

TOWN OF CONCORD TOWN BOARD MEETING September 10, 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
 KIMBERLY S. KRZEMIEN, COUNCIL MEMBER
 KENNETH KASSEL, COUNCIL MEMBER
 KENNETH D. ZITTEL, COUNCIL MEMBER

ALSO PRESENT: LAURA SAFFORD, Town Clerk
 BRIAN F. ATTEA, Town Attorney
 LARRY HEIM, Hwy Supt

ERIC WILLIAMS, Springville Journal
PATRICK BISHOP

INVOCATION DELIVERED BY TOWN CLERK SAFFORD

PLEDGE TO THE FLAG LED BY COUNCIL MEMBER KREZMIEN

Supervisor Drozd asked for a moment of silence for the Town of Marilla Supervisor, Earl Skip Gingerich, who unexpectedly passed away recently.

ITEM #1 COMMUNITY ENGAGEMENT TEAM

Deputy Miller was late to this meeting because he was on a call, and he will send Town Clerk Safford his report. He did discuss FLOCK cameras with the Board, and he advised that if any residents are complaining about these cameras, they should call FLOCK directly.

ITEM #2 CONSENT AGENDA

- a) Approval of Minutes:
 - (1) Work Session – 8/13/2026
 - (2) Town Board Meeting – 8/13/2026

Motion by Council Member Drake, seconded by Council Member Zittel, to approve Consent Agenda, Items 1-2. All members voting aye. Carried.

- b) Monthly Reports:
 - (1) Code Enforcement Report – August 2026
 - (2) Dog Control Officer Report – August 2026
 - (3) Town Clerk Report – August 2026
 - (4) Senior Director Report – August 2026
 - (5) Assessor's Report – August 2026
 - (6) Supervisor Report – July and August 2026

Motion by Council Member Zittel, seconded by Council Member Krzemien to approve Consent Agenda, Items 1-6. All members voting aye. Carried.

ITEM #3 RESIDENT CONCERNS

Supervisor Drozd opened the floor for Resident Concerns.

Patrick Bishop is attending on behalf of the AMVETS Post on Route 391. The organization would like to put up a new sign. CEO Roberts informed the Board that the building is zoned as RAG, and was never placed in a commercial zone. According to RAG rules there is only a small sign allowed to designate a farm or a residence. If the AMVETS were to apply to get a sign permit they would be referred to the Zoning Board

of Appeals, which costs \$500. Guy Marlette of the Planning Board is already working on updating sign regulations to the Town's code, and they would like to add a stipulation to allow a not for profit organization to have a sign at no cost. Council Member Krzemien asked if the fee could be waived if they went before the ZBA, and Town Attorney Attea stated that he would need to look into this. CEO Roberts wanted to know if it was possible for the Board to pass a resolution to allow them to put the sign up before the changes are made to the code as recommended by the Planning Board. There is currently a sign in the parking lot, which makes it very difficult to see the road. Town Attorney Attea doesn't believe that the Town Board could pass this resolution. CEO Roberts is going to send Town Attea the sections of the code that pertain to this matter.

No one else addressed the Board.

ITEM #4 HIGHWAY DEPARTMENT

a) Hwy Supt Heim asked the Board to receive and file his Highway Report.

Supt. Heim said that his high lift is up for the five year rotation, so he is going to look into a price for purchasing one in the spring. There is a gas tank at the shop, and the pick up truck and the chain saw are the only items that use gas. The insurance is higher at the highway garage because of the gas tank. The pick up truck is three years old and the warranty is up in November of this year-he and Supervisor Drozd spoke about looking at prices for a new truck, and were comparing gas vs. diesel. If he were to purchase a new diesel truck then they could get rid of the gas tank and save money on the insurance. The highway department could then use a card at the Kwik Fill to purchase fuel. At another time Supt. Heim would like to discuss getting extended warranties on the plow trucks, since it is cheaper to get those before the warranty expires.

Motion by Council Member Kassel, seconded by Council Member Zittel. All members voting aye. Carried.

