

## Newstead Town Board Meeting- June 14, 2021

A public hearing was called to order by the Newstead Town Board on Monday, June 14, 2021 at 7:15pm 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  
Scott Rybarczyk- Town Engineer  
Michael Bassanello- Highway Supt.  
Dawn Izydorzak- Town Clerk

Roll Call was taken with all board members present.

The Supervisor called the **public hearing** on the proposed Local Law #6 of 2021 regarding amendments to the Sign Law of the Town to order at 7:15pm.

The Town Clerk read proof of publication. The Supervisor explained the several changes that are proposed to this law were submitted and recommended for approval by the Planning Board and the Code Enforcement Officer.

Comments:

Councilwoman Pope expressed concerns about the proposed changes as follows:

A. Temporary signs language should be changed from “existing” structures to “permanent” structures.

D. Maximum size in a residential district should be increased to 16 square feet instead of 4 square feet.

E. Banners are prohibited should be deleted.

Councilman Dugan expressed his agreement with all of Councilwoman Pope’s proposed amendments and also feels F. Temporary A-frame signs should not be limited to commercial use only but should also be allowed for residential use.

Eli Cobti of 8421 Burdick Rd stated he is opposed to the signs currently being used that have profanity on them and he knows the town has taken complaints about them but, he feels we need to remember we live in America and people have their right to free speech. We must be very careful to make changes to the law that are required according to code but not infringe on peoples right to that free speech. He agrees with Patty that temporary signs should not be limited to 4 square feet and feels that a maximum of 16 square feet is more appropriate.

Supervisor Cummings stated the Board is not voting on these changes tonight. They will discuss the new and valid points made here tonight and make necessary changes. He stated he has talked several times with the owner of the profane sign and they have their right to free speech. The town has no legal stand to make them take them down.

There being no further comments, a motion was made by Councilman Dugan, seconded by Councilman Jendrowski to close the public hearing at 7:22pm. Carried Unanimously

The Supervisor called the **public hearing** on the proposed Increase and Improvement of Consolidated Water District 1 to order at 7:22pm.

The Town Clerk read proof of publication. The Supervisor explained this waterline project will water the remainder of the town on Indian Falls Rd, Knapp Rd and the remainder of Kirby Rd. The bulk of the project will be covered under grant funds. This only reissues the funding for the towns portion of the debt.

Comments: no one spoke

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

The Supervisor called the **public hearing** on the proposed Local Law #5 of 2021 regarding amendments to the Subdivision of Land Law to order at 7:27pm.

The Town Clerk read proof of publication. The Supervisor explained the proposed changes to this law were submitted and recommended for approval by the Planning Board and the Code Enforcement Officer and simply redefine and clarify what is considered a “subdivision”.

Comments: no one spoke

There being no further comments, a motion was made by Councilman Dugan, seconded by Councilman Jendrowski to close the public hearing at 7:30pm. Carried Unanimously

The **regular meeting** of the Newstead Town Board was called to order at 7:30pm with the same members present as listed above.

Councilman Dugan led the pledge to the flag.

Minutes from the regular meeting held on May 24, 2021 were presented for approval. A motion was made by Councilman Dugan, seconded by Councilman Burke to approve as presented. Carried Unanimously

**Agenda Changes** – none

**Communications** – The Clerk presented the following correspondence:

Two notices were received from Charter Communications notifying the town of programming changes taking place in July.

An application for a beer/wine permit was received from Michael Soika for Skyline Park on July 31<sup>st</sup> for the Class of 1979 reunion.

Information on the Erie County Zombie Foreclosures after Covid training program was received and distributed to town officials. The training is on June 22<sup>nd</sup>, 9:30am-12:00pm via zoom.

An email was received from Judy Moore asking the Town about the possibility of starting a community garden on town property.

A letter was received from NYS Department of State notifying the town that Local Laws #2, 3 &4 were received and filed on May 28, 2021.

