

## Newstead Town Board Meeting- December 13, 2021

A public hearing was called to order by the Newstead Town Board on Monday, December 13, 2021 at 7:25pm at the Newstead Town Hall.

Present: David Cummings- Supervisor  
John Jendrowski- Councilman  
Joseph Dugan- Councilman  
Edmund Burke- Councilman  
Patricia Pope- Councilwoman  
Brendan Neill- Town Attorney  
Emily Janicz- Assistant Town Attorney  
Scott Rybarczyk- Town Engineer  
Dawn Izydorczak- Town Clerk

Roll Call was taken with all board members present.

The Supervisor called the **public hearing** on proposed Local Law #14 of 2021 that would opt out of on-site consumption sites for cannabis under the cannabis law at 7:25pm.

The Clerk read the proof of publication. The Supervisor explained the towns decision to resubmit this law with amendments opting out of on-site consumption sites but still allowing dispensary sites.

Comments: Norm Naab and his wife Susan of 4600 Crittenden Rd spoke in opposition to onsite consumption as well as allowing dispensaries. They have had a big increase in people pulling over in front of their house and asking for directions to the reservation just due to the increase in gas prices. They see no reason for onsite consumption locations, and he has personally seen the effects of marijuana on his men he commanded while in the service. They feel opting out totally at first is best to wait and see what the potential economic benefits might be and what the repercussions of this will be. The state needs to set their regulations and policing policies first.

Each of the Board members restated their positions from last meeting on the subject.

Councilman Jendrowski submitted an email he had received from Peter Richardson, who has the exact same views that Mr. & Mrs. Naab stated here today. He stated it comes down to individual rights and believes it's not really going to change anything. It's been here for a long time but now its legal and we have to deal with that.

Councilman Burke stated he concurs with the email from Mr. Richardson and Mr. Naab's views. He has continually diligently tried to persuade that the opt out is the best choice right now as we can always opt back in at a later time once we know the regulations.

Councilwoman Pope stated we just don't know all the rules and you need to know the rules before you play the game. We need to opt out for now.

Supervisor Cummings agrees and stated we can always opt back in once we know the rules.

Councilman Dugan stated he stills believes we need to stop dictating and telling people what they can or cannot do. It has been legalized now and really feels NYS will heavily regulate it. He is still in favor of opting in.

The email sent in by Peter Richardson of Sandhill Rd was entered into the record as being in favor of opting out of the cannabis laws at this time citing not knowing the regulations the state will set forth, the need for reliable road testing for DUI's, and just not seeing such things as being a part of the identity of Newstead as his reasons.

There being no further comments, a motion was made by Councilwoman Pope, seconded by Councilman Dugan to close the public hearing at 7:41pm. Carried Unanimously

The Supervisor called the **public hearing** on the proposed electronics equipment purchases for the Newstead Fire Company at 7:41pm.

The Clerk read the proof of publication. The Supervisor explained the fire company is required to get town board approval for such purchases and the expense would come out of the fire budget. Due to the NYS mandates the fire companies must adhere to new regulations by December 31, 2021 that makes this equipment necessary now.

Comments: Councilwoman Pope questioned if there are any strings attached to the funding source for the grants available for this equipment. Supervisor Cummings did not think so but could research if necessary.

There being no further comments, a motion was made by Councilman Dugan, seconded by Councilman Jendrowski to close the public hearing at 7:45pm. Carried Unanimously

The **regular meeting** of the Town Board was called to order at 7:46pm with the same members present as listed above.

Town Attorney Brendan Neill led the pledge to the flag.

Minutes from the regular meeting held on November 22, 2021 were presented for approval. A motion was made by Councilman Dugan, seconded by Councilman Jendrowski to approve as presented. Carried Unanimously

**Agenda Changes** – A motion was made by Councilman Dugan, seconded by Councilwoman Pope to approve the following agenda changes: add a motion to approve ErieNet support letter Carried Unanimously

**Communications** – The Town Clerk presented the following correspondence:

A notice was received from Charter Communications notifying the town of upcoming programming changes in December and January.

A notice of upcoming winter webinar series was received from the NYS Department of State for planning and zoning officials.

Six (6) emails were received from individuals inquiring about the town boards views on the County mask mandates.