ITEM #4 OLD BUSINESS

a) KBCRWWTP Update- The project started today. Jonathan Rogers from MDA was there yesterday and today. Tim Domes, the water operator was also there. This will probably take three to four weeks to complete. Supervisor Drozd, Caleb Henning and Town Attorney Attea had a conversation with the DEC in regards to fines that are being charged to the Town for violations at the sewer plant. They are working on coming up with a resolution to this issue, as most of these delays were caused by the DEC not getting information back to the Town in a timely manner.

ITEM #5 NEW BUSINESS

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

Year 2026 Abstract 9:
General Fund (A), Abstract 9, \$45,528.89
General Fund (B), Abstract 9, \$10,288.30
Concord Senior Van (JV), Abstract 9, \$17.19
Craneridge Sewer (SS1), Abstract 9, \$7,406.15
Highway Outside Village (DB), Abstract 9, \$29,106.27
Kissing Bridge Water (SW1), Abstract 9, \$1,007.79
Kissing Bridge Sewer (SS2), Abstract 9, \$7,846.09
Cattaraugus St. Water (SW3), Abstract 9, \$40.00
Crane Ridge Sewer Project (HA), Abstract 9, \$9,182.50

Motion by Council Member Zittel, seconded by Council Member Krzemien, to approve the bills in Abstract 9 as presented. All members voting aye. Carried.

b) Surplus of Town Clerk desks and 24-inch snowblower from the Senior Center

Motion by Council Member Drake, seconded by Council Member Zittel. All members voting aye. Carried

c) Set 2027 Budget Work Sessions- September 23, 2026 8 a.m.

Motion by Council Member Kassel, seconded by Council Member Drake. All members voting aye. Carried

d) Frank Giordano – 11980 Trevett Road

Mr. Giordano received a Special Use Permit in February of 2026 and he has not yet followed all of the conditions that were set with the permit. The Planning Board has concerns and wants the Town Board to discuss this and take action. There was supposed to be greenery planted by August, but Mr. Giordano would like to plant trees in the fall instead, according to a conversation he had with Town Clerk Safford. CEO Roberts spoke with Mr. Giordano after that and Mr. Giordano would now like to wait until spring at the recommendation of the grower so that the plants are not stressed in the winter. Council Member Zittel said that he feels that something was supposed to be done by August and the Board already gave him a lot of time. The Planning Board and Town Board has bent over backwards for Mr. Giordano. CEO Roberts is not sure where he is supposed to go with this matter and is looking for direction from the Town Board. Town Attorney Attea said that the Board should give him a specific date to have the trees planted. Supervisor Drozd believes that a letter should be sent giving Mr. Giordano six months to plant the trees, and Council Member Zittel thinks October 30.

Motion by Supervisor Drozd, seconded by Council Member Kassel, to send a letter to Mr. Giordano stating that the trees need to be planted by April 30, 2027 or else the Special Use Permit is automatically revoked. Council Members Zittel and Krzemien voting no, Supervisor Drozd, Council Members Kassel and Drake voting yes. Carried

e) Kiwanis Club to use Senior Center on 12/12/26 for their annual toy drive

Motion by Council Member Krzemien, seconded by Council Member Zittel. All members voting aye. Carried

f) FOIL Non-Solicitation form

Town Clerk Safford discussed AI FOIL requests that are being sent to many Towns in the state looking for information that appears may be used to solicit residents. The Department of State got involved in an email conversation that was being had by almost 500 Town Clerks in the state, and they said that a Town can sent out this form when they receive a FOIL request looking for information. If the form gets signed stating that the information will not be used to solicit residents then the information can be released.

Motion by Council Member Krzemien, seconded by Council Member Zittel. All members voting aye. Carried

g) Set Public Hearing Date- Community Development Block Grant Application- October 8, 2026 5:15 p.m.

Motion by Supervisor Drozd, seconded by Council Member Drake. All members voting aye. Carried

h) 30 Day Agricultural Notice - Agricultural District Annual Enrollment - This Notice is also posted in the Bulletin Board at the Town Hall and the town's website.

PUBLIC NOTICE

Per New York State Agriculture and Markets Law Section 303-b, the Erie County Legislature designated September 1 through September 30 as the annual thirty-day period during which landowners may submit requests to include predominantly viable agricultural land into an existing certified agricultural district.

