

## Newstead Town Board Meeting- July 13, 2020

The Board entered executive session at 6:30pm to discuss personnel on a motion from Councilman Burke, seconded by Councilman Dugan. Carried

The Board exited executive session on a motion by Councilman Dugan, seconded by Councilman Jendrowski at 6:45pm, having taken no action. Carried

A public hearing was called to order by the Newstead Town Board on Monday, July 13, 2020 at 7:11pm at the Newstead Town Hall.

Present: David Cummings- Supervisor  
Edmund Burke- Councilman  
John Jendrowski- Councilman  
Joseph Dugan- Councilman  
Brendan Neill- Town Attorney  
Emily Janicz- Assistant Town Attorney  
Michael Bassanello- Highway Superintendent  
Scott Rybarczyk- Town Engineer  
David Miller, Code Enforcement Officer  
Christine Falkowski, Acting Town Clerk

Roll Call was taken with all board members present.

### **The Supervisor called to order the public hearing on the proposed site plan for construction of four new storage buildings to be located at 11167 Main Rd owned by Kelly Schultz.**

The Clerk read proof of publication. The Supervisor explained this project has been reviewed and recommended by the Planning Board. The project is a SEQR Type II action without coordinated review. Erie County Planning was notified of this action as required under section 239-m of the General Municipal Law and replied that they have no recommendation.

Comments: Councilman Burke had some questions about the EAF Form, which were answered by Code Enforcement Officer Miller.

There being no further comments, a motion was made by Councilman Dugan, seconded by Councilman Jendrowski to close the public hearing at 7:16pm. Carried

### **The Supervisor called to order the public hearing on the proposed Local Law #1 of 2020 amending the Parking Restrictions Law of the Town at 7:16pm.**

The Clerk read proof of publication. The Supervisor explained the amendments are specifically to address parking restrictions at all bike path road crossings in the Town for safety reasons.

Comments: None.

There being no further comments, a motion was made by Councilman Dugan, seconded by Councilman Jendrowski to close the public hearing at 7:20pm. Carried

### **The Supervisor called to order the public hearing on the proposed six-lot major subdivision with public improvement on Havens Road by CMK Builders of Alden at 7:20pm.**

The Clerk read proof of publication. The Supervisor explained this application has been reviewed and recommended for approval by the Planning Board. It is an Unlisted action under SEQR with a Coordinated Review being conducted for which we have received various County & State agency comments. Wendel reviewed the drainage plan and recommended approval with the comment that approval is for subdivision of the lots. Erie County Health Department will limit development of these lots due to the need for onsite septic. Coordination with ECHD shall be completed by the developer before any construction begins.

Comments: None.

There being no further comments, a motion was made by Councilman Dugan, seconded by Councilman Jendrowski to close the public hearing at 7:27pm. Carried

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**The Supervisor called to order the hearing on the unsafe building located at 6801 Maple Rd owned by Matthew Karcher at 7:27pm.**

The Supervisor explained the reason for this hearing and went through the history of the unsafe building at 6801 Maple Rd from 2006 – present.

Comments: Elizabeth Leopold Karcher, wife of Matthew spoke. She stated the first letter they ever received was from March 12, 2020. She stated the structure is unsafe, has potential, and is absolutely stunning as featured on Zillow. They are doing their best to sell it. The taxes and utilities are paid. Councilman Jendrowski stated his wife has been inside the house before. Code Enforcement Officer Miller stated the structure is not condemned, has continued to deteriorate, that animal and weather elements surely enter the structure and that the land could be worth more minus the structure. Mrs. Karcher stated Mr. Bebee put on a roof and side porch, that the interior is dry and that prior owner, Robert Bebee was in a motorcycle accident.

Nicholas Luebner, 664 Akron Road spoke, stating he plans to buy and remodel the house. He stated the foundation is new, minus the rear section, as pointed out by CEO Miller. Mr. Luebner stated the basement is dry and that he plans to remodel this 4,000 sq. ft. six-bedroom house. His timeline for completion is Spring 2021 to be ready for occupancy or sale. This would be the fourth house he is restoring with his wife. \$180,000 is his cost estimate.

