

Newstead Town Board Meeting- December 14, 2020

A public hearing was called to order by the Newstead Town Board on Monday, December 14, 2020 at 7:25pm at the Newstead Town Hall.

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

Roll Call was taken with all board members present.

The Supervisor called the **public hearing** to order on the proposed site plan for a 175kW solar array project at 12292 Clarence Center Rd owned by Arrowhead Golf Club at 7:25pm.

The Clerk read proof of publication. The Supervisor stated this project has been reviewed and recommended for approval by the Planning Board, Wendel completed 3 reviews of the project to ensure it coordinated well with the plan for the hotel and then was submitted to the Town Board for final approval. State and County Agencies were notified and comments were received.

Comments: no one spoke about the project

Councilman Burke questioned again the reasoning for 2 addresses at the parcel citing concerns if someone were “Googling” the property would they find both addresses or not. After much speculation the Supervisor went and asked Code Enforcement Office Miller to enter the meeting from the Planning Board meeting he was attending. He stated the golf course owners chose to use that address for their purpose of utilities location for the Sterling. The town did not assign that number to the property nor does the building department recognize it as a legal address for that property. Only the 12292 is a legal address for the property.

There being no further comments, a motion was made by Councilman Dugan, seconded by Councilman Jendrowski to close the public hearing at 7:37pm Carried Unanimously

The **regular meeting** of the Newstead Town Board was called to order at 7:38pm with the same members present as listed above.

Supervisor Cummings led the pledge to the flag.

Minutes from the regular meeting held on November 23, 2020 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 Supervisor Cummings, seconded by Councilwoman Pope to make the following agenda changes: add a motion to cancel the next work session Carried Unanimously

Communications – The Clerk presented the following correspondence:

Two letters were received from Charter Communications regarding changes in programming and services effective December 2020-January 2021.

An email with photos was received from Debbie Hilton regarding the ornament exchange that was set up on the bike path by Buell St.

A letter was received from Heritage Wind notifying the town of a virtual public hearing on December 10th from 6pm-7:30pm to provide a project update and information on the Section 94-c permitting process.

A notice of hearing was received from the Town of Alden regarding a new Local Law setting up a tree care rezone.

A letter was received from the NYS Dept. of State notifying the town that Local Laws #3 & #4 were received and filed on November 27, 2020.

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

Work Session: The Supervisor reported a work session was held last week where the following items were discussed: a meeting with the Planning Board Chairman Cowan & member John Potera on backland development, a meeting with the Emergency Services Coordinator, water and sewer project updates, planning item updates, building issue updates, grant updates, gas well, drainage issues, Court issues, 2021 items, recreation program, joint facility issues plus any other items brought before the Board. An executive session was held during the work session from 8:24pm-9:05pm on a personnel matter with no action taken.

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 12/14/20. Carried Unanimously

Approval of Bills – Councilman Burke reported that the Abstract(s) from Batch(es) #2086 have been reviewed with the previously un-audited vouchers and everything was found in order. He presented Abstract Batch(es) #2089, 2092 & 2093 plus a postage transfer for payment. Vouchers on this abstract(s) numbered 1260-1325, totaling \$241,076.02. Councilwoman Pope seconded to approve payment as follows:

Abstract Batch(es) #2089, 2092, 2093 & postage transfer:
 General Fund (A)-\$130,332.96, General Fund- Outside Village (B)-\$21,686.68, Highway (DA) -\$0, Highway: Outside Village (DB)-\$58,905.68, Drainage (SD)-\$0, Fire Protection (SF)-\$0, Refuse (SR)-\$26,312.32, Sewer #1 Fund (SS)-\$665.88, Sewer District #2 (SS02)-\$288.50, Sewer District #3 (SS03)-\$579.50, Trust & Agency(TA)-\$0 and Consolidated Water (SW00)-\$2,304.50, 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: \$241,076.02 Carried Unanimously

COMMITTEE AND DEPARTMENT HEAD REPORTS:

Highway – a report was presented from the Highway Supt as follows: the crews hauled chips to Zoladz in Alden, checked for limbs and garbage on the bike path and cleaned up items dumped on Jones Rd, reset a sign on Stage Rd, assisted with set up of the shed on the bike path, went out 3 times to plow and salt roads and plowed parking lots, cleaned the drains in the shop, mowed the old railroad east of Scotland Rd and ditched both sides of the box culvert, repaired oil line on #8 truck, put house numbers on the Denio Community Building, and replaced the cutting edge on #7’s wing.

Assessor – a report was presented from Tina and read by the Supervisor stating she will be returning to the office December 22nd and has been stopping in to check the mail and messages. She provided an updated sales report for November & December. She continues to work on inspection and valuation of new construction and exemptions are still being returned by residents.

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

Cara Eberle	12532 Hunts Corners	Roof
Cesarano Trust	13111 Martin	Windows
Besroi Construction	185 Quarry Hills	Roof

Owl Homes of Fredonia	4466 Ayers	One Family Home
Edward Krier	11226 Hiller	One Family Home

The Town Board accepted the building report as presented.

Town Clerk- Dawn reported School tax collection for both schools has been finalized with all unpaid taxes sent to the respective Counties.

