally is going to be helping if needed in the CEO in the office while Diane West is off. CEO Roberts is asking for Mr. Wiedemann to be hired temporarily for a maximum of 19.5

hours, at a rate of \$20.00 per hour. Mr. Wiedemann is not a Town resident, but is a certified code officer.

Motion made by Supervisor Drozd, seconded by Council Member Kassel to hire Eric Wiedemann on a temporary, part time basis. Council Members Drake, Zittel, Krzemien & Kassel; Supervisor Drozd, voting aye. Carried.

ITEM #6      COUNCIL MEMBER NOTES

Town Clerk Safford told the Board that the Cordelian Club is holding their annual fundraising dance on Friday, March 20<sup>th</sup> at the Springville Fire Hall.

ITEM #7      EXECUTIVE SESSION

Supervisor Drozd advised that an Executive Session will be necessary to discuss a litigation matter. Motion by Council Member Kassel, seconded by Council Member Drake, to go into Executive Session at 6:46 p.m. Council Members Drake, Zittel, Krzemien & Kassel; Supervisor Drozd, voting aye. Carried.

Motion by Council Member Zittel, seconded by Council Member Krzemien, to come out of Executive Session at 7:33 p.m. Council Members Drake, Zittel, Krzemien & Kassel; Supervisor Drozd, voting aye. Carried.

ITEM #8      MOTION TO ADJOURN

Motion by Council Member Krzemien, seconded by Council Member Kassel, and passed unanimously, to adjourn the meeting at 7:34 p.m. in memory of:

Ruth Gentner  
Wifido Marroquin  
Calvin Neureuther  
Jeff Gier  
Anthony Messina  
James Nagy  
Karen Rich  
William Smith  
Daniel Komenda  
Barbara Schunk  
James Mize

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Laura Safford  
Town Clerk