A request was received from Debbie Hilton requesting permission again this year to set up an ornament exchange on the bike path fencing at the Buell St crossing beginning on 12/14/2021 thru 1/1/2022.

A letter was received from the NYS Department of State acknowledging receipt of Local Laws #12 and #13, which were received and filed on November 26, 2021.

A motion was made by Councilwoman Pope, seconded by Councilman Dugan to accept, and file the presented correspondence. Carried Unanimously

**Work Session:** The Supervisor reported that no work sessions were held last 2 weeks but the following items were discussed prior to tonight's meeting: water/sewer and culvert project updates, planning items, building issue updates, grant updates, gas well, plus any other items brought before the Board.

**Agenda Items Question Period:** no one spoke

**Budget transfers:** a motion was made by Councilman Dugan, seconded by Councilwoman Pope to approve the budget transfer(s) as presented in a memo from Bookkeeper Colleen Salmon dated 12/13/21. Carried Unanimously

**Approval of Bills** – Councilman Jendrowski reported that the Abstract(s) from Batch(es) #2185 have been reviewed with the previously un-audited vouchers and everything was found in order. Abstract Batch(es) #2188 were presented for payment. Vouchers on this abstract(s) numbered 1253-1327, totaling \$183,068.21. Councilman Dugan seconded to approve payment as follows:

Abstract Batch(es) #2188:  
General Fund (A)-\$40,381.86, General Fund- Outside Village (B)-\$27.58, Highway (DA) -\$0, Highway: Outside Village (DB)-\$46,357.51, CAP-Multicultural Ctr (HMCC)- \$0, CAP-Water-Scotland (HS)-\$0, CAP-Water-Koepsel (HW)-\$0, CAP-Water-Draper (HW01)-\$0, CAP-Water-

Cedar (HW02)-\$0, CAP-Water-Knapp (HW03)- \$64,028.47, CAP-Bike Path (HTG)-\$0, Drainage (SD)-\$4,024.18, Fire Protection (SF)-\$0, Refuse (SR)-\$27,086.41, Sewer #1 Fund (SS)-\$422.25, Sewer District #2 (SS02)-\$183.50, Sewer District #3 (SS03)-\$551.50, Trust & Agency(TA)-\$0 and Consolidated Water (SW00)-\$4.95, WD1(SW1)- \$0, WD2(SW2)- \$0, WD3(SW3)- \$0, WD4(SW4)- \$0, WD5(SW5)- \$0, WD6(SW6)- \$0, WD7(SW7)- \$0, WD7A(SW7A)- \$0, WD8(SW8)- \$0, WD9(SW9)- \$0, WD10(SW10)- \$0; Total:\$183,068.21 Carried Unanimously

**COMMITTEE AND DEPARTMENT HEAD REPORTS:**

**Highway** – a report was presented from the Highway Supt that the crew did 700’ of field ditching on Crittenden Rd, repairs were made to #10 lights and the tank on #5, checked roads for limbs and branches, delivered cots and ran for paint supplies for the Senior Center, put cold patch in holes, plowed and salted as needed and took 3 boxes of shelving to the Emergency Management office and assembled them.

**Assessor** – a report was presented by Tina and read by the Supervisor stating they are still processing exemptions as they are turned in. She just inspected and valued 2 new builds on Havens in order to give attorneys tax estimates. There are several splits and merges pending as she waits on County mapping to complete them. All sales data has been processed and the latest sales are attached to her report.

**Building Office** – the following building report was presented by Christine Falkowski of the Planning & Building Department:

Eric Friedman	7310 Sandhill	Pole barn
Mill-Hersh Construction	12784 Dorsch	Pole barn
Mark Carrubba	5451 Crittenden	Roof mounted solar
Patricia Gerstung	7702 Greenbush	Roof
Lee Asbeck	13832 Main	Remodel/C of O

The Town Board accepted the building report as presented.

**Town Clerk-** school tax collections have been finalized and submitted to both schools and the Counties. Everything went very well. Less than 2% of total taxes were uncollected.

**Town Attorney(s)** – nothing at this time

**COUNCILPERSONS:**

**Jendrowski-** he spoke with Dave Miller regarding the Clair Drive complaints, spoke with Steve Rott about the library, talked to Russ at NuPipe, received the email from Mr. Richardson on the cannabis laws and spoke with Dan Kowalik regarding the windstorm damage.

