

**Newstead Town Board Meeting- November 22, 2021**

A public hearing was called to order by the Newstead Town Board on Monday, November 22, 2021 at 7:20pm at the Newstead Town Hall.

Present: David Cummings- Supervisor  
John Jendrowski- Councilman  
Joseph Dugan- Councilman  
Patricia Pope- Councilwoman  
Emily Janicz- Assistant Town Attorney  
Scott Rybarczyk- Town Engineer  
Mike Bassanello- Highway Superintendent  
Dawn Izydorzak- Town Clerk

Roll Call was taken with all board members present except Councilman Burke who is out recovering from surgery.

The Supervisor called the **public hearing** on proposed Local Law #13 of 2021 increasing the compensation in the 2022 budget for elected officials at 7:20pm.

The Clerk read the proof of publication. The Supervisor explained all non-elected and salaried employees had been increased in the original proposed budget but he forgot to go back and add the increases in compensation for the elected officials to bring them on par with all other salaries.

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 7:22pm. Carried

The Supervisor called the **public hearing** on proposed Local Law #12 of 2021 repealing Local Law #11 of 2021 overriding the tax cap at 7:23pm.

The Clerk read the proof of publication. The Supervisor explained since the town did not exceed the tax cap for the 2022 budget this local law needs to be repealed to make residents eligible for the tax freeze credit from the state.

Comments: no one spoke

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

The **regular meeting** of the Town Board was called to order at 7:26pm with the same members present as listed above.

Councilwoman Pope led the pledge to the flag.

Minutes from the regular meeting held on November 8, 2021 were presented for approval. A motion was made by Councilman Dugan, seconded by Councilwoman Pope to approve as presented. Carried

**Agenda Changes** – none

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

A notice was received from Charter Communications notifying the town of upcoming programming changes in December and January.

An email was received from Jeff Meacham of Dorsch Rd expressing his opinion that the town should opt out of the Cannabis Laws.

Information was received from NEST regarding the upcoming ban on Styrofoam.

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

**Work Session:** The Supervisor reported that at work session held last week the following items were discussed: water/sewer and culvert project updates, planning items, building issue updates, grant updates, gas well, NFC equipment needs, clerk-typist position update, cannabis options, and the option to cancel the December 6<sup>th</sup> work session, plus any other items brought before the Board.

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

**Budget transfers:** a motion was made by Councilwoman Pope, seconded by Councilman Dugan to approve the budget transfer(s) as presented in a memo from Bookkeeper Colleen Salmon dated 11/22/21. Carried

**Approval of Bills** – Councilwoman Pope reported that the Abstract(s) from Batch(es) #2179 have been reviewed with the previously un-audited vouchers and everything was found in order. Abstract Batch(es) #2185 were presented for payment. Vouchers on this abstract(s) numbered 1189- 1233, totaling \$173,893.76. Councilman Dugan seconded to approve payment as follows:

Abstract Batch(es) #2185:  
General Fund (A)-\$81,843.35, General Fund- Outside Village (B)-\$24,828.28, Highway (DA) -\$0, Highway: Outside Village (DB)-\$67,030.58, 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)-\$36.07, Fire Protection (SF)-\$0, Refuse (SR)-\$8.32, Sewer #1 Fund (SS)-\$30.49, Sewer District #2 (SS02)-\$70.13, Sewer District #3 (SS03)-\$0, Trust & Agency(TA)-\$0 and Consolidated Water (SW00)-\$46.54, 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:\$173,893.76 Carried

**COMMITTEE AND DEPARTMENT HEAD REPORTS:**

**Highway** – a report was presented from the Highway Supt that the crew cut down a tree butt on Billo Rd, installed 40’ of driveway pipe on Brucker Rd, picked up leaves at cemeteries and town properties, put a driveway in at Evergreen cemetery, called 3 men in on November 15<sup>th</sup> to plow and salt, put a new starter in #10 and got trucks ready for winter plowing, ran for parts and took #10 back to Cummings Diesel. Mike thanked Brendan and Emily for all their hard work on updating the Inter-municipal Highway Shared Services Agreement and he thanked Steve Sementilli for the invitation to the open house on the NextEra project.

**Assessor** – a report was presented from Tina and read by the Supervisor that she has completed splits and merges to date. Alissa our new clerk will be stopping in tomorrow with her completed paperwork and to go over some questions. Exemptions are still being processed and all received sales have been processed. Due to the incredible sales trends over the past year, she will be dropping the equalization rate in preparation for the 2023 reassessment project. She won’t know what the new rate will be until after she receives the PDC report from NYS.

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

LJ Construction	13404 Carney	Roof
Joyleen Wagner	12555 Brucker	Demolition of home
Sprint Spectrum	11167 Main	Antenna swap
Jason Haeusser	5748 Barnum	Pole barn
James DeVirgilio	5988 Crittenden	Shed

The Town Board accepted the building report as presented.

**Town Clerk-** nothing at this time

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

**COUNCILPERSONS:**

**Jendrowski**- he spoke with Dave Miller about Brucker Rd and Maple Rd houses and reported the library will be shut down for a couple days while the new carpet is installed. He checked out the gutter which seems to be better. He also checked the sidewalk and it is functioning properly for winter. Johnson Controls has not replied back to him on pricing yet.