Copies of the application form have been provided to Municipal Clerk's, Assessors and Chief Elected Officials for distribution to interested landowners. The application is also available on the DEP website at www.erie.gov/environment.

The Erie County Department of Environment and Planning will accept applications from September 1 through September 30. Any questions on this process should be directed to the Erie County Department of Environment and Planning.

A public hearing will also be scheduled at a later date to consider all inclusion requests and the recommendations of the Erie County Agricultural and Farmland Protection Board.

Contact Information:

Sarah Gatti, Senior Planner
Erie County Environment & Planning
95 Franklin Street, 10th Floor
Buffalo, NY 14202
Phone: (716) 858-6014
Fax: (716) 858-7248
Email: agriculture@erie.gov

i) NYS Court System Resolution

TOWN OF CONCORD ERIE COUNTY SPRINGVILLE, NEW YORK

DATE: September 10, 2026

I hereby certify that at a meeting of the Town Board of the Town of Concord held at the Town Hall in the Town of Concord on the 10th day of September, 2026, a Resolution was adopted of which the following is a true copy.

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

WHEREAS, Section 2019-a of the Uniform Justice Court Act requires every justice of a village or town to submit his records and docket to the auditing board of said village or town; and

WHEREAS, Section 2019-a of the Uniform Justice Court Act requires that Justice Court records shall be examined and audited by said auditing board or a certified public accountant.

NOW, THEREFORE BE IT RESOLVED that the audit and examination of the records of the Concord Town Justices for the year ended December 31, 2025 was performed by Donald Przybyl; and

BE IT FURTHER RESOLVED that the findings of said audit and examination were presented to the Town Board of the Town of Concord.

Motion by Council Member Drake, seconded by Council Member Zittel. All members voting aye. Carried

j) EV Station Resolution

TOWN OF CONCORD COUNTY OF ERIE STATE OF NEW YORK

RESOLUTION NO.# 10 OF 2026

RESOLUTION ACCEPTING REQUIREMENT FOR OPERATING PERMIT FOR
INSTALLATION OF EV STATIONS

At a regular meeting of the Town Board of the Town of Concord, held on the 10th day of September, 2026, at Springville, New York.

WHEREAS, the Town Board has determined that Commercial Electric Vehicle Charging Stations require an Operating Permit.

NOW, THEREFORE, BE IT RESOLVED:

1. The Town Board hereby declares that Commercial Electric Vehicle Charging Stations require an Operating Permit, as defined in Town Code §72-10(8).
2. 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.
3. This Resolution shall take effect immediately upon its adoption.

The foregoing Resolution was duly put to a vote by motion by Council Member Krzemien, seconded by Council Member Zittel, and passed by unanimous vote.

Dated: September 10th, 2026

Motion by Council Member Krzemien, seconded by Council Member Zittel. All members voting aye. Carried

k) Fee schedule Resolution

TOWN OF CONCORD COUNTY OF ERIE STATE OF NEW YORK

RESOLUTION NO. # 11 OF 2026

RESOLUTION ACCEPTING FEE FOR OPERATING PERMIT.

At a regular meeting of the Town Board of the Town of Concord, held on the 10th day of September, 2026, at Springville, New York.

WHEREAS, The Town Board has set a Fee Schedule as more particularly described in revised §68-3; including an amendment for an Operating Permit.

NOW, THEREFORE, BE IT RESOLVED:

1. The Town Board hereby declares that the fee for an Operating Permit is set at \$200.00.
2. 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.
3. This Resolution shall take effect immediately upon its adoption.

The foregoing Resolution was duly put to a vote by motion by Council Member Drake, seconded by Council Member Zittel, and approved by a unanimous vote.

Dated: September 10th, 2026

Motion by Council Member Drake to charge \$200.00, seconded by Council Member Zittel. All members voting aye. Carried

l) Town Clerk's office hiring part time employee for tax collection \$20 per hour

Motion by Council Member Zittel, seconded by Council Member Kassel. All members voting aye. Carried

m) New Copier Lease for Supervisor's Office

Motion by Council Member Krzemien, seconded by Council Member Zittel. All members voting aye. Carried

n) Approve Local Law #6, Tax Cap Override

Local Law No. 6 of the Year 2026 Town of Concord, County of Erie

A local law to override the tax levy limit established in General Municipal Law §3-c
Section 1. Legislative Intent

It is the intent of this local law to allow the Town of Concord to adopt a budget for the fiscal year commencing January 1, 2027 that requires a real property tax levy in excess of the "tax levy limit" as defined by General Municipal Law §3-c.