**Dugan** – he attended the Newstead Fire Company installation dinner and presented a 60-year service award to Dan Cummings on behalf of the town. It was a very nice event and well received. He congratulates Dan on his tremendous service to the residents of Newstead for 60 years.

**Burke** – he thanked Councilman Jendrowski for generously taking care of the bills for him in December while he recovers.

**Pope-** she attended a Recreation Board meeting and is happy to report that all programs are at capacity and some even have a waitlist to get in.

**Supervisor-** He addressed mask and cannabis issues, attended a virtual meeting of the Supervisors and County Executive Poloncarz today at 2pm regarding updates with covid and masking requirements. He stated that while numbers are still high, they are already coming down so hopefully this wont last too long.

**UNFINISHED BUSINESS:**

**Buildings-** John reminded everyone that the patio blocks at the library need to be lifted and fixed to allow better drainage. He is still working with Steve Rott on roof leaks and re-pricing inspection services.

**Planning-** nothing new

**Water/Sewer-** Scott reported that Wendel, the Supervisor, and the Town Attorney met with the waterline contractor which seemed to go well. On the Culvert study all the work is completed, and their final report will be forthcoming.

**Grants-** nothing new

**NEW BUSINESS:**

**Approval – Grant Writing Services Contact Renewal 2022:**

A motion was made by Councilman Burke, seconded by Councilwoman Pope approving the proposed contract renewal with Rotella Grant Management for grant writing services for 2022, subject to the terms set forth in the resolution and authorizing the Supervisor to execute the agreements.

(Resolution) Cummings-Aye, Dugan-Aye, Burke-Aye, Jendrowski-Aye, Pope-Aye  
Carried Unanimously

**Approval - Bond Counsel Services Contact Renewal 2022:**

A motion was made by Councilman Dugan, seconded by Councilwoman Pope approving the proposed contract renewal with Hawkins Delafield & Wood LLP for bond counsel services for 2022, subject to the terms set forth in the resolution and authorizing the Supervisor to execute the agreements.

(Resolution) Cummings-Aye, Dugan -Aye, Burke-Aye, Jendrowski-Aye, Pope-Aye  
Carried Unanimously

**Approval - Legal Services Contract Renewal 2022:**

A motion was made by Councilman Jendrowski, seconded by Councilman Dugan approving the proposed contract with Emily Janicz for legal services as Town Attorney, Michael T. Coutu as Assistant Town Attorney, and Brendan Neill as Assistant Town Attorney in 2022, subject to the terms set forth in the resolution and authorizing the Supervisor to execute the agreements.

(Resolution) Cummings-Aye, Dugan-Aye, Burke-Aye, Jendrowski-Aye, Pope-Aye  
Carried Unanimously

**Approval – Accounting/Audit Services Contact Renewal 2022:**

A motion was made by Councilwoman Pope, seconded by Councilman Burke approving the proposed contract renewals with Drescher & Malecki LLP for accounting services for 2022 and auditing services for 2022 and 2023, subject to the terms set forth in the resolution and authorizing the Supervisor to execute the agreements.

(Resolution) Cummings-Aye, Dugan-Aye, Burke-Aye, Jendrowski-Aye, Pope-Aye  
Carried Unanimously

**Approval - Engineering Services Contract Renewal 2022:**

A motion was made by Councilman Burke, seconded by Councilwoman Pope approving the proposed contract renewal with Wendel WD Architecture, Engineering, Survey & Landscape Architecture, PC for engineering services for 2022, subject to the terms set forth in the resolution and authorizing the Supervisor to execute the agreements.

(Resolution) Cummings-Aye, Dugan -Aye, Burke-Aye, Jendrowski-Aye, Pope-Aye  
Carried Unanimously

**Approval - Agreement to Expend Highway Funds for 2022:**

A motion was made by Councilman Jendrowski, seconded by Councilwoman Pope approving the proposed agreement to expend highway funds for 2022 in the sum of \$250,000.00 for general repairs on 29.76 miles of town roads including sluices, culverts, and bridges spanning less than 5 feet and chipping and sealing various roads where needed and shoulder rehabilitation on various roads throughout the Town. Also including mill in place then oil & stone on Utley Rd between Clarence

Center Rd & the Keller Rd, a distance of 1.13 miles, and 9.5mm top/7F top 20'x2" on Pohl Rd between Buckwheat Rd and Lesswing Rd for a distance of .15 miles and also including North Ayers Rd starting at Stage Rd and ending at the dead end a distance of .28 miles a 9.5mm top/7F top a width of 20 feet and 2 inches thick, subject to the terms set forth in the contract and authorizing the Highway Superintendent to execute the agreements.