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

**Work Session:** The Supervisor reported that at work session held last week the following items were discussed: a meeting was held with the Town Clerk to discuss Audio Visual upgrades to the Town Hall, water and sewer project updates, planning items and code change updates, building issue updates, grant updates, highway purchases, the centennial celebration, gas well, Limerick Hall lease, plus any other items brought before the Board.

**Agenda Items Question Period:** no one spoke

**Budget transfers:** none

**Approval of Bills** – Councilman Dugan reported that the Abstract(s) from Batch(es) #2142 have been reviewed with the previously un-audited vouchers and everything was found in order. Abstract Batch(es) #2146 were presented for payment. Vouchers on this abstract(s) numbered 507 – 599, totaling \$250,205.56. Councilman Jendrowski seconded to approve payment as follows:

Abstract Batch(es) #2146:

General Fund (A)-\$77,590.70 (\$50,000 transfer between banks), General Fund- Outside Village (B)-\$40,312.73 (\$40,000 transfer between banks), Highway (DA) -\$0, Highway: Outside Village (DB)-\$11,419.51, CAP-Water-Knapp (HW03)- \$2,368.44, Drainage (SD)-\$1,170.04, Fire Protection (SF)-\$89,927.71, Refuse (SR)-\$26,156.68, Sewer #1 Fund (SS)-\$569.25, Sewer District #2 (SS02)-\$162.50, Sewer District #3 (SS03)-\$523.50, Trust & Agency(TA)-\$0 and Consolidated Water (SW00)-\$4.50, 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:\$250,205.56 (actual expenditures-\$160,205.56) Carried Unanimously

**COMMITTEE AND DEPARTMENT HEAD REPORTS:**

**Highway** – a report was presented from the Highway Supt as follows: the guys took a dig safely online course to renew their Excavator Certification, mowed roadsides, parks, walking path at the soccer complex, etc., put siding on the Veteran’s park shelter, took 3 trucks to Darien, put a new oil pan on #7, did road ditching & piping 150” on Howe Rd, road ditching, piping & shaved 100” on Brucker Rd, road ditching and driveway pipe 150” on Ayers Rd, and boom mowed at the JMF around the pond.

**Assessor** – no report presented

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

Timothy Kidder	13129 Dorsch	Pole barn
5720 Cummings Rd Inc	311 Dogwood	Roof structure & porch
5720 Cummings Rd Inc	97 Maplewood	Deck with roof
Mary Whitcomb	12817 Swift Mills	Sunroom replacement
David Panaro	11572 Hiller	Bathroom remodel
Elizabeth Cazmark	160 Golden Pond	Roof
Mark Bruning	7700 Mill	Single Family Home
John Waddell	12635 Brucker	AG Pool
Robert Hinckley	12323 Clarence Center	Zoning compliance- shed
Donald Sahlem	4635 N Millgrove	Roof
John Tryka	11944 Buckwheat	Roof
Scott McFadden	7861 Scotland	HVAC
Randall Briggs	7401 Sandhill	Replace boiler
Douglas Miller	40 Maplewood	Deck
Richard Seyfang	11365 Stage	Shed
John Wagner	11569 Howe	Pergola
Cynthia Frost	12251 McNeeley	Garage addition and door
Evan Crahen	11845 Sheila	Pole barn

The Town Board accepted the building report as presented.

**Town Clerk**- the office is continuing to work on FOIL requests. This month is the last month of tax collection before all unpaid taxes are sent to the County on July 1<sup>st</sup>. Bicentennial letters have been mailed to all businesses, organizations, and churches.

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

**COUNCILPERSONS:**

**Jendrowski**- he reported they are moving forward with a new gutter on the west side at the library rear entrance and a new light over the book drop. Sprinkler testing is being scheduled. He spoke with Dale Gooch about possible issues of vandalism being conducted at the retaining wall.

**Dugan** – nothing at this time

**Burke** – he attended the JMF committee meeting and received minutes from Peter Forrestel. He also attended the celebration committee meeting where they are getting ready for July 4<sup>th</sup> activities. He attended the Recreation Board meeting where the source of a tent for summer rec at the park was the main issue to be addressed.

