

Newstead Town Board Meeting- December 29, 2022

A public hearing was called to order by the Newstead Town Board on Thursday, December 29, 2022 at 7:20pm at the Newstead Town Hall.

Present: David Cummings- Supervisor
Joseph Dugan- Councilman
Edmund Burke- Councilman
Patricia Pope- Councilwoman (remotely)
Emily Janicz - Town Attorney
Jennifer DiChristina – Deputy Town Clerk

Roll Call was taken with all board members present with the exception of Councilman Jendrowski.

The **public hearing** on the proposed purchase of turnout gear for the Akron and Newstead Fire Companies was called to order at 7:20pm.

The Supervisor explained that \$12,000 for each fire company (total of \$24,000) will be set aside in a budget line for the fire companies to provide receipts for reimbursement from the town for the purchase of turnout gear for its members to replace old, aging gear.

Comments: no one from the public appeared to speak. Councilman Burke believes it is a reasonable expenditure of money to help decrease the financial burden on the fire companies. Supervisor Cummings, although he supports the purchase, cautioned the board as we are subsidizing the people of the village with town tax money and hopes it doesn't become a habit.

There being no further comments, a motion was made by Councilman Burke to close the public hearing, seconded by Councilwoman Pope. Carried

The regular meeting of the town board was called to order at 7:26pm with the same members present as listed above.

Supervisor Cummings led the pledge to the flag.

Minutes from the regular meeting held on December 12, 2022 were presented for approval. A motion was made by Councilman Dugan, seconded by Councilman Burke to approve as presented. Carried

Agenda Changes – A motion was made by Councilman Dugan, seconded by Councilwoman Pope to approve the following changes: Remove G Carried

Communications – The Town Clerk presented the following correspondence:

A letter was received from Charter Communications notifying the town of upcoming programming changes taking place in December.

The 2022 Building/Planning Department Report was received.

A letter was received from Athenex Pharma Solutions located at 11342 Main Street notifying the town of operation closures and layoffs at this facility.

A notice from the Town of Pembroke was received notifying us of three upcoming amendments to their Zoning Law. Comments will be accepted until the January 5th Town Board Meeting.

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

Work Session: The Supervisor reported that no work session was held last week due the Christmas holiday, but the following items were discussed prior to tonight’s meeting: water/sewer updates, planning items, building issues updates, grant updates, highway issues, joint town-village meeting, plus any other items brought before the Board. The Board went into an executive session from 7:29pm to 7:45pm to discuss dog control and fire company personnel. They exited without taking any action.

Agenda Items Question Period: no one spoke

Budget Transfers: a motion was made by Councilman Burke, seconded by Councilwoman Pope to approve the budget transfer(s) as presented in a memo from Bookkeeper Colleen Salmon dated 12/29/22. Carried

Approval of Bills – Councilman Dugan reported that the Abstract(s) from Batch(es) #2299 & 2300 have been reviewed with the previously un-audited vouchers and everything was found in order. Abstract Batch(es) #2303 were presented for payment. Vouchers on this abstract(s) numbered 1357-1402, totaling \$40,761.52. Councilwoman Pope seconded to approve payment as follows:

Abstract Batch(es) #2303:
 General Fund (A)-\$12,140.99, General Fund- Outside Village (B)-\$150.00, Highway (DA) - \$4,515.78, Highway: Outside Village (DB)-\$0, 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)- \$22,900.38, CAP-Bike Path (HTG)-\$0, Drainage (SD)-\$0, Fire Protection (SF)-\$0, Refuse (SR)-\$899.59, Sewer #1 Fund (SS)-\$30.87, Sewer District #2 (SS02)-\$81.87, Sewer District #3 (SS03)-\$0, Trust & Agency(TA)-\$0 and Consolidated Water (SW00)-\$42.04, 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: \$40,761.52 Carried

COMMITTEE AND DEPARTMENT HEAD REPORTS:

Highway – no report although Supervisor Cummings reported that all town road are clear and pushed back where possible. He also thanked everyone in the highway department, the fire company and the police for all their hard work during the storm.