Section 2. Authority

This local law is adopted pursuant to subdivision 5 of the General Municipal Law §3-c, which expressly authorizes a local government's governing body to override the property tax cap for the coming fiscal year by the adoption of a local law approved by a vote of sixty percent (60%) of said governing body.

Section 3. Tax Levy Limit Override

The Town Board of the Town of Concord, County of Erie, is hereby authorized to adopt a budget for the fiscal year commencing January 1, 2027 that requires a real property tax levy in excess of the amount otherwise prescribed in General Municipal Law §3-c.

Section 4. Severability

If a court determines that any clause, sentence, paragraph, subdivision, or part of this local law or the application thereof to any person, firm or corporation, or circumstance is invalid or unconstitutional, the court's order or judgment shall not affect, impair or invalidate the remainder of this local law, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, or part of this local law or in its application to the person, individual, firm or corporation or circumstance, directly involved in the controversy in which such judgment or order shall be rendered.

Section 5. Effective Date

This local law shall take effect immediately upon filing with the Secretary of State.

Motion by Council Member Zittel, seconded by Council Member Kassel. All members voting aye. Carried

o) Approve Report of 2025 Audit

Motion by Council Member Kassel, seconded by Council Member Krzemien. All members voting aye. Carried

p) Move \$500,000 from operating to NYCLASS

There is \$1.6 million in the operating checking account at this time. Council Member Drake thinks that we should move at least \$750,000 instead of \$500,000.

Motion by Council Member Krzemien, seconded by Council Member Drake to move \$750,000. All members voting aye. Carried

Supervisor Drozd asked for a motion to add q) to the agenda, changing health insurance carrier from Independent Health to Univera.

Motion made by Council Member Drake, seconded by Council Member Zittel to add q) to the agenda. All members voting aye. Carried.

q) Changing health insurance carrier from Independent Health to Univera.

Motion made by Council Member Kassel, seconded by Council Member Drake to approve insurance change. All members voting aye. Carried.

Supervisor Drozd asked for a motion to add r) to the agenda, approve the revised annual SPCA agreement effective October 1, 2026

Motion made by Council Member Drake, seconded by Council Member Zittel to add r) to the agenda. All members voting aye. Carried.

r) Approve the revised annual SPCA agreement

Town Attorney Attea has looked over the new agreement, and he said that is it the same agreement as last year, but the SPCA now has the option to refuse animals if they do not have adequate staffing or space, and if any dogs brought there does not have the proper vaccinations those will be given to the animal at a cost to the Town. There is also a clause that the agreement will automatically renew annually unless either party voluntarily terminates within 30 days of the expiration date.

Motion made by Council Member Drake, seconded by Council Member Zittel to approve. All members voting aye. Carried.

ITEM #6 COUNCIL MEMBER NOTES

Council Member Zittel said that the Zoar Moto Park Event is going to be held on September 26th and 27th, 2026.

Council Member Krzemien let the Board know that she went out of town recently to Ohio and the hotel she was staying was right next to a data center. She said the lights were very bright and it was loud

ITEM #7 EXECUTIVE SESSION

Supervisor Drozd advised that an Executive Session will be necessary to discuss a personnel issue. Motion by Council Member Zittel, seconded by Council Member Drake, to go into Executive Session at 7:28 p.m. All members voting aye. Carried.

Motion by Council Member Drake, seconded by Council Member Zittel, to come out of Executive Session at 8:11 p.m. All members voting aye. Carried.

ITEM #8 MOTION TO ADJOURN

Motion by Supervisor Drozd, seconded by Council Member Krzemien, and passed unanimously to adjourn the meeting at 8:14 p.m. in memory of:

Martha Jane Miller
Reed Braman
Irma I. Conner
Sandra Jane O'Connor
Ethel L. Grigsby
Elwyn White
Stephen Hoch
Curtis McRae
Norma Lightcap

Laura Safford
Town Clerk