

Newstead Town Board Meeting- October 12, 2021

The Board entered executive session at 7:13pm to discuss contractual matters on a motion from Councilman Jendrowski, seconded by Councilman Dugan. Carried Unanimously

The Board exited executive session on a motion by Councilman Burke, seconded by Councilwoman Pope at 7:30pm, having taken no action. Carried Unanimously

A public hearing was called to order by the Newstead Town Board on Tuesday, October 12, 2021 at 7:30pm 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
Mike Bassanello- Highway Superintendent
Dawn Izydorczak- Town Clerk

Roll Call was taken with all board members present.

The Supervisor called the **public hearing** on proposed Local Law #11 overriding the tax cap to order at 7:30pm.

The Clerk read the proof of publication. The Supervisor explained this is done annually just in case it is needed but the town has never needed to enact it. It is just adopted as a safeguard if needed.

Comments: Councilwoman Pope stated she is not in favor of adopting this law as the town is currently at 100% assessed valuation and the current tentative budget shows that it will not be necessary, as we are not going over the tax cap.

There being no further comments, a motion was made by Councilman Jendrowski, seconded by Councilman Dugan to close the public hearing at 7:34pm.

The Supervisor called the **public hearing** on proposed use of CDBG funds to order at 7:34pm.

The Clerk read the proof of publication. The Supervisor explained the possible uses for this funding and past uses. The village has asked the town to submit a joint project with the village as lead for sidewalks on Clarence Center Rd from the Town Hall east to Buell St and then north on Buell St to the Pixley's parking lot on the west side of the road.

Comments: no one spoke

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

The **regular meeting** of the Town Board was called to order at 7:37pm with the same members present as listed above.

Supervisor Cummings led the pledge to the flag.

Minutes from the regular meeting held on September 27, 2021 were presented for approval. A motion was made by Councilwoman Pope, seconded by Councilman Jendrowski to approve as presented. Carried Unanimously

Agenda Changes – none

Communications – The Town Clerk presented the following correspondence:

A notice was received from the NYS Department of State notifying the town that Local Law #7 of 2021 was received and filed on September 16, 2021.

Information was received from the NYS Department of Public Service regarding online surveys that are currently available for residents to participate in regarding internet access and Broadband availability in rural areas of New York. For more information or to participate residents can go to: www.empirestatebroadband.com

A notice of hearing was received from the Town of Lancaster regarding their proposed local law designating a truck route system. The hearing will be held October 18th at 7:15pm.

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: water and sewer project updates, planning items and code change updates, building issue updates, grant updates, sale of Limerick Hall, gas well, LOSAP, policy updates, cannabis public hearing, LED lighting, clerk typist position, plus any other items brought before the Board. The board entered an executive session at 8:30pm at work session on a motion from Councilman Burke, seconded by Councilman Dugan to discuss contractual items. The board exited executive session at 8:58pm on a motion by Councilman Burke, seconded by Councilman Jendrowski, having taken no action.

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 10/12/21. Carried Unanimously

Approval of Bills – Councilman Dugan reported that the Abstract(s) from Batch(es) #2171 have been reviewed with the previously un-audited vouchers and everything was found in order. Abstract Batch(es) #2176 were presented for payment. Vouchers on this abstract(s) numbered 1027- 1087, totaling \$195,658.75. Councilwoman Pope seconded to approve payment as follows:

Abstract Batch(es) #2176:
General Fund (A)-\$23,238.81, General Fund- Outside Village (B)-\$40,000.00, Highway (DA) -\$0, Highway: Outside Village (DB)-\$104,056.74, 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)-\$27,013.06, Sewer #1 Fund (SS)-\$648.18, Sewer District #2 (SS02)-\$120.50, Sewer District #3 (SS03)-\$523.50, Trust & Agency(TA)-\$0 and Consolidated Water (SW00)-\$57.96, 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:\$195,658.75 Carried Unanimously

COMMITTEE AND DEPARTMENT HEAD REPORTS:

Highway – a report was presented from the Highway Supt that the crew completed mowing on roads, parks and town properties, serviced and inspected trucks, removed fallen tree from the bike path, oiled and stoned shoulders on Havens, Howe, Schutt and Billo Roads, put 30’ of driveway pipe on Howe Rd, took the #10 to Kenworth and hot patched various town roads. Councilman Jendrowski asked about the Status of the 3 truck orders. Mike gave an update for each.

Assessor – a report was presented from the Assessor and read by the Supervisor as follows: they are still working on exemption renewal administration. She has received several calls from residents of Country Meadows mobile home park regarding issues with the new management. She has referred them to the Department of Housing and Community Renewal for New York State to address their concerns. Sales from 9/14/21 – 9/16/21 were provided to the Board.