Assessor – a report was presented from Tina and read by the Supervisor as follows: she is finishing up the valuation of the village residential properties and will be working on the town residential portion soon. She is still on track to start on the commercial and final portion by the end of February.

Building Office – the following building report was presented by Julie Brady of the Planning & Building Department:

Katherine Wozniak	8220 Greenbush Rd	Pole Barn
Emily Brand	5445 Barnum Rd	Generator

The Town Board accepted the building report as presented.

Town Clerk- nothing at this time

Town Attorney(s) – nothing at this time

COUNCILPERSONS:

Jendrowski – absent

Dugan – he met with the incoming DCO and Deputy DCO and both are on board for the first of the year.

Burke – nothing to report

Pope – nothing to report

Supervisor – he had meetings with several local and state agencies regarding the storm, he sent out the bill schedule to the council members for 2023, count clerk interviews are being held tonight and the vacancy in the highway department needs to be advertised in the Bugle again.

UNFINISHED BUSINESS:

Buildings – HVAC contract for the library will be awarded tonight. The furnace issue at the Senior Center has been fixed but there are leaks in the kitchen due to the storm. The library also has some leaking issues. Discussing pursuing a grant for replacing the library roof instead of updating the alarm system.

Planning – working on updating the noise ordinance. Emily Janicz has sent an update to Dave Miller and is awaiting his comments.

Water/Sewer – nothing new from Scott Rybarczyk and Supervisor Cummings has not received any complaints.

Grants – nothing new

NEW BUSINESS:

Approval - Agreement to Expend Highway Funds for 2023:

A motion was made by Councilman Burke, seconded by Councilwoman Pope to approve the proposed agreement to expend highway funds for 2023 in the sum of \$343,039.33 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 Dye Rd from Clarence Center Rd to Hunts Corners Rd, Kelkenburg Rd from Burdick Rd to Clarence Town Line and Draper Rd from McNeeley Rd to Hunts Corners Rd 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- Absent, Pope-Aye
Carried

Approval – Award Bid for HVAC work at Newstead Library:

A motion was made by Councilwoman Pope, seconded by Councilman Dugan approving the award of the bid for the HVAC work at the Newstead Library to DWC Mechanical, Inc. with a total bid of \$57,600.00 and authorizing the Supervisor to execute a contract with DWC Mechanical, Inc. on behalf of the town.

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

Approval- Turnout Gear Purchase- Fire Companies:

A motion was made by Councilman Dugan, seconded by Councilwoman Pope approving the proposal to set aside \$12,000 for each fire company for a total of \$24,000, to reimburse the purchase of new turnout gear for the Akron and Newstead Fire Companies, subject to the terms set forth in the resolution.

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

Resolution - Town of Clarence Senior Van Contract Renewal 2023:

A motion was made by Councilman Burke, seconded by Councilman Dugan approving the proposed contract renewal with the Town of Clarence for the Going Places Senior Van service for 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-Absent, Pope- Aye
Carried

Approval-Temporary Special Use Permits for Used Auto Sales-2023:

A motion was made by Councilman Dugan, seconded by Councilwoman Pope approving the temporary special use permits for 2023 for Dealer's Choice at 11520 Main Rd and M. Shields Enterprise LLC at 12690 Main Rd.

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

Approval-Temporary Special Use Permits for Home-Based Businesses in RA Zone-2023 :

A motion was made by Councilman Dugan, seconded by Councilman Burke approving the temporary special use permits for 2023 for Tonawanda General Concrete at 12509 Stage Rd, United Technology Services at 12884 Nice Rd and Richard Hodge at 6500 Draper Rd.

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

Privilege of the Floor/Question Period: no one spoke

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 8:00pm. Carried

Respectfully Submitted,
Jennifer DiChristina, Deputy Town Clerk