

**Newstead Town Board Meeting- October 13, 2020**

A public hearing was called to order by the Newstead Town Board on Tuesday, October 13, 2020 at 7:20pm at the Newstead Town Hall.

Present: David Cummings- Supervisor  
Edmund Burke- Councilman  
John Jendrowski- Councilman  
Joseph Dugan- Councilman  
Brendan Neill- Town Attorney  
Emily Janicz- Assistant Town Attorney  
Michael Bassanello- Highway Supt.  
Scott Rybarczyk- Town Engineer  
Dawn Izydorczak- Town Clerk

Roll Call was taken with all board members present.

The Supervisor called the **public hearing** to order on the proposed uses for the proposed site plan application from Arrowhead Golf Club to construct a 22,836 sq.ft. hotel addition to the Sterling Banquet facility at 12292 Clarence Center Rd at 7:20pm.

The Clerk read proof of publication. The Supervisor stated the Planning Board has voted to approve the project. Comments have been received back from State and County agencies.

Comments: Supervisor Cummings spoke as a neighbor to the property in question and stated the events there are very well maintained and well managed. They are very good neighbors to the residents in the neighborhood and notify them with letters whenever an event with fireworks will be taking place.

Lucas James, owner of 12292 Clarence Center Rd was present to answer any questions or concerns. He stated they welcome any feedback or recommendations for the public and are very concerned about doing things right for the community.

Adam Burg of 12860 Main Rd and a Zoning Board member stated when Mr. James came before the Zoning Board for a variance, they were very concerned about making sure they were doing the project right for the community. He thinks they are doing a great job and the business is a great addition to the tax base.

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

The **regular meeting** of the Newstead Town Board was called to order at 7:25pm with the same members present as listed above.

Councilman Jendrowski led the pledge to the flag.

Minutes from the regular meeting held on September 28, 2020 were presented for approval. A motion was made by Councilman Jendrowski, seconded by Councilman Dugan to approve as presented. Carried

**Agenda Changes** – none

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

A letter was received from the Department of State notifying the town that Local Law #2 of 2020 was received and filed on October 2, 2020.

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

**Work Session:** The Supervisor reported a work session was held last week where the following items were discussed: water project updates, planning item updates, building issue updates, grant updates, plus any other items brought before the Board. The board entered executive session at

8:14pm on a motion from councilman Jendrowski, seconded by Councilman Dugan to discuss the fire contract. The board exited executive session at 8:24pm having taken no action, on a motion from Councilman Burke, seconded by Councilman Dugan.

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

**Budget transfers:** a motion was made by Councilman Burke, seconded by Councilman Jendrowski to approve the budget transfer(s) as presented in a memo from Bookkeeper Colleen Salmon dated 10/13/20. Carried

**Approval of Bills** – Councilman Dugan reported that the Abstract(s) from Batch(es) #2069 & 2070 have been reviewed with the previously un-audited vouchers and everything was found in order. He presented Abstract Batch(es) #2075 for payment. Vouchers on this abstract(s) numbered 1046-1093, totaling \$47,589.54. Councilman Burke seconded to approve payment as follows:

Abstract Batch(es) #2075:  
 General Fund (A)-\$15,639.93, General Fund- Outside Village (B)-\$289.16, Highway (DA) -\$0, Highway: Outside Village (DB)-\$2,913.02, CAP-ADESA PS(HAR)-\$0, CAP- Scotland Rd (HS)-\$0, CAP- Koepsel Rd (HW)-\$0, CAP Water-Downey Rd (HW01)-\$0, CAP- Water Cedar (HW02)-\$0, CAP-Water Knapp (HW03)-\$0, CAP- Bike Path (HTG)-\$0, Drainage (SD)-\$568.23, Fire Protection (SF)-\$0, Refuse (SR)-\$26,508.67, Sewer #1 Fund (SS)-\$873.75, Sewer District #2 (SS02)-\$183.50, Sewer District #3 (SS03)-\$558.50, Trust & Agency(TA)-\$0 and Consolidated Water (SW00)-\$54.78, 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:\$47,589.54 Carried

**COMMITTEE AND DEPARTMENT HEAD REPORTS:**

**Highway** – a report was presented from the Highway Supt as follows: the crews have completed field ditch and roadside mowing, repaired sump pump line in pit by the bike path on Cumming Rd, replaced the brakes on #7 and electric wire harness on the boom tractor, fog sealed McNeeley Rd, mowed the parks and town properties and met with Dave & Scott from Wendel about the Stage Rd drainage issues.

Councilman Jendrowski commented that McNeeley Rd is really nice. They did a great job.

**Assessor** – a report was presented from Tina as follows: The small claims hearings went well, with 2 cases dismissed due to not following proper notification procedures and the other 2 cases being heard on September 29<sup>th</sup>, with decisions by the SCAR officer agreeing with the original assessments by the Assessor and making no adjustments. Exemptions are steadily coming back in and she is working on inspection and valuation of new construction as it is closed out by the building department.

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

Kenneth Dubrinski	6638 Draper	Generator
Patrick Graney	7550 Cedar	One Family Home
Diane LaValley	5703 Crittenden	Replace Covered porch
Michael Trybuskiewicz	Leisurewood- #19	Boardwalk/platform replace
Carrington Mortgage	5449 S Newstead	Remodel/renovation
Chittenden & Dylag	7606 Cedar	Remodel/renovation
Patrick Kerl	6289 Dye	Roof
Stockmohr Co	11126 Crego	Roof
Skylighters of NY LLC	12292 Clarence Center	Special event

The Town Board accepted the building report as presented.

