

Newstead Town Board Meeting- July 26, 2021

A regular meeting was called to order by the Newstead Town Board on Monday, July 26, 2021 at 7:30pm at the Newstead Town Hall.

Present: David Cummings- Supervisor
Edmund Burke- Councilman
Joseph Dugan- 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 except Councilman Jendrowski.

Supervisor Cummings led the pledge to the flag.

Minutes from the regular meeting held on July 12, 2021 were presented for approval. A motion was made by Councilman Dugan, seconded by Councilwoman Pope to approve as presented.
Carried

Agenda Changes –none

Communications – The Town Clerk presented the following correspondence:

Letters were received from Charter Communications notifying the town of an increase in monthly fees and surcharges that will take effect after July 19, 2021 thru August 19, 2021 and changes in channel lineups that will take effect August 23rd.

A letter was received from the NYS Department of State notifying the town that local law #6 of 2021 was received and filed on July 1, 2021.

A notice of an upcoming seminar titled “NYSLRS Record of Activities for Elected and Appointed Officials” was received with the webinar to be held on July 28th from 10:00am-11:00am.

A request for a beer/wine permit was received from Fallon Crooks for Skyline Park on August 21, 2021 for a family party.

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

Work Session: The Supervisor reported that at the work session held last week the following items were discussed: water and sewer project updates, planning items and code change updates, building issue updates, grant updates, NextEra project update, the Bicentennial, gas well, drainage, National Grid electric station, Alden Bank items, plus any other items brought before the Board.

Agenda Items Question Period: no one spoke

Budget transfers: none

Approval of Bills – Councilwoman Pope reported that the Abstract(s) from Batch(es) #2153 have been reviewed with the previously un-audited vouchers and everything was found in order. Abstract Batch(es) #2155 were presented for payment. Vouchers on this abstract(s) numbered 716 – 760, totaling \$115,348.80. Councilman Burke seconded to approve payment as follows:

Abstract Batch(es) #2155:

General Fund (A)-\$21,403.71, General Fund- Outside Village (B)-\$8,696.72, Highway (DA) -\$0, Highway: Outside Village (DB)-\$64,243.75, CAP-Water-Scotland (HS)-\$0, CAP-Water-Koepsel (HW)-\$0, CAP-Water-Draper (HW01)-\$0, CAP-Water-Cedar (HW02)-\$0, CAP-Water-Knapp (HW03)- \$0, CAP-Bike Path (HTG)-\$0, Drainage (SD)-\$750.00, Fire Protection (SF)-\$20,101.12, Refuse (SR)-\$0, Sewer #1 Fund (SS)-\$29.46, Sewer District #2 (SS02)-\$80.00, Sewer District #3 (SS03)-\$0, Trust & Agency(TA)-\$0 and Consolidated Water (SW00)-\$44.04, 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:\$115,348.80
Carried

COMMITTEE AND DEPARTMENT HEAD REPORTS:

Highway – a report was presented by the Highway Supt and read by the Supervisor that the crews have mowed the parks, mowed roadsides and boom mowed field ditches, done road ditching on Martin and Brunning roads, helped Erie County oil & stone and sent 2 trucks to Pembroke, removed and cleaned up a fallen tree on the bike path and cut 2 trees down at the Town Hall.

Assessor – a report was presented from the Assessor and read by the Supervisor as follows: The course she attended last week went well and she is caught up from being out of the office. She will continue to work on inspection and valuation of new construction as it is closed out by the building department. The exemption season will not begin until end of August or early September so the office will be quiet until then. Mid-June thru July 2nd sales figures were provided.

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

County Line Stone Co Inc	4520 Crittenden	Demolition
Carol Lords	4059 N Millgrove	Generator
Craig Hathaway	11438 Hiller	Generator
Patrick Morgan	13169 Kirby	Generator
David Kania	7244 Scotland	Roof
Sandra Corrie	12638 Main	Roof

The Town Board accepted the building report as presented.

Town Clerk- Dawn reported that the Foster FOIL request has been completed and all documents found turned over to Mrs. Foster. We are up to 15 interested members for the bicentennial planning committee. We will continue to take responses and start planning for a first meeting soon. The contracts have been signed with CapStream for the AV equipment upgrades and work should start sometime in late August to the beginning of September.