**Dugan** – he thanked Marilyn from the Akron Bugle who was present for the nice article they ran on his son.

**Burke** – not present

**Pope**- nothing at this time

**Supervisor**- the October 2021 Supervisor’s Report is on file with the Town Clerk. He had discussions with the village on the JMF gas well, attended the Supervisors virtual meeting, re-enacted the State of Emergency for the Town, attended the CDBG walk thru of the propose sidewalk project, attended the NEST meeting in Hamburg which addressed the Styrofoam ban and changes in refuse and recycling contracts, attended the Association of Erie County Governments meeting and attend a zoom meeting today with the County Executive on coming mask mandates.

**UNFINISHED BUSINESS:**

**Buildings**- Mike reported a quote is coming to replace the 2 parking lot lights behind the library with LED light units.

**Planning**- Steve from NextEra thanked Councilman Burke and Highway Supt Bassanello for attending their open house last week. He reported that starting tonight thru Wednesday they will be working until 11:00pm as they will be taking off for the holiday from Thursday thru Sunday. Work will restart on Mon., November 29<sup>th</sup> as usual.

**Water/Sewer**- Scott reported he has a meeting with the contractors tomorrow and all the rest of the pipe supply has come in. Otherwise, work is continuing on the project for now. Culverts- They have 30 culverts left to inspect for the grant study.

**Grants**- the walk thru for the CDBG grant sidewalk project was held last week.

**NEW BUSINESS:**

**Adoption-Local Law #12 of 2021- Repeal Local Law #11 of 2021:**

A motion was made by Councilman Jendrowski, seconded by Councilwoman Pope adopting the proposed Local Law #12 of 2021 entitled “Local Law to Repeal Local Law #11 of 2021” as presented.

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

**Adoption- Local Law #13 of 2021- Increase the compensation of elected officials:**

A motion was made by Councilman Jendrowski, seconded by Councilwoman Pope adopting the proposed Local Law #13 of 2021 entitled “2021 Local Law to increase the compensation of elected officials” as presented.

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

**Public Hearing-Local Law #14 of 2021- Cannabis Law opt out decision:**

A motion was made by Councilwoman Pope, seconded by Councilman Jendrowski approving the calling of a public hearing on proposed Local Law #14 of 2021 that provides for opt out of allowing on-site consumption sites within the Town as authorized under Cannabis Law Article 4, with the hearing to be held on December 13, 2021 at 7:20pm and authorizing the Town Clerk to advertise the hearing in the Akron Bugle.

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

**Public Hearing-Fire Company Equipment Purchase:**

A motion was made by Councilman Dugan, seconded by Councilwoman Pope approving the calling of a public hearing on the proposed purchase of electronic equipment, software and ancillary internet service for use by the Newstead Fire Company at a total cost of \$11,862.47, with the hearing to be held on December 13, 2021 at 7:25pm and authorizing the Town Clerk to advertise the hearing in the Akron Bugle.

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

**Approval- Hire Clerk-typist (full time):**

A motion was made by Councilman Jendrowski, seconded by Councilman Dugan approving the hire of Alissa Keller as a full time Clerk-typist(civil service) in the Building & Assessors office effective December 1, 2021.

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

**Approval- Cancel Work Sessions:**

A motion was made by Councilman Dugan, seconded by Councilwoman Pope approving the cancellation of the previously scheduled work session for November 29<sup>th</sup> and December 6<sup>th</sup>.

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

**Approval- Temporary Special Use Permits for Used Auto Sales for 2022:**

A motion was made by Councilman Dugan, seconded by Councilwoman Pope approving the following temporary Special Use Permits for 2022: Champion Auto Locators at 11678 Main Rd, Dealer’s Choice at 11520 Main Rd, Smith Auto Sales & Service at 11372 Main Rd and M. Shields Enterprises LLC at 12690 Main Rd.

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

**Approval- Temporary Home-Based Business SUP for 2022:**

A motion was made by Councilwoman Pope, seconded by Councilman Dugan approving the following temporary Home-based Business Special Use Permits for 2022: WNY Woodworks at 12050 McNeeley Rd, Tonawanda General Concrete at 12509 Stage Rd, United Technology Services at 12884 Nice Rd and Pet Rescue Rx at 7429 Sandhill Rd.

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

**Approval- Inter-municipal Highway Shared Services Agreement:**

A motion was made by Councilman Dugan, seconded by Councilman Jendrowski approving the proposed Inter-municipal Highway Shared Services Agreement for the Town Highway Superintendents Association of Erie County, Inc. dated August 2021 as presented.

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

**Approval- Recreation Program additional substitute hires:**

A motion was made by Councilman Dugan, seconded by Councilwoman Pope approving the hiring of additional substitute staff for the fall-winter recreation program based on recommendation by Director Dan Roland.

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

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

Supervisor Cummings wished everyone a happy and safe Thanksgiving and a speedy recovery for Councilman Burke.

There being no further business to come before the board for the regular meeting, a motion was made by Councilman Jendrowski, seconded by Councilman Dugan to adjourn the regular meeting at 7:50pm. Carried

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