

Newstead Town Board Meeting- September 12, 2022

A regular meeting was called to order by the Newstead Town Board on Monday, September 12, 2022 at 7:30pm 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.

Supervisor Cummings led the pledge to the flag.

Minutes from the regular meeting held on August 22, 2022 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 Jendrowski, seconded by Councilman Dugan to approve the following changes: add a resolution to approve Akron Fire Co training and add a motion to advertise for the Library Board vacancy Carried Unanimously

Communications – The Town Clerk presented the following correspondence:

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

A letter of resignation was received from Bob Tiedt, resigning from his position on the Library Board.

A public notice was received from Erie County Environment & Planning regarding the 30-day period for inclusion of ag lands into the existing agricultural district. The inclusion period runs from September 1st-30th.

A copy of the NYS Building Standards & Codes Code Outreach Program newsletter was received.

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

Work Session: The Supervisor reported that no work session held the last 2 weeks, but the following items were discussed prior to tonight's meeting: water/sewer updates, planning items, building issue updates, grant updates, plus any other items brought before the Board.

Agenda Items Question Period: no one spoke

Budget Transfers: a motion was made by Councilman Dugan, seconded by Councilwoman Pope to approve the budget transfer(s) as presented in a memo from Bookkeeper Colleen Salmon dated 9/12/22. Carried Unanimously

Approval of Bills – Councilwoman Pope reported that the Abstract(s) from Batch(es) #2271 have been reviewed with the previously un-audited vouchers and everything was found in order. Abstract Batch(es) #2274 prepay & 2277-2278 were presented for payment. Vouchers on this abstract(s) numbered 925-990, totaling \$283,831.66. Councilman Jendrowski seconded to approve payment as follows:

Abstract Batch(es) #2274 prepay & 2277-2278:

General Fund (A)-\$79,613.62, General Fund- Outside Village (B)-\$103.14, Highway (DA) -\$0, Highway: Outside Village (DB)-\$171,206.40, CAP-Multicultural Ctr (HMCC)- \$0, CAP-Water-Scotland (HS)-\$393.55, CAP-Water-Koepsel (HW)-\$1,790.64, CAP-Water-Draper (HW01)-\$206.62, CAP-Water-Cedar (HW02)-\$206.62, CAP-Water-Knapp (HW03)- \$2,833.550, CAP-Bike Path (HTG)-\$49.20, Drainage (SD)-\$0, Fire Protection (SF)-\$0, Refuse (SR)-\$26,548.76, Sewer #1 Fund (SS)-\$354.37, Sewer District #2 (SS02)-\$93.19, Sewer District #3 (SS03)-\$427.50, Trust & Agency(TA)-\$0 and Consolidated Water (SW00)-\$4.50, 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: \$283,831.66 Carried Unanimously

COMMITTEE AND DEPARTMENT HEAD REPORTS:

Highway – a report was presented by Mike as follows: the crew completed field ditch mowing, boom mowing, and mowed the bike path, made repairs to open cab tractor, #3 turn signals and #8 brakes, sent 2 trucks to help in Town of Alabama, Town of Alden and Erie County Highway, mowed the parks and cemeteries, broomed Utley Rd and Howe Rd and oiled and stoned both, did a mill in place on Utley Rd, completed field ditching on Main Rd and Scotland Rd, fixed driveways on Utley Rd with stone and blacktop, cleaned up trees on the bike path, filled ground stumps with dirt & seeded, and got the park ready for little league football season.

Assessor – a report was presented from Tina and read by the Supervisor as follows: She has been working on the modeling for the reassessment project as well as building the land tables. She is still in process of calibrating the model. She has also been working on modifying the special districts and might have a state representative come out and assist her with that. The exemption renewals were mailed.

