

## Newstead Town Board Meeting- June 27, 2022

The Board entered executive session at 6:57pm to discuss contractual and personnel items on a motion from Councilman Jendrowski, seconded by Councilman Burke. Carried

The Board exited executive session on a motion by Councilman Jendrowski, seconded by Councilman Burke at 7:18pm, having taken no action. Carried

A public hearing was called to order by the Newstead Town Board on Monday, June 27, 2022 at 7:20pm at the Newstead Town Hall.

Present: David Cummings- Supervisor  
John Jendrowski- Councilman  
Edmund Burke- Councilman  
Emily Janicz - Town Attorney  
Michael Coutu- Assistant Town Attorney  
Scott Rybarczyk- Town Engineer  
Dawn Izydorczak – Town Clerk

Roll Call was taken with all board members present except Councilman Dugan, who is out of town, and Councilwoman Pope, who is addressing family issues.

The Supervisor called the public hearing to order regarding the proposed 7 multi-family unit dwellings to be located at 13711 Main Rd and known as Newstead Commons, LLC at 7:20pm.

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. Requests for comments are out to Erie County and State agencies. We are in a 30-day waiting period for comments so this will not be discussed for approval tonight. This part of the project is for only addressing 2 out of the 7 proposed units. The other 5 additional units would have a separate hearing when the owners are ready to move forward with that part of the project. Wendel completed 3 reviews of the project and comments have been received from County & State agencies.

A written comment was received from Brian Domon of 5271 Crittenden Rd stating as an adjacent property owner he is concerned about possible trespassing issues on to his property from future residents of these dwellings. He would like to see some sort of mitigation during the planning phases to prevent that from happening.

Comments: Carl Kumpf of 355 Wright Rd questioned if there will be future access off of Crittenden Rd or just the proposed entrance off of Main Rd. He also questioned if it is a “dark sky compliant” project.

Scott Rybarczyk of Wendel said no there is no future driveway proposed for Crittenden Rd, just the Main Rd entrance and he will check on the “dark sky compliance”, but he believes it is.

Mark Midecke of 5433 Crittenden Rd of the Midecke family trust stated a drainage ditch runs through his property and asked if the proposed water retention ponds will handle all the future flows so they do not run to his ditch.

Scott from Wendel replied yes, he has reviewed all the engineer calculations on the retention ponds, and they are designed to hold all proposed water runoff.

Lewis & Bonnie Tandy of 13678 Main Rd were present, and Lewis read a printed statement to the Board. He touched on the following topics: Will a fire hydrant be required to be added to the property? Are the current waterlines capacity adequate for all these proposed buildings? Light pollution concerns should result in shaded lamps, suggested spotlights on the entrance sign instead of the street light, expressed traffic safety concerns over the proposed entrance location, expressed concern for potential for mosquitos from the retention ponds and the use of pesticides to kill them as he is a beekeeper, concerns about wildlife displacement and the landscaping proposals.

There being no further comments, a motion was made by Councilman Jendrowski, seconded by Councilman Burke to close the public hearing at 7:39pm. Carried

The Supervisor called the public hearing to order regarding the proposed Local Law #1 of 2022 amending the Telecommunication Facilities Law at 7:40pm.

The Town Clerk read proof of publication. The Supervisor explained this law amendment has been thoroughly reviewed by the Town Attorneys, Code Enforcement Officer, Town Engineer and Town Board for months before submitting for consideration. He explained this law has not been updated in over 20 years from its original form and we all know how fast technology updates so it was very much needed. He thanked Emily and Mike for all the work they put into updating the law.

Comments: no one was present to speak

There being no further comments, a motion was made by Councilman Burke, seconded by Councilman Jendrowski to close the public hearing at 7:44pm Carried

The regular meeting of the Newstead Town Board was called to order with the same members listed as present above at 7:44pm

Supervisor Cummings led the pledge to the flag.