Town Attorney(s) – nothing at this time

COUNCILPERSONS:

Jendrowski- not present

Dugan – nothing at this time

Burke – he went up and visited the summer rec program at the park and spoke to Director Dan Roland. There were lots of smiles and kids having fun. It was nice to see the kids enjoying summer after the last year of quarantine.

Pope- she spoke with Judy Moore regarding the summer REACH meal program. The program serves 1000 meals a week through the 2021 USDA free kids summer meals program and runs through August 12th. Any extra meals each day are taken to the summer recreation program for kids to take home.

Supervisor- he has been busy working on new and old grants, the 2022 budget, and addressing resident concerns about drainage, dilapidated properties, oiling & stoning of roads, etc. He reported that budget sheets were distributed to department heads on July 21st. They are due back on August 9th. August 16th the Town Board will review requests and meet with department heads if necessary. On September 27th the tentative budget will be presented to the Town Clerk and Board members. October 12th the board will review the tentative budget. A public hearing on the preliminary budget will be held on October 25th and the Town Board will adopt the final budget on November 8th.

UNFINISHED BUSINESS:

Buildings- the permissive referendum on the sale of the Limerick Hall ends on August 11th. The Highway Supt. and Town Clerk took an extensive tour of the parks and came up with a list of work needing to be done, which the board will discuss at next work session. Librarian Kristine Sutton will be using the town grant writer to look for funding for work needing to be done at the library.

Planning- Steve reported that the NextEra project lost a week of work due to flooding issues from the rain. More changes to the town code/laws will be coming in August. The work on the JMF cameras and gate upgrades are underway. LED lighting upgrades & Spectrum upgrades to be discussed at next work session.

Water/Sewer- all the contracts have been returned signed along with all proper submittals and required insurance. The pipe should be delivered in the next week or so. Construction should begin within the coming weeks. Culvert grant- data collection still ongoing but should be finished up around mid-August.

Grants- the new trailways grant application has been submitted today. On the CDBG grant bathrooms project, new urinals have been ordered to replace the faulty ones initially installed.

NEW BUSINESS:

Approval- Alden State Bank Services:

A motion was made by Councilman Burke, seconded by Councilman Dugan approving and accepting the terms of service to do business online banking with Alden State Bank and appointing David Cummings and Colleen Salmon as the administrators on the enrollment form.

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

Approval- Clarence Central Tax Collection contract:

A motion was made by Councilman Dugan, seconded by Councilman Burke approving the 2021-22 school tax collection contract with Clarence Central School District and authorizing the Supervisor to execute the presented contract on behalf of the town.

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

Approval- Highway Supt. Fall Conference request:

A motion was made by Councilman Burke, seconded by Councilwoman Pope approving the request by Highway Supt. Mike Bassanello to attend the fall conference for highway superintendents.

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

Approval- Beer/Wine Permit:

A motion was made by Councilman Dugan, seconded by Councilwoman Pope approving the request for a beer/wine permit by Fallon Crooks for Skyline Park on August 21, 2021 for a family party.

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

Approval- hire Seasonal Parks/Highway part time employee:

A motion was made by Councilman Burke, seconded by Councilman Dugan authorizing the hiring of David Borchert for the open seasonal part time parks/highway position at a rate of \$14.70 per hour effective immediately.

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

Privilege of the Floor/Question Period: Jim Mandolene of 12936 Dorsch Rd was present to discuss with the Board what can be done about the vulgar sign hanging on a private residence at 5703 Crittenden Rd. He understands freedom of speech laws, but can the town utilize the rules of the FCC in this issue? He finds the banner very offensive.

Town Attorney Neill gave him insights to recent cases for freedom of speech and explained the towns limitation in cases like this. The town is very restricted in what it can do and cannot legally restrict freedom of speech. There have been numerous complaints about this banner. Councilman Burke stated the town has had many complaints about this and suggested maybe he could write a letter to the editor of the Akron Bugle or the news to get more public support in getting the owner to take it down.

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 7:59pm. Carried

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