

## Newstead Town Board Meeting- May 24, 2021

A public hearing was called to order by the Newstead Town Board on Monday, May 24, 2021 at 7:18pm 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 #3 of 2021 regarding mixed use amendments to Chapter 450 of the Code to order at 7:18pm.

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

Comments: no one present to speak

There being no further comments, a motion was made by Councilman Burke, seconded by Councilwoman Pope to close the public hearing at 7:21pm. Carried Unanimously

The Supervisor called the **public hearing** on the proposed Local Law #4 of 2021 regarding uniform construction code amendments to Chapter 450 of the Code to order at 7:21pm.

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

Comments: no one present to speak

There being no further comments, a motion was made by Councilman Jendrowski, seconded by Councilman Dugan to close the public hearing at 7:24pm. Carried Unanimously

The Supervisor called the **public hearing** on the proposed Local Law #2 of 2021 regarding above ground storage tanks amendments to Section 150 of the Code to order at 7:25pm.

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

Comments: no one present to speak

There being no further comments, a motion was made by Councilman Dugan, seconded by Councilman Jendrowski to close the public hearing at 7:27pm. 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 Jendrowski led the pledge to the flag.

Minutes from the regular meeting held on May 10, 2021 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 Burke, seconded by Councilman Dugan to make the following agenda changes: add resolution for water district increase and improvement project bonding.  
Carried Unanimously

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

A notice was received from Charter Communications notifying the town of programming changes taking place in June.

An application for a beer/wine permit was received from Ray Orr for Skyline Park on July 17<sup>th</sup> for an anniversary party.

An executed copy of the Highway Shared Services Agreement was received from the Town of Darien.

Information on the Erie Grown Passport program was received and hung on the information wall at the Town Hall.

A letter was received from NYS EFC notifying the Town that they were not chosen to receive funding for the Wastewater Infrastructure Engineering Planning Grant program.

A letter was received from the Heritage Wind project giving notice of a joint permit application including water quality certification.

A notice was received from Disaster Coordinator Kowalik that the Erie County Pop Up Vaccine Unit is going to be in Akron on 6/19/2021 from 10am-2pm at the sidewalk sale and on 7/1/2021 from 6pm-8pm at the first cruise night.

An email was received from Highway Superintendent Bassanello with the results of the household hazardous waste, electronics & paper shredding event that took place on May 22, 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 Limerick Hall group, water and sewer project updates, planning items and code change updates, building issue updates, grant updates, highway purchases, the centennial celebration, gas well, plus any other items brought before the Board.

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

**Budget transfers:** none

**Approval of Bills** – Councilman Jendrowski reported that the Abstract(s) from Batch(es) #2137 have been reviewed with the previously un-audited vouchers and everything was found in order. Abstract Batch(es) #2142 were presented for payment. Vouchers on this abstract(s) numbered 449 – 487, totaling \$36,387.88. Councilman Dugan seconded to approve payment as follows:

Abstract Batch(es) #2142:  
General Fund (A)-\$12,900.72, General Fund- Outside Village (B)-\$193.43, Highway (DA) -\$0, Highway: Outside Village (DB)-\$5,505.28, CAP-Water-Knapp (HW03)- \$17,650.00, Drainage (SD)-\$0, Fire Protection (SF)-\$0, Refuse (SR)-\$0, Sewer #1 Fund (SS)-\$28.45, Sewer District #2 (SS02)-\$67.96, 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:\$36,387.88  
Carried Unanimously

**COMMITTEE AND DEPARTMENT HEAD REPORTS:**

**Highway** – a report was presented from the Highway Supt as follows: the crews put siding on the shelter in Veterans Park, they mowed parks, the bike path and other town properties, they repaired the cab tractor, they cleaned up trees on Crego Rd., they replaced the cross culvert on Martin Rd and they worked the hazardous waste event this past Saturday. Mike thanked Councilman Burke and Councilwoman Pope for helping at the drop-off event on Saturday.

**Assessor** – no report presented

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

Arrowhead Timber Lodge LLC	12292 Clarence Center	Solar Farm
Newstead Properties LLC	13311 Main	Warehouse addition
5720 Cummings Rd Inc	19 Sprucewood	Deck
Gary Bailey	4959 S Newstead	IG Pool
Andrew Smith	5867 Barnum	AG Pool
Jesse Luce	4207 S Newstead	AG Pool
Janet Kasperek	12646 Hunts Corners	Drainage & Sump Pump
Ashley Haniszewski	6834 Sandhill	Generator
Jarrod Redford	11815 Sheila Ln	IG Pool
Joseph Lotz	12445 Meahl	AG Pool

The Town Board accepted the building report as presented.

**Town Clerk-** the Dog Control Officers report for the 1<sup>st</sup> quarter was presented.

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

**COUNCILPERSONS:**

**Jendrowski-** he attended a meeting of the library board and dealt with building issues.

**Dugan** – he shared the Memorial Day events are proceeding as scheduled.

**Burke** – he attended a celebration committee meeting and inquired about the status of the town’s contribution to the committee. He worked at the Shred-it section at the recycling event this past weekend. It was a very well run operation.

**Pope-** she worked at check-in for the recycling event on Saturday. She heard from a couple residents that conveyed the message everything was very well run and went smoothly.