**Town Clerk-** the office is very busy with the last 2 days of school tax collection. Merv 13 filters were installed on all the town owned buildings last week per COVID-19 recommendations. The new Thermal temperature kiosk will be here this week for the Senior Center.

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

**COUNCILPERSONS:**

**Jendrowski-** he met with CEO Dave Miller on code changes & Maple Rd demolition property, met with Dale & Mike on drainage issues, looked at the library drainage issue & discussed filters with Kristine and spoke with Tina to thank her for doing such a good job on the Reval project.

**Dugan** – he spoke with the Newstead Fire company Chief on the contract.

**Burke** – he spoke with the Supervisor on the 6801 Maple Rd property and the plugged culvert on Cedar St.

**Supervisor-** the September Supervisors Report is on file with the Town Clerk. He attended meetings with Congressman Jacobs and the Erie County Supervisors, both of which were in East Aurora, he addressed the Maple Rd building and sent a letter out, he & Colleen met with 3+1 on interest issues, he met with Mike Norris in the office, addressed drainage issues , spoke with Quarry Hill Estates residents on several issues and made phone calls to Cedar St residents.

**UNFINISHED BUSINESS:**

**Buildings-** Library & Denio buildings are still being looked at

**Planning-** code changes are being addressed and a letter was mailed out to the owner of 6801 Maple Rd

**Water-** nothing new

**Grants-** nothing new on existing grants, the CDBG grant is getting ready for submission by the end of the month.

**NEW BUSINESS:**

**Public Hearing- Town of Amherst Fire Alarm Service Contract:**

A motion was made by Councilman Jendrowski, seconded by Councilman Burke approving the calling of a public hearing on the proposed fire alarm service contract between the Town of Amherst and the town, with the hearing to be held on November 9<sup>th</sup> at 7:10pm and authorizing the Clerk to publish legal notice in the Akron Bugle.

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

**Public Hearing-Local Law #3 of 2020-Amendments to Uniform Construction Codes:**

A motion was made by Councilman Dugan, seconded by Councilman Jendrowski approving the calling of a public hearing on the proposed Local Law #3 of 2020 amending the Uniform Construction codes of the town, with the hearing to be held on November 9<sup>th</sup> at 7:15pm and authorizing the Clerk to publish legal notice in the Akron Bugle.

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

**Public Hearing-Local Law #4 of 2020- Amendments to Unsafe Buildings Law:**

A motion was made by Councilman Burke, seconded by Councilman Jendrowski approving the calling of a public hearing on the proposed Local Law #4 of 2020 amending the Unsafe Buildings Law of the town, with the hearing to be held on November 9<sup>th</sup> at 7:20pm and authorizing the Clerk to publish legal notice in the Akron Bugle.

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

**Public Hearing-Local Law #5 of 2020- Short Term Rentals Law:**

A motion was made by Councilman Jendrowski, seconded by Councilman Dugan approving the calling of a public hearing on the proposed Local Law #5 of 2020 -Short Term Rentals Law of the town, with the hearing to be held on November 9<sup>th</sup> at 7:25pm and authorizing the Clerk to publish legal notice in the Akron Bugle.

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

**Approval- Electrical Inspection Services:**

A motion was made by Councilman Dugan, seconded by Councilman Jendrowski authorizing IEC New York Electrical Inspection Services to perform electrical inspections within the Town.

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

**Approval- Close out Sewer District #3 Capital Project:**

A motion was made by Councilman Burke, seconded by Councilman Dugan approving the closeout of the Sewer District #3 Capital project and does hereby determine the project is complete and determines the balance of the HNLO fund should be transferred to the SSO3 fund.

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

**Approval- Adoption of the LGS-1 Records Retention Schedule:**

A motion was made by Councilman Jendrowski, seconded by Councilman Dugan adopting the use of the LGS-1 New York State Local Government Retention and Disposition Schedule for all town records.

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

**Appointment- B.A.R. Member:**

A motion was made by Councilman Burke, seconded by Councilman Dugan approving the reappointment of Steve Carlson to the Board of Assessment Review for a term of 10-1-2020 to 9-30-2025.

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

**Appointment- Recreation Board:**

A motion was made by Councilman Burke, seconded by Councilman Jendrowski approving the appointment of Alicia Tomporowski as a member of the Recreation Board for a term to expire on 12-31-2021.

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

**Approval- Permanent hire of PT Clerk:**

A motion was made by Councilman Burke, seconded by Councilman Dugan approving the permanent hiring of Emily McCoy as 2<sup>nd</sup> Deputy Clerk for the remainder of 2020 at a rate of \$14.00 per hour.

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

**Approval- Lateral Restriction Hardship- 7550 Cedar St:**

A motion was made by Councilman Burke, seconded by Councilman Jendrowski approving the application for a lateral restriction exception hardship for construction of a new build home in water district #10 at 7550 Cedar St as submitted by Elizabeth Graney, based on supporting documentation provided.

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

**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 Dugan to adjourn the regular meeting at 7:53pm. Carried

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