

## **Newstead Town Board Meeting- November 28, 2022**

The Board entered executive session at 7:12pm to discuss personnel and contracts on a motion from Councilman Jendrowski, seconded by Councilman Burke. Carried Unanimously

The Board exited executive session on a motion by Councilwoman Pope, seconded by Councilman Dugan at 7:32pm, having taken no action. Carried Unanimously

A meeting was called to order by the Newstead Town Board on Monday, November 28, 2022 at 7:34pm at the Newstead Town Hall.

Present: David Cummings- Supervisor  
John Jendrowski- Councilman  
Joseph Dugan- Councilman  
Edmund Burke- Councilman  
Patricia Pope- Councilwoman (remotely)  
Emily Janicz - Town Attorney  
Michael Coutu- Assistant Town Attorney  
Scott Rybarczyk- Town Engineer  
Mike Bassanello- Highway Supt.  
Dawn Izydorczak – Town Clerk

Roll Call was taken with all board members present.

Councilman Burke led the pledge to the flag.

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

The Supervisor called the hearing to order on the proposed Local Law #5 of 2022 that would rescind the previously adopted Local Law #4 of 2022 that over-rode the tax cap at 7:35 pm.

The Clerk read proof of publication. The Supervisor explained that since the 2023 adopted budget did not exceed the 2% tax cap, we need to rescind this law with the state. This is standard procedure annually.

Comments: no one was present to speak

There being no further comments, a motion was made by Councilman Burke, seconded by Councilman Dugan to close the public hearing at 7:37pm. Carried Unanimously

The Supervisor called the hearing to order on the proposed extension thru 12/31/2023 for the Emergency Medical Services contract with Twin City Ambulance at 7:37 pm.

The Clerk read proof of publication. The Supervisor explained the proposed contract extension is needed to give the EMS board an opportunity to renegotiate the contract for services.

Comments: no one was present to speak

Councilman Burke stated this is a prudent move and is in the public interest so a new contract can be arrived at in the coming year.

There being no further comments, a motion was made by Councilwoman Pope, seconded by Councilman Burke to close the public hearing at 7:41pm. Carried Unanimously

The regular meeting of the Town Board continued with the same members present as listed above.

**Agenda Changes** – none

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

A letter was received from Charter Communications notifying the town of upcoming rebranded programming changes taking place in December.

A copy of a certified resolution was received from the Town of Brant regarding their support of 2<sup>nd</sup> amendment rights and opposition to New York State actions restricting those rights.

A letter of resignation was received from Senior Court Clerk Sandra Pietrowski resigning her position with the Town as of December 9, 2022.

A notice of upcoming webinars throughout December was received from the NYS Department of State. It has been distributed to Boards.

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

**Work Session:** The Supervisor reported that at the work session held last week the following items were discussed: water/sewer updates, planning items, building issues updates, grant updates, highway issues, refuse/recycling contract, joint town-village meeting, covid funding status, storm updates, plus any other items brought before the Board. The Board went into an executive session from 7:27pm to 7:54pm to discuss contracts. They exited without taking any action.

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

**Budget Transfers:** a motion was made by Councilman Burke, seconded by Councilwoman Pope to approve the budget transfer(s) as presented in a memo from Bookkeeper Colleen Salmon dated 11/28/22. Carried Unanimously

**Approval of Bills** – Councilman Dugan reported that the Abstract(s) from Batch(es) #2292 have been reviewed with the previously un-audited vouchers and everything was found in order. Abstract Batch(es) #2294 were presented for payment. Vouchers on this abstract(s) numbered 1242-1273, totaling \$531,489.43. Councilman Jendrowski seconded to approve payment as follows:

Abstract Batch(es) #2294:

General Fund (A)-\$85,563.65, General Fund- Outside Village (B)-\$19,013.00, Highway (DA) - \$0, Highway: Outside Village (DB)-\$49,403.89, 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)- \$377,317.03, CAP-Bike Path (HTG)-\$0, Drainage (SD)-\$0, Fire Protection (SF)-\$0, Refuse (SR)-\$0, Sewer #1 Fund (SS)-\$32.26, Sewer District #2 (SS02)-\$68.96, Sewer District #3 (SS03)-\$0, Trust & Agency(TA)-\$0 and Consolidated Water (SW00)-\$90.64, 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: \$531,489.43 Carried Unanimously

### **COMMITTEE AND DEPARTMENT HEAD REPORTS:**

**Highway** – no report was presented

**Assessor** – a report was presented from Tina and read by the Supervisor as follows: She is still working on the reassessment project and is now onto the residential portion, which is the most time consuming. This portion will take her into February. The office is also still processing exemption renewals as they are returned.