**Supervisor-** the April Supervisor’s Report is on file with the Town Clerk. He spoke to several Wright Center board members, approved cemetery flags, had some volunteers from the Boy Scouts work at the household hazardous waste event, worked on AED unit issues with Dawn, attended both bid openings over the last 2 weeks, attended an Association of Erie County Government meeting in Blasdell and presented the recycling totals from Saturday.

**UNFINISHED BUSINESS:**

**Buildings-** a gutter at the library is leaking and needs to be addressed and there is a hornet problem at the Denio.

**Planning-** there will be more code changes coming in June, the NextEra project is moving right along, Parks & AED boxes meeting to be set.

**Water/Sewer-** Scott reported we are ready to move forward with the project as soon as the contractor is set to go. Heather is working on a short video for the highway department on how to use the system on a smart phone for the culvert grant so they can start work.

**Grants-** trailways- we are waiting for the crossing at Buell Street to be finished. Parks and generator- we have had notice there is a little movement. CDBG lighting work at the senior center is done. CDBG restrooms work should begin soon.

**NEW BUSINESS:**

**Approval- Standard Workday & Reporting:** A motion was made by Supervisor Cummings, seconded by Councilman Dugan approving the establishment of the standard workdays for elected and appointed officials as reported on RS2417-A to the NYS Local Retirement System and attached here with.

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

**Approval- Authorize Municipal Solutions Work:**

A motion was made by Councilwoman Pope, seconded by Councilman Burke approving the proposal from Municipal Solutions Inc to initiate and complete the refunding bond transaction for the Joint Facility serial bonds and authorizing the Supervisor to execute the necessary documents.

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

**SEQRA Declaration- Local Law #2 of 2021:**

A motion was made by Councilman Jendrowski, seconded by Councilwoman Pope approving the negative SEQRA declaration as an unlisted action, relative to the proposed amendments to the law to be known as Local Law #2 of 2021.

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

**Adoption- Local Law #2 of 2021:**

A motion was made by Councilman Jendrowski, seconded by Councilman Dugan approving the adoption of the proposed Local Law #2 of 2021.

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

**SEQRA Declaration- Local Law #3 of 2021:**

A motion was made by Councilman Burke, seconded by Councilman Jendrowski approving the negative SEQRA declaration as a type II action, relative to the proposed amendments to the law to be known as Local Law #3 of 2021.

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

**Adoption- Local Law #3 of 2021:**

A motion was made by Councilman Burke, seconded by Councilman Dugan approving the adoption of the proposed Local Law #3 of 2021.

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

**SEQRA Declaration- Local Law #4 of 2021:**

A motion was made by Councilman Dugan, seconded by Councilman Burke approving the negative SEQRA declaration as a type II action, relative to the proposed amendments to the law to be known as Local Law #4 of 2021.

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

**Adoption- Local Law #4 of 2021:**

A motion was made by Councilman Dugan, seconded by Councilman Jendrowski approving the adoption of the proposed Local Law #4 of 2021.

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

**Approval- Award of Water District System Improvements Bid:**

A motion was made by Councilwoman Pope, seconded by Councilman Burke approving the award of the water district system improvements project for Indian Falls Rd, Knapp Rd and Kirby Rd to the low bidder DJM Contracting Inc for a base bid and Alternate 1 bid total of \$1,154,871.16 contingent on the Town Attorneys review of the contractors bid bonds and insurances and that DJM Contracting Inc is granted a waiver for the MWBE and SVBOD utilization requirements they are required to meet as part of the NYS Environmental Facilities Corporation grant requirements.

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

Carried Unanimously

**Approval- Award Bid for Highway Truck (F-350):**

A motion was made by Councilman Jendrowski, seconded by Councilman Dugan approving the award of bid for the purchase of a 2022 Ford F-350 pickup truck for the Highway Department to DeLacy Ford, the apparent low bidder, with a bid of \$40,905.00 including plow, and authorizing the Highway Superintendent to execute the necessary paperwork for the transaction.

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

Carried Unanimously

**Public Hearing- Local Law #6 of 2021:**

A motion was made by Councilman Burke, seconded by Councilman Jendrowski approving the calling of a public hearing on the proposed Local Law #6 of 2021 amending the sign law of the Town of Newstead, with said hearing to be held on June 14, 2021 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 Permit- Skyline Park:**

A motion was made by Councilman Burke, seconded by Councilman Dugan approving the request by Ray Orr for a beer/wine permit at Skyline Park for an anniversary party on July 17th.

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

**Approval- Beer/wine Permit Veteran's Park:**

A motion was made by Councilman Burke, seconded by Councilman Jendrowski approving the request by Dawn Izydorczak for a beer/wine permit at Veteran's Park for a memorial service on May 29th.

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

**Approval- Use of Skyline Park for Bocce Tournament:**

A motion was made by Councilman Jendrowski, seconded by Councilwoman Pope approving the request by the Akron Lion's Club to use Skyline Park for their annual Bocce Tournament on July 4th.

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

**Public Hearing – Consolidated Water District No. 1 Increase & Improvement:**

A motion was made by Councilman Dugan, seconded by Councilman Jendrowski approving the calling of a public hearing on the proposed increase and improvement of facilities of Consolidated Water District No. 1 which consists of waterline along Knapp Rd, Indian Falls Rd and Kirby Rd at a cost not to exceed \$1,500,000, with said hearing to be held June 14, 2021 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

**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 8:15pm.

Carried Unanimously

Respectfully Submitted,

Dawn D. Izydorczak, RMC, Town Clerk