

Newstead Town Board Meeting- March 28, 2022

A public hearing was called to order by the Newstead Town Board on Monday, March 28, 2022 at 7:22pm at the Newstead Town Hall.

Present: David Cummings- Supervisor
John Jendrowski- Councilman
Joseph Dugan- Councilman
Edmund Burke- Councilman
Patricia Pope- Councilwoman
Emily Janicz - Town Attorney
Michael Coutu- Assistant Town Attorney
Scott Rybarczyk- Town Engineer
Jennifer DiChristina – Deputy Town Clerk

Roll Call was taken with all board members present.

The Supervisor called the **public hearing** to order on the proposed purchase of certain electronic and ancillary equipment by the Newstead Fire Company at 7:23pm.

The Clerk read proof of publication. The Supervisor explained the need to have a hearing on purchases by the Fire Company that are reimbursed by the Town. He also explained what was purchased and that the repayment was being done over two fiscal years. Councilman Jendrowski stated that by doing it that way we saved about \$2,900.

Comments: no one spoke

There being no further comments, a motion was made by Councilman Burke, seconded by Councilman Jendrowski to close the public hearing at 7:25pm.

The Supervisor called the **public hearing** to order on the proposed project at 11061 Main Rd by owner Kelly Schultz for a building addition and construction of 5 new storage buildings totaling 21,100 sq. ft. on a 53-acre site in the C-2 and overlay zone district at 7:25pm.

The Clerk read proof of publication. The Supervisor explained the project has been reviewed by the Planning Board, Code Enforcement Officer and Wendel and recommended for approval by the Board. The Supervisor also spoke to the CEO regarding traffic. There was no discussion regarding traffic by the Planning Board due to the fact there were no new entrances or exits being constructed. There was one unsigned letter received that was in opposition of the project.

Comments: Dale Siminski, 11150 Main Rd. – is opposed to the project because he believes the last site plan was not adhered to. There is an increase in traffic, garbage and noise. People in and out of there and working on vehicles all hours of the night. He also questioned what the setbacks are and what the zoning is.

Benjamin Schultz, 11241 Stage Rd. – asked which part of the last site plan was not adhered to. He would have to go back and check. In 2020, 4 buildings were slated for classic cars storage and not all of them are used as such. Ben stated there are cars being stored there but they were not going to turn away business if someone wanted to use a unit for normal storage.

Mr. Siminski reiterated that their major complaint is the traffic, garbage and noise. The people working on hot rods or Harleys late at night are an inconvenience to the neighbors.

Mr. Schultz did confirm that there is 24/7 access to the storage units and the new ones will be closer to Davison Road.

There being no further comments, a motion was made by Councilman Jendrowski, seconded by Councilwoman Pope to close the public hearing at 7:37pm.

The Supervisor called the **public hearing** to order on the proposed 3-lot major subdivision on 5.1 acre parcel on Utley Rd by owner Nutley Acres, LLC in the R-A at 7:38pm.

The Clerk read proof of publication. The Supervisor explained the subdivision has been reviewed by the Planning Board, Code Enforcement Officer and Wendel and recommended for approval by the Board. There was a discussion regarding the Counties limit of number of lots that can be created within a certain number of years.

Comments: Doug Schultz, 6325 Utley Rd. – was curious that there are supposed to be no public improvements with this subdivision yet there is a road that has been put in.

Richard Thering, 8535 Stahley Rd, East Amherst – explained that the road was put in by the person who owns the property to gain access due to the property being split by the bike path. He also has been given a document from ECDOH showing there have been 4 permits issued by the DOH although not all houses have been built. He also spoke about the DOH dates as to when the additional lots can be created/sold.

Scott Rybarczyk also has that letter. Lots have been sold but permits haven't been issued yet. A discussion took place regarding lots and permits and the timing involved.

There being no further comments, a motion was made by Councilwoman Pope, seconded by Councilman Jendrowski to close the public hearing at 7:49pm.

The **regular meeting** of the Town Board was called to order at 7:50pm with the same members present as listed above.

Deputy Town Clerk DiChristina led the pledge to the flag.

Minutes from the regular meeting held on March 14, 2022 were presented for approval. A motion was made by Councilman Jendrowski, seconded by Councilwoman Pope to approve as presented.
Carried Unanimously

Agenda Changes – A motion was made by Councilman Burke, seconded by Councilwoman Pope to approve the following agenda changes: Remove A. & B. under new business
Carried Unanimously

Communications – The Deputy Town Clerk presented the following correspondence:

Two notices were received from Charter Communications regarding upcoming changes to Spectrum's service fees effective April 1st and programming changes dropping Russian programming until further notice.

A copy of legislation adopted by the Erie County Legislature was received regarding changes to the Senior Citizen Real Property Tax Exemption income limits and what types of income are included in the calculations for the exemption.

An announcement was received for crisis management training for school-based incidents for law enforcement officials, school officials and Emergency Management officials which will be held at the Akron Central School on July 14th-15th from 8am-5pm both days

A request was received for a beer/wine permit for Veteran's Park by John Tryka for a graduation party on June 18th.

A letter was received from the VFW Post 3180 requesting annexation of a parcel of land they own at 35 Lewis Rd from the town to the village to enable them to sell both parcels they own for more cleaner filing purposes.