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

Crowne Castle USA Inc	4678 S Newstead	Upgrades to cell tower
Jason Gullo	6337 Dye	Roof
Calvary Baptist Church	12752 Lewis	Special Event

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 addressed calls regarding snowplowing during the storm and addressed a call from Newstead Fire Co regarding snow removal. He spoke with Steve Rott and answered some of his questions. He will now be submitting an invoice for work to date. He addressed several items with Kristine on the Library, as listed below under buildings, and spoke with a McNeeley Rd resident about a home-based business proposed on their road.

**Dugan** – he addressed a couple calls about trash pickup during the storm and the rescheduling of pickup.

**Burke** – he gave a shout out to Dan Kowalik, Scott Rybarczyk, Mike and Dawn for addressing a problem the night of the storm for a Knapp Rd resident who had water packing up in their basement due to a valve being left open on the waterline project. Through phone calls to Mike Bassanello and Dawn, Danny and Scott had it taken care of and fixed quickly.

**Pope** – she took a couple calls on the refuse delay due to the storm. She thanked Dawn for getting the information on the website and on the sign quickly.

**Supervisor** – the October Supervisor’s Report is on file with the Town Clerk. He also addressed calls about the refuse delay, worked on appointments for 2023, and worked with the attorneys and Village on the refuse contract. He worked with Dawn to get a new page up on the website that tells people how to register complaints to the town. He announced the upcoming retirements of Court Clerk Sandy Pietrowski, Highway worker Dean Schultz and Dog Control Officer Dave DeYoung. Advertisements will be posted for these positions. We wish them all well in their retirement and next endeavors.

**UNFINISHED BUSINESS:**

**Buildings** – Library: the sealing of the brick and repainting of the alley walls are being planned for spring. They are looking at potential grant opportunities to upgrade the fire alarm system next year. The backflow preventer leak is going to be looked at soon.

**Planning** – nothing new

**Water/Sewer** – Knapp Rd testing is completed, and interconnections will begin tomorrow. Kirby Rd has been tested and we are waiting for results from ECWA. The project should be substantially completed by next week.

**Grants** – several potential grant applications are in process.

**NEW BUSINESS:**

**Adoption- Local Law #5 of 2022- Repeal LL#4 of 2022:**

A motion was made by Councilwoman Pope, seconded by Councilman Burke approving the adoption of Local Law #5 of 2022 that repeals Local Law #4 of 2022 as proposed.

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

Carried Unanimously

**Approval- Extension of Contract with Twin City Ambulance:**

A motion was made by Councilman Burke, seconded by Councilman Jendrowski approving the proposed extension of the contract with Twin City Ambulance for Pre-Hospital Emergency Medical Services for 1 year thru December 31, 2023 and authorizing the Supervisor to execute the contract on behalf of the town.

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

**Approval- Rebid for HVAC Work at the Library:**

A motion was made by Councilman Jendrowski, seconded by Councilman Dugan approving the proposal to rebid for work to the HVAC system at the Newstead Library and authorizing the Town Clerk to advertise for bids that will be due on December 15, 2022 at 1:00pm.

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

**Approval- Refuse & Recycling Contract 2023-2027:**

A motion was made by Councilman Dugan, seconded by Councilman Burke approving the proposed contract for refuse and recycling services for the Town with Modern Disposal for the period of January 1, 2023 to December 31, 2027, subject to a corresponding resolution being passed by the Village of Akron Board, and authorizing the Supervisor to execute the contract on behalf of the Town.

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

**Approval- Lateral Restriction Hardship Application- 4302 Billo Rd:**

A motion was made by Councilman Burke, seconded by Councilman Jendrowski approving the application for a lateral restriction exception hardship at 4302 Billo Rd in water district 10 as submitted by owners Nicholas & Jillian Pearl, based on supporting documentation provided.

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

**Approval-Northern Erie Sno-Seekers Request:**

A motion was made by Councilman Jendrowski, seconded by Councilman Dugan approving the request by the Northern Erie Sno-seekers snowmobile club to use portions of the west shore bike path, which it has used for over 20 years, for the 2022-23 season from Dec. 15<sup>th</sup> thru April 1<sup>st</sup>, subject to required insurance being provided naming the town as additional insured.

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

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

Councilman Burke stated he feels it is very prudent to have a complaint platform for the public to follow and that the Board members can refer to.

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 8:07pm.  
Carried Unanimously

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