

Newstead Town Board Meeting- June 13, 2022

The Board entered executive session at 7:02pm to discuss contractual matters and personnel issues on a motion from Councilman Jendrowski, seconded by Councilwoman Pope.

Carried Unanimously

The Board exited executive session on a motion by Councilman Burke, seconded by Councilman Dugan at 7:33pm, having taken no action.

Carried Unanimously

A public hearing was called to order by the Newstead Town Board on Monday, June 13, 2022 at 7:34pm at the Newstead Town Hall.

Present: David Cummings- Supervisor
John Jendrowski- Councilman
Joseph Dugan- Councilman
Edmund Burke- Councilman
Patricia Pope- Councilwoman (remotely)
Emily Janicz - Town Attorney
Michael Coutu- Assistant Town Attorney
Scott Rybarczyk- Town Engineer
Michael Bassanello- Highway Superintendent
Dawn Izydorczak – Town Clerk

Roll Call was taken with all board members present.

The Supervisor called the public hearing to order regarding the proposed 9-lot major subdivision to be known as Hickory Tree Estates located at 11147 Keller Rd & Utley Road at 7:34pm.

The Town Clerk read proof of publication. The Supervisor explained this project has been thoroughly reviewed by the Code Enforcement Officer, the Town Engineers and was recommended for approval by the Planning Board. Comments were received from Erie County Dept. of Health, Dept. of Planning & Environment and the NYSDEC. The Supervisor read aloud some of the agency's comments & concerns.

Comments prior to the hearing were received from resident Erica Benson of Utley Rd, who is not in favor of this subdivision and a verbal comment from an Utley Rd resident who wished to remain anonymous who is not in favor of the project.

Comments: Paul Muck of 6470 Utley Rd stated he grew up on that property and he sort of agrees with some of the County's comments regarding agriculture, but that land was mostly pasture land, not prime growing land. He has met with the new owners and is comfortable that the plan creates value but maintains the rural character in the area. He did question the status of the drainage ditch on lot 8.

Town Engineer Scott Rybarczyk state it is a waterway of the US and cannot be changed without permission from the Army Corp or Engineers and the NYSDEC.

Paul stated he is concerned with some of the neglected areas of drainage in the town in recent years and would like to see the town get back to some of those neglected areas.

Chad Comeau of 6320 Utley Rd stated his concerns over the road condition. It is too narrow for the traffic that travels on it now and even with the reduced speed limit, anyone walking or biking on the road has to get way off the shoulder when cars come. He would like to see the road widened with this project.

Highway Supt. Mike Bassanello stated that Utley Rd is slated to be milled and repaved from shoulder to shoulder this summer.

Erica Benson of 6340 Utley Rd stated she had previously submitted emailed comments but is still concerned that this many new homes is more than the road and traffic can tolerate.

Bob Wideman of 11811 Hunts Corners Rd stated he knows with a project this size a retention pond is required but saw none on the plan. He questioned that.

Scott responded that there are 9 individual side lot dry retention ponds instead of 1 big retention pond planned and each of those ponds would drain directly to the road ditch.

Jeff Beers of 6371 Utley Rd expressed his concerns that today you can't let kids get anywhere near the road due to dangers and agrees that the road can't sustain the additional traffic. He also stated he has been trying to get permission to construct a pond on his property for years due to its

extremely wet nature and has been told he isn't allowed to do it but now your letting 9 people put 9 retention ponds right down the road from him. He questioned how that works. He believes the area needs to remain agricultural in nature and stated do not let us be the next Clarence.

Councilman Jendrowski stated he understands all the concerns over agricultural issues and questioned the owners/developers present how is the leftover land going to be maintained for agricultural use?

They responded the plan is they would lease back the rear lands of 3 lots to local farmers, which is currently leased for a 5-year period, however they cannot force the new people that would purchase the lots to honor those leases if they choose not to. The barn lot will be kept with 5 acres to assist in ag production.