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

Kelkenberg Homes	6051 Barnum	Barn
Mark Wolf	12250 Meahl	Pole barn
Patrick Graney	7550 Cedar	Deck
Patrick Graney	7550 Cedar	Shed
Mark Pelkey	11093 Keller	Generator
Richard Borden	13899 Bloomingdale	Repair foundation
Floyd Kidder	13331 Dorsch	Roof
Georgia Sharp	212 Quarry Hill Est	Roof
William Seguin	11447 Tonawanda Creek	Pole barn
Brandon Hoffman	12754 Dorsch	Pole barn

The Town Board accepted the building report as presented.

Town Clerk- School tax collection for the penalty free period ends this Friday. Dawn and Tina attended the Village Board work session on Monday October 4th to discuss parcels along Crittenden Rd concerning the village water tank line.

Town Attorney(s) – nothing at this time

COUNCILPERSONS:

Jendrowski- he met with Steve Rott about the repairs at the library. Steve should be out to do the work this Thursday. He also corresponded with a Kathryn Drive resident about a neighbor who has been playing music too loud. He referred her to the Code Enforcement Officer. He thanked the Village crew for doing some repair work in front of the library by the pavers/concrete area. He spoke with NU Pipe and Johnson Controls about the sprinkler test. The Board decided to go ahead with the testing at work session. He also thanked the Lady Lions for their work and efforts at the fall festival, which raised money that will go back into the community.

Dugan – he continued ongoing conversations with Newstead Fire Co President on LOSAP and fire company issues.

Burke – he attended the Recreation Committee meeting on the 7th where they discussed the ongoing challenge of finding rec workers. They also discussed purchasing a new laptop for the Rec Director as the current one is older.

Pope- nothing at this time

Supervisor- the September Supervisor’s Report is on file with the Town Clerk. He addressed resident’s concerns about noise/music on Main Rd and Clarence Center Rd and dirt bikes on the bike path. He worked with residents on Indian Falls and Knapp in getting their water hookups done for the waterline project. He worked with Colleen and Dawn on getting the advertisements and letters out for the open Clerk Typist position.

UNFINISHED BUSINESS:

Buildings- work will start at the library this week to take care of the leak issues.

Planning- nothing new to report

Water/Sewer- Scott reminded everyone that the interconnection will take place this Saturday Oct. 16th in the morning hours at Crittenden & Indian Falls roads. 39 people could be temporarily potentially impacted by the water transfer process. ECWA and Wendel will be onsite with the contractor making sure the process goes smoothly.

Grants- nothing new to report

NEW BUSINESS:

SEQRA-Local Law #8 of 2021:

A motion was made by Councilman Dugan, seconded by Councilman Jendrowski issuing a negative SEQRA declaration and determination of non-significance of local law regarding the proposed Local Law #8 of 2021 amending the Solar Law of the Town.

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

Adoption-Local Law #8 of 2021- Solar Law amendments:

A motion was made by Councilman Dugan, seconded by Councilman Jendrowski approving the adoption of the proposed Local Law #8 of 2021 amending the Solar Law of the Town with approved amendments.

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

Adoption-Local Law #9 of 2021- Pole Barn law amendments:

A motion was made by Councilwoman Pope, seconded by Councilman Jendrowski approving the adoption of the proposed Local Law #9 of 2021 amending the requirements for pole barns within the Town as presented.

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

Adoption-Local Law #10 of 2021- Shipping Containers Law amendments:

A motion was made by Councilman Jendrowski, seconded by Councilman Dugan approving the adoption of the proposed Local Law #10 of 2021 amending the Shipping Containers Law of the Town as presented.

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

Adoption-Local Law #11 of 2021- Tax Cap Override:

A motion was made by Councilman Burke, seconded by Councilman Jendrowski approving the adoption of the proposed Local Law #11 of 2021 allowing the override of the NYS Tax Cap as presented.

(Resolution) Cummings-Aye, Dugan-Aye, Burke-Aye, Jendrowski-Aye, Pope- No
Carried

Approval-Community Development Block Grants:

A motion was made by Councilman Dugan, seconded by Councilman Jendrowski approving the list of proposed uses for 2022 Community Development Block Grants within the Town as follows: 1. Joint project with the Village of Akron for sidewalks from the Town Hall on Clarence Center Rd east to Buell St and then north on Buell St to the Pixley's driveway 2. Rural Transit Van Service

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

Approval- Update Anti-Harassment Policy:

A motion was made by Councilman Burke, seconded by Councilwoman Pope approving the proposed updates to the town Anti-Harassment testing policy for employees as presented, effective immediately.

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

Approval- Update of Lighting at Town Hall to LED:

A motion was made by Councilman Dugan, seconded by Councilman Jendrowski accepting the proposals from Precision Electric to update segments of the Town Hall lighting to LED lighting in stages.

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

Approval- Recreation Staff List for Fall-Winter 21-22:

A motion was made by Councilman Burke, seconded by Councilwoman Pope approving the Recreation Department staff list as presented by Recreation Director Dan Roland for the fall-winter session for 2021-22, said list is included with the resolutions.

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 8:03pm. Carried Unanimously

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