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

Paul Fix	4825 Ayers	Detached garage
Jillian Pearl	4302 Billo	Deck
Cynthia Frost	12251 McNeeley	Air Conditioning
Richard DeMarco	13023 Bruning	Generator
Norman Hilliard	12734 Carney	Generator
Kevin Shoemaker	7861 Scotland	Solar Panels
James Schultz	4473 Ayers	Roof
William Regan	7703 Greenbush	Roof
Arrowhead Timberlodge	12292 Clarence Center	Fireworks
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12715 Lewis Rd LLC	12715 Lewis Rd	Pre-engineered building
Kenneth Benson	7200 Sandhill	Fill & Excavate
Arrowhead Timberlodge	12292 Clarence Center	Fireworks
EM Wargo LLC	5055 Havens	Fireworks
Elaine Frey	6012 Cummings	Windows
J. Schwab Contractor	6012 Cummings	Siding
Brian Chadsey	5951 Cummings	Generator
John Easton	13408 Martin	Shed
Michael Scroger	7464 Maple	Shed

The Town Board accepted the building report as presented.

Town Clerk- School tax bills have been received, processed and were mailed today.

Town Attorney(s) – nothing at this time

COUNCILPERSONS:

Jendrowski – he spoke with a Draper Rd resident about complaints on his parking curbs and they were moved back. He spoke with Rott & Sons and he is going to get out to finish the work at the library on the gutter. Kristine noticed a couple small leaks at the library again and he is going to try to repair with caulk himself. He spoke with Dave Miller about a building issue on Swift Mills Rd and a pond on Utley Rd.

Dugan – he had multiple conversations with Newstead Fire Co reps regarding the contract.

Burke – he reported he is glad to be back after his illness.

Pope – she is glad to see Doc back and she has been doing some research into the energy law.

Supervisor – the August Supervisor’s Report is on file with the Town Clerk. He attended a budget roundtable with Colleen and the auditors. He addressed several Backlot complaints. He attended a refuse contract meeting, reported the sign is moving forward, had a response back from the Union on Highway negotiations and worked on the waterline connections with residents so when the contractors get back on site people are ready. He worked with Sarah on the Senior Center van grant paperwork. He asked that going forward any complaints about the Backlot entertainment be reported to CEO Dave Miller as that is really his responsibility not the Supervisor’s. He did say the venue is trying to do better but agrees when they decided to do fireworks, the neighbors in the area should have been given ample notification.

UNFINISHED BUSINESS:

Buildings – the sign project is in progress, the landscaping project will start next week

Planning – nothing new

Water/Sewer – the contractor is to start back on the project by September 19th.

Grants – nothing new

NEW BUSINESS:

Public Hearing- Local Law #3 of 2022 repeal & replace Chapter 150 of the Code:

A motion was made by Councilman Jendrowski, seconded by Councilman Dugan approving the calling of a public hearing on the proposed Local Law #3 of 2022 that would repeal and replace Chapter 150 of the Town Code regarding the Uniform Construction Codes, with the hearing to be held on September 26, 2022 at 7:25pm at the Town Hall and authorizing the Town Clerk to publish notice of the hearing in the Akron Bugle.

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

Carried Unanimously

Public Hearing- Electric Charging Stations Proposal:

A motion was made by Councilman Dugan, seconded by Councilman Jendrowski approving the calling of a public hearing on the proposal to install electric charging stations throughout the Town of Newstead, with the hearing to be held on September 26, 2022 at 7:20pm at the Town Hall and authorizing the Town Clerk to publish notice of the hearing in the Akron Bugle.

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

Carried Unanimously

Approval- BuyBoard Purchasing Agreement:

A motion was made by Councilman Burke, seconded by Councilwoman Pope approving entering into an agreement with BuyBoard, a national purchasing cooperative for local governments, and authorizing the Highway Superintendent to execute said agreement with BuyBoard on behalf of the town.

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

Purchase of Massey Mower:

A motion was made by Councilwoman Pope, seconded by Councilman Burke to approve the request by the Highway Superintendent to purchase a Massey Ferguson 5711D w/ Diamond twin flail mower with accessories at a total cost of \$126,070.23 from BuyBoard under state contract #611-20 and sold off Sourcewell contract #070821, and authorizing the Highway Superintendent to execute any necessary paperwork for the purchase out of the listed funds.