Minutes from the regular meeting held on June 13, 2022 were presented for approval. A motion was made by Councilman Burke, seconded by Councilman Jendrowski to approve as presented. Carried

**Agenda Changes** – A motion was made by Councilman Burke, seconded by Councilman Jendrowski to approve the following changes: add resolution for Local Law #2, add motion for beer/wine permit request, add motion for DJM final payment Carried

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

A notice was received from Erie County Dept. of Environment & Planning notifying the town of upcoming training for a NYS 4-hour Erosion and Sediment Control Workshop taking place on June 29<sup>th</sup> from 8:30am-12:45pm at the Erie County Fire Training Center in Cheektowaga.

A Notice was received from Erie County Dept. of Environment & Planning regarding the 8-year review and Consolidation of the Erie County Agricultural Districts No. 1,14,16 and 17 for Alden, Newstead, Clarence, Lancaster and Amherst. Modification Requests within the districts must be submitted in writing between July 1, 2022 and August 1, 2022.

A request for a beer/wine permit was received from James Crooks for Skyline Park for a birthday party on July 9<sup>th</sup>.

A motion was made by Councilman Burke, seconded by Councilman Jendrowski 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: a meeting was held with PB Chair Tom Cowan and CEO Dave Miller on Hickory Tree Estates project, water/sewer updates, planning items, building issue updates, grant updates, review of 2 prepay vouchers, plus several other projects and items brought before the Board. An executive session was held from 8:09pm-8:56pm on personnel issues, with no action taken by the Board.

**Agenda Items Question Period:** no one present to speak

**Budget Transfers:** none

**Approval of Bills** – Councilman Burke reported that the Abstract(s) from Batch(es) #2249 & 2250 have been reviewed with the previously un-audited vouchers and everything was found in order. Abstract Batch(es) #2254 were presented for payment. Vouchers on this abstract(s) numbered 646-690, totaling \$121,647.59. Councilman Jendrowski seconded to approve payment as follows:

Abstract Batch(es) #2254:

General Fund (A)-\$20,190.69, General Fund- Outside Village (B)-\$2,603.72, Highway (DA) - \$0, Highway: Outside Village (DB)-\$2,646.09, 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)-\$2,730.35, Fire Protection (SF)-\$93,330.15, Refuse (SR)-\$0, Sewer #1 Fund (SS)-\$29.70, Sewer District #2 (SS02)-\$74.85, 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: \$121,647.59 Carried

**COMMITTEE AND DEPARTMENT HEAD REPORTS:**

**Highway** – a report was presented from Mike and read by the Supervisor as follows: the crew completed 1,735 feet of field ditching and road ditching on Stage Rd, mowed parks, boom mowed, cleaned up brush at the JMF, repaired the driveway at Pioneer Cemetery, completed 230’ of road ditch piping and DI on Howe Rd, 180’ of road ditch piping on Moore Rd, road ditch piping at Draper & Meahl Rd and two of our trucks helped out Pembroke.

**Assessor** – a report was presented from Tina and read by the Supervisor as follows: all sales received from the County so far have been entered. She will be on vacation the first 2 weeks of July. She will begin analyzing sales data in preparation for the 2023 reassessment project after all sales thru June 30<sup>th</sup> have been received and entered. Sales data for April 14<sup>th</sup> – May 11<sup>th</sup> were presented to the Board.

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

St. Teresa’s RC Church	5771 Buell	Special Event Permit
Washington Street Clarence LLC	11234 Main	Sign
Denise LaClair	12594 Meahl	Roof
Anthony Capozzi	11281 Crego	Roof
Steven Ludwig	4122 Crittenden	Roof
Lakeshore Management	2 Quarry Hill	Manufactured Home
Lakeshore Management	8 Quarry Hill	Manufactured Home
Lakeshore Management	7 Quarry Hill	Manufactured Home
Lakeshore Management	173 Quarry Hill	Manufactured Home
Lakeshore Management	196 Quarry Hill	Manufactured Home
K-1 Properties Inc	5735 Davison	Roof- partial
Lynda Fisher	12385 Clarence Ctr	Shed
John Taylor	5720 Cummings-#106	Deck
5720 Cummings Rd Inc	5720 Cummings #77	Deck
Barbara Riley	5720 Cummings- #401	Deck with half roof
Peter Gruenthaner	5825 Barnum	Pole barn
Doug Van Strijip	5720 Cummings-#3	Covered Deck

The Town Board accepted the building report as presented.