Mrs. Karcher stated she is married to a farmer, it is summertime and with Covid-19 restrictions, she asked for some leeway. Mr. Luebner stated his official offer will be within 60 days. Supervisor Cummings stated we are reasonable if we see movement, giving opportunity to transfer the property. Councilman Dugan stated this is his fifth year on the Town Board and that this is the first time he has seen a turnout for this type of hearing. Councilman Burke stated he would like to save the property if we could.

This item is tabled for further discussion.

There being no further comments, a motion was made by Councilman Dugan, seconded by Councilman Burke to close the public hearing at 7:48pm. Carried

The **regular meeting** of the Newstead Town Board was called to order at 7:48pm with the same members present as listed above.

Supervisor Cummings led the pledge to the flag.

Minutes from the regular meeting held on June 22, 2020 were presented for approval. A motion was made by Councilman Dugan, seconded by Councilman Jendrowski to approve as presented. Carried

**Communications** – None presented.

**Work Session:** The Supervisor reported no work session was held last week but the following items were discussed prior to tonight's meeting: water & sewer project updates, planning item updates, building issue updates, grant updates, plus any other items brought before the Board.

**Budget transfers:** a motion was made by Councilman Jendrowski, seconded by Councilman Burke to approve the budget transfer(s) as presented in a memo from Bookkeeper Colleen Salmon dated 7/13/20. Carried

**Approval of Bills** – Councilman Dugan reported that the Abstracts from Batches #2047 and 2050, along with vouchers for bond and BAN payments, have been reviewed with the previously un-audited vouchers and everything was found in order. He presented Abstract Batches #2047 and 2050 for payment. Vouchers on these abstracts numbered 661-666 and 688-750, and together with the bond and BAN payment totaled \$1,938,703.84. Councilman Jendrowski seconded to approve payment as follows:

Abstract Batches #2047, 2050, bond payment for Joint Facility and BAN payoff:

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General Fund (A)-\$117,195.32, General Fund- Outside Village (B)-\$160.00, Highway (DA) -\$0, Highway: Outside Village (DB)-\$11,206.59, CAP-SEW 1 Rehab (HAR)-\$0, CAP- Water -Scotland (HS)-\$240,000.00, CAP- Bike Path (HTG)-\$100,000.00, CAP- Water Improvement (HW)-\$1,090,000.00, CAP Water-Downey (HW01)-\$140,000.00, CAP- Water- Cedar (HW02)-\$130,000.00, CAP- Water-Knapp- (HW03)-\$21,527.50, Drainage (SD)-\$59.90, Fire Protection (SF)-\$14,911.90, Refuse (SR)-\$27,061.92, Sewer #1 Fund (SS)-\$570.00, Sewer District #2 (SS02)-\$616.25, Sewer District #3 (SS03)-\$547.00, Trust & Agency(TA)-\$8,545.18 and Water Districts: Consolidated (SW00)-\$36,302.28, (SW1) \$0, (SW2) \$0, (SW3) \$0, (SW4) \$0, (SW5) \$0, (SW6) \$0, (SW7) \$0, (SW7A) \$0, (SW8) \$0, (SW9) \$0, (SW10) \$0; Total:\$1,938,703.84 Carried

**COMMITTEE AND DEPARTMENT HEAD REPORTS:**

**Highway** – a report was presented from the Highway Supt as follows: The crews performed field ditching and mowing on Lesswing Road, field ditching on South Newstead Road, mowed Town lot on Crittenden Road, mowed parks, Town Hall, cemeteries, etc. and planted trees, put CR1 in parking lots at bike path, repairs to #3 exhaust and brakes, road ditching on Dye Road and Kathryn Drive, road ditch piping on Utley and McNeeley Roads, and field ditch mowing on Berghorn property.