Councilman Jendrowski asked Bob Wideman, a local farmer, his opinion about use of rear lot ag land. Bob stated it rarely ever works as about 80% of an average 5-acre lot usually sits barren.

Supervisor Cummings stated this will not be voted on tonight and the board will be sending it back to the planning board with the developer to address several issues.

There being no further comments, a motion was made by Councilman Burke, seconded by Councilman Jendrowski to close the public hearing at 7:55pm.

The regular meeting of the Newstead Town Board was called to order with the same members listed as present above at 7:58pm

Councilman Burke led the pledge to the flag.

Minutes from the regular meeting held on May 23, 2022 were presented for approval. A motion was made by Councilman Dugan, seconded by Councilwoman Pope to approve as presented.

Carried Unanimously

Agenda Changes – A motion was made by Councilman Jendrowski, seconded by Councilman Dugan to approve the following changes: remove resolution D and table it, sending it back to the Planning Board to address issues

Carried Unanimously

Communications – The Town Clerk presented the following correspondence:

Two (2) notices were received from Charter Communications notifying the town of upcoming programming changes taking place on June 28th and July 11th.

A request for a beer/wine permit was received from Debra Wick for a bridal rehearsal dinner on August 12th at Skyline Park.

A request for a beer/wine permit was received from Mandi Printup for a birthday party on July 17th at Veterans Park.

A request for a beer/wine permit was received from Darryl Murszewski for a graduation/birthday party on July 10th at Veterans Park.

An email was received from Conner Bradbury of Resurgence Brewing Company requesting the Town's support for its "Pints in the Park" event on August 13th from 12-8pm in the Akron Falls Park.

An email was received from Jacob Halleck expressing his gratitude for the wonderful Memorial Day ceremonies that took place and especially for Akron Fire Company members Chuck Haist and David Milks, as well as Akron Police Officers Patterson and Jamie who jumped into action to help a boy scout who passed out during the event and hit his head. He thanked all involved for their quick response, positivity, and professionalism.

A letter was received from the Village of Akron Clerk Jayne DeTine regarding the joint CDBG sidewalk project issues that have come up. The Village has received feedback from residents who have homes where the sidewalk would be located, and all are expressing their disapproval of the project. The village is looking at other options and is asking the town for opinions.

A Notice of Public Hearing was received from ECIDA regarding a new large-scale project at Perry's Ice Cream which would have IDA funding and tax benefits. The hearing is to be held on June 22, 2022 at 9:00am at the Village of Akron Hall.

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

Work Session: The Supervisor reported that at the work session held last week the following items were discussed: a meeting was held with Dawn on copier purchase, sign and landscaping, water/sewer updates, planning items, building issue updates, grant updates, plus several other projects and items brought before the Board. An executive session was held from 7:50pm – 8:15pm to discuss contracts and personnel issues. The board took no action.

Agenda Items Question Period: no one spoke

Budget Transfers: a motion was made by Councilman Dugan, seconded by Councilman Burke to approve the budget transfer(s) as presented in a memo from Bookkeeper Colleen Salmon dated 6/13/22. Carried Unanimously

Approval of Bills – Councilman Burke reported that the Abstract(s) from Batch(es) #2244 have been reviewed with the previously un-audited vouchers and everything was found in order. Abstract Batch(es) #2249 & 2250 were presented for payment. Vouchers on this abstract(s) numbered 551-622, totaling \$133,809.17. Councilman Jendrowski seconded to approve payment as follows:

Abstract Batch(es) #2249 & 2250:

General Fund (A)-\$30,577.83, General Fund- Outside Village (B)-\$4,562.25, Highway (DA) - \$0, Highway: Outside Village (DB)-\$42,269.43, 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)- \$0, CAP-Bike Path (HTG)-\$0, Drainage (SD)-\$3,539.31, Fire Protection (SF)-\$24,321.00, Refuse (SR)-\$26,977.25, Sewer #1 Fund (SS)-\$369.75, Sewer District #2 (SS02)-\$197.50, Sewer District #3 (SS03)-\$572.50, Trust & Agency(TA)-\$0 and Consolidated Water (SW00)-\$422.35, 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: \$133,809.17