(Resolution) Cummings-Aye, Dugan -Aye, Burke-Aye, Jendrowski- Aye, Pope-Aye

Carried Unanimously

**Approval – Opposing NYS & Erie County COVID Emergency Response:**

A motion was made by Councilman Jendrowski, seconded by Councilman Dugan issuing opposition to the mask mandates implemented by NYS and Erie County and choosing to allow citizens and businesses within the town to make their own educated decisions regarding masking and their own health.

(Resolution) Cummings-Aye, Dugan -Aye, Burke-No, Jendrowski-Aye, Pope-Aye

Carried

**Resolution – Wendel GIS Contact Renewal 2022:**

A motion was made by Councilwoman Pope, seconded by Councilman Burke approving the proposed contract renewal with Wendel (and ESRI) for GIS services for 2022, subject to the terms set forth in the resolution and authorizing the Supervisor to execute the agreements.

(Resolution) Cummings-Aye, Dugan-Aye, Burke-Aye, Jendrowski-Aye, Pope- Aye

Carried Unanimously

**Approval-Fire Company Equipment Purchase:**

A motion was made by Councilman Dugan, seconded by Councilman Jendrowski approving the proposed purchase of electronic equipment, software and ancillary internet service for use by the Newstead Fire Company at a total cost of \$11,862.47.

(Resolution) Cummings-Aye, Dugan-Aye, Burke-Aye, Jendrowski-Aye, Pope- Aye

Carried Unanimously

**Adoption-Local Law #14 of 2021- Cannabis Law opt out decision:**

A motion was made by Councilwoman Pope, seconded by Councilman Burke approving the adoption of Local Law #14 of 2021 that provides for a total opt out of allowing dispensaries and on-site consumption sites within the Town.

(Resolution) Cummings-Aye, Dugan-No, Burke-Aye, Jendrowski-No, Pope- Aye

Carried

**Approval- 2022 Organizational Meeting & Swearing In:**

A motion was made by Councilman Dugan, seconded by Councilman Burke approving scheduling the organizational meeting 2022 for January 3rd at 7:00pm, along with the swearing in of newly elected officials.

Cummings-Aye, Dugan-Aye, Burke-Aye, Jendrowski-Aye, Pope-Aye

Carried Unanimously

**Approval- Ornament Exchange Program:**

A motion was made by Councilman Dugan, seconded by Councilwoman Pope approving the request by Debbie Hilton to have an ornament exchange on the bike path at the Buell St location beginning on December 14<sup>th</sup> and running thru January 1, 2022.

Cummings-Aye, Dugan-Aye, Burke-Aye, Jendrowski-Aye, Pope-Aye

Carried Unanimously

**Approval- Support Letter for ErieNET:**

A motion was made by Councilman Burke, seconded by Councilman Dugan approving the Supervisor to send a letter of support on behalf of the town for the ErieNET program.

Cummings-Aye, Dugan-Aye, Burke-Aye, Jendrowski-Aye, Pope-Aye

Carried Unanimously

**Privilege of the Floor/Question Period:** Norm Naab thanked the Board for their vote on the cannabis legislation and inquired about the status of storm damage clean up, especially the internet and cable restoration time table, as he has not been able to get through to Spectrum. Councilman Dugan gave him an update.

The Board entered executive session at 8:26pm on a motion from Councilman Dugan, seconded by Councilwoman Pope to discuss the waterline project contract.

The Board exited executive session at 8:36pm having taken no action on a motion from Councilman Burke, seconded by Councilwoman Pope.

There being no further business to come before the board for the regular meeting, a motion was made by Councilwoman Pope, seconded by Councilman Burke to adjourn the regular meeting at 8:36pm. Carried Unanimously

Respectfully Submitted,  
Dawn D. Izydorzak, RMC, Town Clerk