Town Attorney(s) – nothing at this time

COUNCILPERSONS:

Jendrowski- he addressed some of the issue at the library by tearing apart some of the balcony area and is waiting for Brad to assist in cleaning out the drain hole and caulk around the base and flashing. Kristine is also looking into possible replacement of the fire alarm panel due to a few false alarm malfunctions over the past few months. She will get back to us with quotes. He also spoke with John Wideman about the septic repairs at the Fire Hall/Senior Center. He spoke with Mr. Foster today regarding his Stage Rd drainage issue. Mike has been out there taking pictures during rain events and Mr. Foster sent the board members an emailed video this evening. He asked Mr. Foster to communicate with the board via email sending them whatever documentation he comes up with over the next few months. They will continue to monitor it through the winter and spring.

Dugan – he spoke with Chief Wideman on the contractual issue that has been discussed.

Burke – he completed voucher review of the bills this week

Pope- she completed her workplace training and attended the Recreation Board meeting. The next meeting is planned for April to assess whether it will be feasible to have summer recreation.

Supervisor- The November Supervisor’s Report is on file with the Town Clerk. He attended a Tonawanda Watershed meeting, an Erie county Supervisor’s meeting, the Recreation Board meeting, a meeting with the County Executive on COVID updates, and addressed several resident concerns over the past 2 weeks.

UNFINISHED BUSINESS:

Buildings- issues at the library continue to be investigated and are waiting for the contractor to come out to assess repair needs.

Planning- nothing new to report

Water- Scott informed the board that he is concerned to find an RFP out on the street for a pump station to be constructed out in front of the Water Tank property. We need to reach out and talk to ECWA immediately to find out what this is and why the town was not informed of this decision. He will also work on finishing Wendel’s part of the culvert grant by the beginning of the year. A discussion was held on drainage plans for the Buell St & Main Rd areas. He and Mike have done investigation and come up with a plan that Mike would like to begin work on as weather allows.

Grants- nothing new to report

NEW BUSINESS:

Approval- Determination of Non-Significance of Local Law #5:

A motion was made by Councilman Dugan, seconded by Councilwoman Pope issuing a negative SEQRA declaration and determination of non-significance of Local Law, determining Local Law #5 of 2020 will not have a significant effect on the environment

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

Carried Unanimously

Adoption-Local Law #5 of 2020- Short Term Rentals Law:

A motion was made by Councilman Dugan, seconded by Councilwoman Pope approving the adoption of Local Law #5 of 2020 -Short Term Rentals Law of the town.

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

Adoption-Local Law #6 of 2020- Repeal of Local Law No. 2 of 2020:

A motion was made by Councilman Dugan, seconded by Councilman Burke approving the adoption of Local Law #6 of 2020 which repeals Local Law #2 of 2020 of the town.

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

Approval- Town of Amherst Fire Alarm Service Contract:

A motion was made by Councilman Jendrowski, seconded by Councilman Dugan approving the proposed fire alarm service contract for 2021-2025 between the Town of Amherst and the town and authorizing the Supervisor to execute the contract with Amherst.

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

Approval - Legal Services Contract Renewal 2021:

A motion was made by Councilwoman Pope, seconded by Councilman Burke approving the proposed contract renewal with Brendan Neill, Esq. for legal services as Town Attorney in 2021 and Emily Janicz as Assistant Town Attorney in 2021, 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 – Grant Writing Services Contact Renewal 2021:

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 2021, 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 2021:

A motion was made by Councilman Dugan, seconded by Councilwoman Pope approving the proposed contract renewals with Drescher & Malecki LLP for accounting services for 2021 and auditing services for 2021 and 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 2021:

A motion was made by Councilman Jendrowski, seconded by Councilman Dugan approving the proposed contract renewal with Hawkins Delafield & Wood LLP for bond counsel services for 2021, 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 2021:

A motion was made by Councilwoman Pope, seconded by Councilman Burke approving the proposed contract renewal with Wendel WD Architecture, Engineering, Survey & Landscape Architecture, PC for engineering services for 2021, 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 2021:

A motion was made by Councilman Burke, seconded by Councilwoman Pope approving the proposed agreement to expend highway funds for 2021 in the sum of \$200,000.00 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 Martin Rd between Scotland Rd & the town/Genesee County line, a distance of 0.6 miles, and shoulder rehabilitation on Pohl Rd between Buckwheat Rd and Lesswing Rd for a distance of .15 miles, 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- Solar Site Plan & Permit-12292 Clarence Center Rd:

A motion was made by Councilman Dugan, seconded by Councilman Burke approving the proposed site plan & permit for a solar project at 12292 Clarence Center Rd owned by Arrowhead Golf Club, subject to the terms set forth in the resolution.

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

Approval- 2021 Organizational Meeting & Swearing In:

A motion was made by Councilman Dugan, seconded by Councilman Jendrowski approving scheduling the organizational meeting 2021 for January 4th at 7:00pm, along with any necessary swearing in of officials.

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

Approval- 2021 Fee Schedule:

A motion was made by Councilman Dugan, seconded by Councilwoman Pope approving the proposed 2021 Fee Schedule as presented to the Board.

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

Approval- Cancel December 21st Work Session:

A motion was made by Councilman Burke, seconded by Councilwoman Pope approving the cancelation of the December 21st work session.

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

Privilege of the Floor/Question Period: Steven from NextEra was present and asked the board if there was anything the town needed to move forward with the laydown area agreement. Supervisor Cummings stated that he and Brendan have been in contact with Miles and everything seems to be progressing with NextEra’s investigation of the properties. At this time all is well.

The Supervisor wished everyone a Merry Christmas and we will meeting again on December 28th for the final meeting of the year.

There being no further business to come before the board for the regular meeting, a motion was made by Councilman Burke, seconded by Councilwoman Pope to adjourn the regular meeting at 8:15pm.
Carried Unanimously

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