Carried Unanimously

COMMITTEE AND DEPARTMENT HEAD REPORTS:

Highway – a report was presented by Mike as follows: they removed trees from field ditches, mowed parks and cleaned up after the soccer tournament and mowed the field on Crittenden Rd, fixed the driveway at Vet's Park and Evergreen Cemetery, did white goods pickup and tire drop-off, repair to the turnaround and dead-end on old Steiner Rd, replaced the cross culvert on Utley Rd, hauled clean #2 stone to Vet's Park, mowed the bike path and roadsides and swept the bike path, did road ditch piping 160' on Utley Rd and a 40' driveway pipe, repaired brakes on #8 & #7, fixed park bench at ball fields, did road and field ditching on Stage Rd, took the gates off of the bike path, boom mowed and ground stumps on Crego Rd and Vet's Park. Today he met with a Keller Rd resident on drainage ditch concerns which he will discuss with Scott.

Councilman Burke asked Mike to make sure the bathrooms are locked at Vet's Park on July 3rd for the fireworks as the Celebration Committee has port-a-johns being brought in.

Assessor – a report was presented by Tina and read by the Supervisor as follows: all sales received from the County so far have been entered. Grievance Day was a success, with 3 stipulation agreements agreed to and no property owners were present to contest their assessments. The Board of Assessment Review did a great job, as always. She will begin working on the analysis portion of the reassessment project beginning in July. Sales data for April 19th – 29th were presented to the Board.

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

Tony Naples	161 Quarry Hills	Roof
Roy DeGolier	5982 Crittenden	Roof
Kelly Schultz	11061 Main	5 storage bldgs.
MPR 12089, LLC	12089 Clarence Ctr	Tents
5720 Cummings Rd, LLC	5720 Cummings	Deck rail & roof
5720 Cummings Rd, LLC	5720 Cummings	Deck
Christian Kozell	5015 Havenwood	Awning roof
Otto Misso	6708 Utley	3 season room
Sandra Byers	244 Cottonwood	Awning over deck
James Kennedy	12933 Carney	Pole barn
5720 Cummings Rd, LLC	187 Cherrywood	Deck
David Wolf	11738 Clarence Ctr	Shed
Lynda Fisher	12385 Clarence Ctr	Shed
John Taylor	106 Leisurewood	Deck
Stephen Stribing	13125 Steiner	Lean-to roof on pole barn
Kevin Frost	12251 McNeeley	Framing garage wall
Raymond Braun	11891 Main	Special Event Permit-5/21
Raymond Braun	11891 Main	Special Event Permit-6/4
Matthew Landis	11584 Clarence Ctr	AG Pool
Brian Colf	7160 Sandhill	AG Pool

The Town Board accepted the building report as presented. The Supervisor informed the Board that 2 applications have been received so far for the open Clerk position.

Town Clerk- the dog enumeration continues. We have licensed 147 new dogs since postcards were mailed on May 5th. Dawn has meetings this week with 2 landscapers interested in the town hall and library project. A meeting will be set later this month with a sign company to come up with specs for the town hall sign.

Town Attorney(s) – nothing at this time

COUNCILPERSONS:

Jendrowski – he met with the Maple/Brucker Rd property owner on progress on the property. He attended the Library Board meeting where the hill plantings and Cultural Center landscaping were discussed. He addressed building issues at the Denio and the Senior Center and addressed a residents inquiry about a dog park in the town.

Dugan – nothing at this time

Burke – he attended the celebration committee meeting where fireworks are planned for July 3rd and the parade for July 4th. He also attended the union negotiation meeting with the Supervisor.