**Pope**- nothing at this time

**Supervisor**- the May Supervisor’s Report is on file with the Town Clerk. He attended a meeting with Colleen and 3+1 to discuss the town’s financials. He took calls regarding the bike path crossing at Cummings Rd. He reported streetlights out in the town to National Grid, renewed the State of Emergency for another 30 days, attended the JMF committee meeting, worked on existing and new grants, spoke with the Emergency Management team about July 4<sup>th</sup> activities, and spoke with the County DPW about the Carney Rd & Cedar St intersection. He received tent quotes for recreation, with the low bid being \$2348 for the 6 weeks. The board discussed potential liability issues, setup issues and conflict of interest with using the Recreation Directors tent instead of renting one.

**UNFINISHED BUSINESS:**

**Buildings**- library issues being addressed

**Planning**- code changes and planning board requests still being addressed, drainage issue on Hunts Corners Rd near Dye being looked at, NextEra project is progressing nicely with no issues.

**Water/Sewer**- Homeowner packets have been mailed out and a new letter for vacant landowners will be compiled and sent out this week. Scott thanked Colleen, Julie and the town hall staff for their help in getting this information out. He also reported that the base construction has been finished on Havens Rd and they are in the testing phase. Pressure tests have passed and they are now testing the water. This project could be finished by the end of this week.

**Grants**- CDBG: the LED lighting project is done and the bathroom project is well underway with the bathrooms gutted at present. He thanked the Newstead Fire Co for the use of their bathrooms during the project. He is also working on a new potential grant for sealing and rehabilitation of some of the bike path.

**NEW BUSINESS:**

**SEQRA Declaration- Local Law #5 of 2021:**

A motion was made by Councilman Burke, seconded by Councilwoman Pope approving the negative SEQRA declaration relative to the proposed amendments to the subdivision law to be known as Local Law #5 of 2021.

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

Carried Unanimously

**Adoption- Local Law #5 of 2021:**

A motion was made by Supervisor Cummings, seconded by Councilman Burke approving the adoption of the proposed Local Law #5 of 2021 amending the subdivision law of the town.

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

Carried Unanimously

**Approval- Refunding Bond Resolution:**

A motion was made by Councilman Jendrowski, seconded by Councilman Dugan approving the refunding of certain outstanding bonds, appropriating an amount not to exceed \$1,250,000.00 for such purpose, authorizing the issuance of refunding bonds in the principal amount of not to exceed \$1,250,000 to finance said appropriation and making certain other determinations relative thereto, as per the Refunding Financial Plan (exhibit A) in the Refunding Bond Resolution.

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

Carried Unanimously

**Approval- Increase & Improvement of Water System/Bonding:**

A motion was made by Councilman Dugan, seconded by Councilman Jendrowski approving the increase and improvement of Consolidated Water District #1 project with system improvements for Indian Falls Rd, Knapp Rd and Kirby Rd at a cost not to exceed \$1,500,000.00 in bonding costs. (Resolution) Cummings-Aye, Dugan-Aye, Burke-Aye, Jendrowski-Aye, Pope- Aye  
Carried Unanimously

**Approval- Beer/wine Permit- Skyline Park:**

A motion was made by Councilman Jendrowski, seconded by Councilman Burke approving the request by Michel Soika for a beer/wine permit at Skyline Park for the Class of '79 reunion on July 31st.  
Cummings-Aye, Dugan-Aye, Burke-Aye, Jendrowski-Aye, Pope- Aye Carried Unanimously

**Approval- Notice to Terminate Limerick Hall Lease:**

A motion was made by Councilman Dugan, seconded by Councilwoman Pope approving the notice to terminate the lease for Limerick Hall effective August 31, 2021, and to authorize the Supervisor to provide notice to the Lessee in writing of the intent to terminate the lease at the end of the lease term with at least thirty (30) days' notice.  
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 2021 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

**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 Councilman Jendrowski to adjourn the regular meeting at 7:59pm.  
Carried Unanimously

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