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

Failed to Carry

Public Hearing- Community Development Block Grants:

A motion was made by Councilman Burke, seconded by Councilman Jendrowski approving the calling of a public hearing on the proposed uses for 2023 CDBG funding opportunities, with the hearing to be held on September 26, 2022 at 7:15pm at the Town Hall and authorizing the Town Clerk to publish notice of the hearing in the Akron Bugle.

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

Carried Unanimously

Approval- Bid Jointly with the Village for Refuse/Recycling Services:

A motion was made by Councilwoman Pope, seconded by Councilman Burke approving the refuse specifications as prepared by the Town Attorney for the joint bidding with the Village of Akron for Refuse & Recycling services, with the bids to be received on October 18, 2022 at 11:00am at the Town Hall and authorizing the Town Clerk to publish notice of the request for bids in the Akron Bugle.

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

Carried Unanimously

Approval- Hire Part time Dog Control Officer:

A motion was made by Councilman Dugan, seconded by Councilman Burke approving the hire of Carissa Decker as a part time Dog Control Deputy at \$18.75/hour, effective immediately.

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

Approval- Lateral Restriction Hardship Application- 12701 Stage Rd:

A motion was made by Councilman Dugan, seconded by Councilman Jendrowski approving the application for a lateral restriction exception hardship at 12701 Stage Rd in water district 10 as submitted by owner Richard Place, based on supporting letter provided.

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

Approval- Lateral Restriction Hardship Application- 12761 Swift Mills Rd:

A motion was made by Councilman Dugan, seconded by Councilman Jendrowski approving the application for a lateral restriction exception hardship at 12761 Swift Mills Rd in water district 10 as submitted by owner Buffalo Modular Homes, based on supporting letter provided.

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

Approval- Akron Fire Co Training Request:

A motion was made by Councilman Dugan, seconded by Councilman Jendrowski authorizing the Town Attorney to negotiate a “hold-harmless” agreement with the Akron Fire Co on behalf of the Town allowing them to host a training session at the Skyline Park facility, and authorizing the Supervisor to execute said agreement.

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

Carried Unanimously

Approval- Advertise for Open Seat on Library Board:

A motion was made by Councilwoman Pope, seconded by Councilman Dugan authorizing the Town Clerk to advertise for the vacant seat on the Library Board in the Akron Bugle.

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

Supervisor Cummings asked all the Board members to come to the next work session prepared to discuss how we can move forward on Highway requests and purchases.

Privilege of the Floor/Question Period:

Richard Wagner of 8047 Kathryn Dr spoke and stated he was here last month to discuss his drainage problems and his issues with the roadsides on Kathryn Drive. He asked for an update on his requests. A discussion was held and the Supervisor stated that they would get back to him within the next 2 weeks.

Alvin Dahn of 87 Quarry Hill Estates spoke about the fireworks at the Backlot over the weekend and the debris field they gave off.

Ralph Campbell of 84 Quarry Hill Estates spoke about the early morning 8:50am base drums and the thumping well before the concert as well as his concerns that no fire apparatus were on site during the fireworks display. He witnessed cars that were driving on Havens Rd pulling into the mobile home park to detour out to Main Rd due to the fireworks going off over the road.

Mrs. Dahn spoke about the fireworks being abnormally loud and they were going off right over their homes. It was very dangerous in her opinion and her cats were terrified. The feral cats in the park must have been affected too.

Carol Boismenu of 83 Quarry hill Estates stated the fireworks were very loud and right over their homes.

Supervisor Cummings stated he agrees notifications about the fireworks should have been sent out to the neighbors in the community prior to the event. The Board will work with the Code Enforcement Officer and look into better control over this.

Code Enforcement Officer David Miller spoke and stated a licensed pyrotechnics company put on the show and followed all required protocols. He was on site during the event and the company abided by all regulations, and he did not observe them go over the park area. On the permit that was filed the fire company did review the permit and knew about the event and the fall out area provided by the pyrotechnic company did not show the fall out area anywhere near the park.

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 8:23pm.

Carried Unanimously

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