Pope – nothing at this time

Supervisor – He attended NYS mandated training, addressed music complaints from the backlot concert, met with the Union reps and Councilman Burke on contract negotiations, corresponded with the Village to set up a meeting on the refuse contract, corresponded with Akron Central on the school tax collection contract. He will be out of town from June 14th thru 24th.

UNFINISHED BUSINESS:

Buildings – Rotary offered to weed the hill at the library, but we declined the offer due to landscape meetings coming this week. John asked Mike if they could look at the north rear gutter at the Senior Center and try to fix it. Mike said they will. The Denio AC unit was fixed today.

Planning – NextEra- Steve reported a ribbon cutting ceremony for the project is being planned for July 11th with more details to follow. Sign and landscape meetings are set for this week.

Water/Sewer – Scott reported that EFC has been responsive to their calls and emails but stated the paperwork is now with Empire State Development for review.

Grants – the letter was received from the Village on the CDBG sidewalk project which will be discussed, the CDBG at the Senior Center HVAC will start work in July, discussion needs to be held on the Senior Van grant, nothing new on the parks grant.

NEW BUSINESS:

Approval – Adoption of Modified LOSAP Plan Document:

A motion was made by Councilman Dugan, seconded by Councilman Jendrowski approving the adoption of the modified Newstead Fire Co Service Award Program Plan Document and authorizing the Supervisor and Town Clerk to sign the necessary documents.

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

Carried Unanimously

Public Hearing- Local Law #1 of 2022- Telecommunication Facilities Law:

A motion was made by Councilman Burke, seconded by Councilwoman Pope approving the calling of a public hearing on the proposed Local Law #1 of 2022 regarding amendments to the towns Telecommunications Facilities Law, with the hearing to be held on June 27th at 7:20pm at the town hall and authorizing the Town Clerk to publish notice in the Akron Bugle.

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

Carried Unanimously

Approval –Lead Agency-13711 Main Rd-Newstead Commons:

A motion was made by Councilman Jendrowski, seconded by Councilman Dugan declaring lead agency status on the proposed 7 multi-family unit dwellings to be located at 13711 Main Rd and known as Newstead Commons, LLC and classifying it as a Type 1 action under SEQRA with a coordinated review by the building department.

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

Carried Unanimously

Public Hearing-13711 Main Rd-Newstead Commons:

A motion was made by Councilwoman Pope, seconded by Councilman Dugan approving the calling of a public hearing on the proposed 7 multi-family unit dwellings to be located at 13711 Main Rd and known as Newstead Commons, LLC, with the hearing to be held on June 27th at 7:15pm at the town hall and authorizing the Town Clerk to publish notice in the Akron Bugle.

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

Carried Unanimously

Approval – Beer/wine requests:

A motion was made by Councilman Jendrowski, seconded by Councilman Burke approving the requests for a beer/wine permits as follows: Debra Wick for a bridal rehearsal dinner on August 12th at Skyline Park, Mandi Printup for a birthday party on July 17th at Veterans Park, Darryl Murszewski for a graduation/birthday party on July 10th at Veterans Park.

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

Carried Unanimously

Approval –July 3rd-4th Veterans Park- Fireworks:

A motion was made by Councilman Burke, seconded by Councilman Dugan approving the use of Veteran’s Park on July 3rd -4th for the fireworks and holiday festivities.

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

Carried Unanimously

Approval- Summer Recreation Hire Employees:

A motion was made by Councilman Burke, seconded by Councilwoman Pope approving the hiring of employees to work the Summer 2022 Recreation program as per the attached listing as presented and recommended for approval by Recreation Director Dan Roland.

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

Carried Unanimously

Approval – Copy Machine quotes:

A motion was made by Councilman Dugan, seconded by Councilman Jendrowski authorizing the Clerk to seek quotes for a new copy machine for the building & assessor's office.

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

Privilege of the Floor/Question Period: no one spoke

A decision about whether to hold the June 20th work session will be made by this Friday and everyone will be informed.

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 8:29pm. Carried Unanimously

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