**Town Clerk-** the dog enumeration continues. Dawn has met with landscapers interested in the town hall and library project and submissions are coming in. She met with a sign company and specs for the town hall sign will be forthcoming to get 2 other quotes. Copy machine quotes are due this Thursday.

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

## **COUNCILPERSONS:**

**Jendrowski** – he talked to Jon Cummings and 3 companies have submitted quotes on the maintenance contract. He talked to Dale Gooch about the watering issues at the library and asked some questions about the proposal to do bathroom upgrades at Vet’s Park.

**Dugan** – not present

**Burke** – he met with the Highway Superintendent and an employee with Emily to address some personnel concerns.

**Pope** – not present

**Supervisor** – the May Supervisor’s Report is on file with the Town Clerk. He worked to get caught up on several issues from being out of town.

## **UNFINISHED BUSINESS:**

**Buildings** – senior center gutter still to be addressed, library ongoing issues progressing.

**Planning** – Steve reported NextEra’s dedication ceremony will be July 11<sup>th</sup>. Restoration activities will be continuing thru the fall.

**Water/Sewer** – Scott reported that EFC has granted waiver approval, which should be received by the town tomorrow. We will now meet with the contractor to get a schedule set to get them back on the project.

**Grants** – we are waiting for thoughts from the village on adjustments to the sidewalk project. Nothing new on anything else.

## **NEW BUSINESS:**

### **Adoption- Local Law #1 of 2022- Telecommunication Facilities Law:**

A motion was made by Councilman Burke, seconded by Councilman Jendrowski approving the adoption of Local Law #1 of 2022 regarding amendments to the towns Telecommunications Facilities Law.

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

### **Public Hearing- Local Law #2 of 2022- Videoconferencing Policy:**

A motion was made by Councilman Jendrowski, seconded by Councilman Burke approving the calling of a public hearing on the proposed Local Law #2 of 2022 setting a videoconferencing policy in place for the Town Board, with the hearing to be held on July 11, 2022 at 7:25pm at the Town Hall and authorizing the Town Clerk to publish notice in the Akron Bugle.

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

### **SEQRA- Local Law #2 of 2022- Videoconferencing Policy:**

A motion was made by Councilman Jendrowski, seconded by Councilman Burke approving the a negative SEQRA declaration on the proposed Local Law #2 of 2022 setting a videoconferencing policy in place for the Town Board, with no impact on the environment and no further action needed.

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

### **Approval- Beer/Wine Permit:**

A motion was made by Councilman Burke, seconded by Councilman Jendrowski approving the request for a beer/wine permit for James Crooks for Skyline Park for a birthday party on July 9<sup>th</sup>

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

**Approval- Payment to DJM Contracting Inc.:**

A motion was made by Councilman Jendrowski, seconded by Councilman Burke approving the remaining payment due to DJM Contracting Inc in the amount of \$145,755.44 for work completed on the waterline project.

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

**Privilege of the Floor/Question Period:** no one spoke

The Supervisor announced there will be no work session next week due to the July 4<sup>th</sup> holiday.

The Board entered executive session at 8:09pm to discuss tax collection contracts on a motion from Councilman Burke, seconded by Councilman Jendrowski.

The Board exited executive session at 8:15pm on a motion by Councilman Jendrowski, seconded by Councilman Burke, having taken no action.

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 8:15pm.      Carried

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