**Assessor** – a report was presented from Tina and read by the Supervisor stating that she received the two small claims petitions that she expected. She has a possible article 7 on a couple pieces of vacant land that has recently had a wetland delineation by the DEC. Tina plans to think outside the box to negotiate with the property owner and handle it outside of court in order to save time and taxpayer dollars. The Supervisor stated that Tina has done an excellent job!

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

Joseph Sheeran	11521 Hunts Corners	Addition
NOCO Energy	13613 Main	Sign
5720 Cummings	37 Maplewood	Deck
5720 Cummings	25 Willow	Deck
Jarred Redford	11815 Sheila	Shed
Jeffrey Poss	8078 Maple	Shed
Sprint Spectrum	11167 Main	Cell Tower Maintenance
James Styn	12887 Dorsch	Deck
Brandi Stoldt	4909 South Newstead	Hot Tub
Kurt Schie	6696 Utley	Roof
Roger Miller	6930 Cedar	Shed
Kristy Karnyski	12380 Swift Mills	Deck Alteration
Tammy Mages	6910 Cedar	Windows
John McClellan	7440 Cedar	Windows
Peter Kelly	11789 Clarence Center	Roof
William Earle	12505 Meahl	Roof
5720 Cummings	350 Redwood	Roof Alteration
Newstead Park Associates	5675 Buell	Sign
MPR 12089, LLC	12089 Clarence Center	Tent
Arrowhead Timberlodge	12292 Clarence Center	Special Event

A fire inspection report was also presented. The Town Board accepted the reports as presented.

**Town Clerk-** absent

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

**COUNCILPERSONS:**

**Jendrowski-** The Denio basement leak is not from Saturday’s rainfall; it is due to a connection of two difference sized pipes. He is working on the sprinkler test/water issue with Kristine at the Library.

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**Dugan** – he met with a Village Trustee regarding the mix-up with fire calls on bordering roads. He is working with Amherst Fire Control.

**Burke** – nothing at this time.

**Supervisor**- The Court will be open July 20<sup>th</sup> with plexiglass installed at the bench. 2021 budget worksheets will be distributed on July 24<sup>th</sup>. We anticipate a loss in revenue but will try to avoid layoffs. He met with Bank on Buffalo representatives regarding the transition from Bank of Akron. He has received several neighbor dispute complaints.

### **UNFINISHED BUSINESS:**

**Buildings**- we need insurance regarding the Limerick Hall contract.

**Planning**- Two Air Bnb options will be provided to the Town Board from Attorney Neill. The grass at Stainless Steel Brakes must be cut by the Town.

**Water/Sewer**-we are waiting on grant funds.

**Grants**-Trailways, CDBG is for low-income housing in urban areas.

### **NEW BUSINESS:**

#### **Approval- Site Plan- 11167 Main Rd:**

A motion was made by Councilman Jendrowski, seconded by Councilman Dugan approving the proposed site plan for the construction of four new storage buildings to be located at 11167 Main Rd owned by Kelly Schultz, subject to the terms set forth in the resolution and negative SEQR declaration.

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

#### **Approval- Six-Lot Major Subdivision with Public Improvement - Havens Road:**

A motion was made by Councilman Burke, seconded by Councilman Jendrowski approving the proposed six-lot major subdivision to be located on Havens Road owned by CMK Builders of Alden, subject to the terms set forth in the resolution and negative SEQR declaration.

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

#### **Approval- Local Law #1 of 2020:**

A motion was made by Councilman Dugan, seconded by Councilman Burke approving the adoption of Local Law #1 of 2020 regarding amendments to the Parking Restrictions Law, as presented.

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

#### **Privilege of the Floor/Question Period:**

Eli Cobti of Burdick Road asked CEO Miller what sort of progress he needs to see at 6801 Maple Road for it to be considered safe. CEO Miller responded that it can be vacant but must be presentable.

CEO Miller relayed that during his fire inspections, he checks for a Covid-19 safety plan per Erie County Health Department.

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

Respectfully Submitted,  
Christine Falkowski, Acting Town Clerk