A motion was made by Councilman Burke, seconded by Councilman Jendrowski 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: water/sewer updates, planning items, building issue updates, grant updates, highway items, gas well, dog control truck, sign for town hall, procurement policy update, NYPSC packaging resolution, plus any other items brought before the Board. The Board also entered into executive session at 6:55 on a personnel issue and exited at 7:14 with no action taken.

Agenda Items Question Period: no one spoke

Budget transfers: a motion was made by Councilman Jendrowski, seconded by Councilman Dugan to approve the budget transfer(s) as presented in a memo from Bookkeeper Colleen Salmon dated 3/28/22. Carried Unanimously

Approval of Bills – Councilman Dugan reported that the Abstract(s) from Batch(es) #2222 have been reviewed with the previously un-audited vouchers and everything was found in order. Abstract Batch(es) #2228 was presented for payment. Vouchers on this abstract(s) numbered 248-285, totaling \$189,092.27. Councilman Jendrowski seconded to approve payment as follows:

Abstract Batch(es) #2228:

General Fund (A)-\$48,066.13, General Fund- Outside Village (B)-\$0, Highway (DA) -\$0, Highway: Outside Village (DB)-\$42,704.32, 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)-\$0, Fire Protection (SF)-\$0, Refuse (SR)-\$0, Sewer #1 Fund (SS)-\$35.91, Sewer District #2 (SS02)-\$90.87, Sewer District #3 (SS03)-\$0, Trust & Agency(TA)-\$0 and Consolidated Water (SW00)-\$402.04, WD1(SW1)- \$0, WD2(SW2)- \$0, WD3(SW3)- \$0, WD4(SW4)- \$0, WD5(SW5)- \$97.793.00, WD6(SW6)- \$0, WD7(SW7)- \$0, WD7A(SW7A)- \$0, WD8(SW8)- \$0, WD9(SW9)- \$0, WD10(SW10)- \$0;
Total:\$189,092.27

Carried Unanimously

COMMITTEE AND DEPARTMENT HEAD REPORTS:

Highway – a report from the Highway Supt was read by the Supervisor. The crews worked on the broom tractor, pushed up salt, repaired yards from plow damage, filled holes in shoulders with CRI, built wall in office, took fuel to generator on bike path, changed oil in trucks and cut trees by gas well.

Assessor – a report was presented from Tina and read by the Supervisor stating she is working on preparing for tentative roll. She met with Dave Miller to review the status of open permits. She and Alissa did field work to take photos of new construction and all data is entered and valued. They will go back out again this week to take more photos and finish up. Change of Assessment notices for this year will be mailed out mid-April.

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

Steven Dawson	7392 Maple Rd	Windows
Joseph Matalone	13427 Steiner Rd	Hot Tub
Timothy Prise	5547 Barnum Rd	Generator
Kurt Edwards	6120 Utley Rd	SFH
Nicholas Abraham	5935 Davison Rd	Wood Stove
James Sowinski	6000 Crittenden Rd	Det Garage
Faith Fellowship	11478 Main Rd	Demolition

The Town Board accepted the building report as presented.

Town Clerk- the penalty free phase of tax collection is over and the Town has been made whole from collection and the County has been sent 90% of their money. Dawn has begun work on pricing for a sign at town hall.

Town Attorney(s) – nothing to report

COUNCILPERSONS:

Jendrowski - talked to Dave Miller regarding codes changes that are currently being reviewed by the Planning Board and spoke to Chris Bower about the cab/lift gate for the dog truck. There were issues with the library thermostat that were repaired and leaks in the Supervisors office were discovered. Those can be repaired when the weather warms up. Also will be meeting with the Newstead fire chief and president regarding the upcoming contract.

Dugan – thanked the board members for their concern when his mother was in the hospital.

Burke – conducted work session last Monday in the Supervisors absence.

Pope – nothing to report

Supervisor- the February 2022 Supervisor’s Report is on file with the Town Clerk. He has been working on grants, he received the January Historian report and the minutes from the Bi-Centennial committee. Their next meeting is 4/19 at the Terra House.

UNFINISHED BUSINESS:

Buildings – covered in Councilman Jendrowski’s report

Planning – will be working on things from tonight’s public hearings

Water/Sewer – waiting for responses from Albany

Grants – waiting on information from other entities before we can move forward

NEW BUSINESS:

Approval- Newstead Fire Co Equipment Purchases:

A motion was made by Councilman Dugan, seconded by Councilman Jendrowski approving the proposed purchase of certain electronic and ancillary equipment by the Newstead Fire Company, and authorizing partial reimbursement from the Town for said equipment.

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

Approval- Updated Procurement Policy:

A motion was made by Councilwoman Pope, seconded by Councilman Burke approving the last procurement revision, Article 5-a of the General Municipal Law, a copy of which is now annexed hereto and made a part hereof.

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

Approval- Use of Beer/Wine Permits & Park Use:

A motion was made by Councilman Burke, seconded by Councilwoman Pope approving the requests for beer/wine permits and Park Use as follows: Veteran’s Park by John Tryka for a graduation party on June 18th.

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 Councilwoman Pope to adjourn the regular meeting at 8:06pm.
Carried Unanimously

Respectfully Submitted,
Jennifer L. DiChristina, Deputy Town Clerk