

Newstead Town Board Meeting- September 13, 2021

The Board entered executive session at 7:25pm to discuss a personnel matter on a motion from Councilman Burke, seconded by Councilman Dugan. Carried Unanimously

The Board exited executive session on a motion by Councilman Jendrowski, seconded by Councilwoman Pope at 7:27pm, having taken no action. Carried Unanimously

A public hearing was called to order by the Newstead Town Board on Monday, September 13, 2021 at 7:28pm 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 #7 of 2021 amending the Route 5 Zoning Overlay District law to order at 7:28pm.

The Clerk read the proof of publication. The Supervisor explained the proposed amendments were reviewed by the Planning Board and Code Enforcement Officer and recommended for approval to the Town Board.

Comments: Lewis Tandy of 13678 Main Rd stated he likes the proposal but feels it is lacking wildlife remediation efforts for animals that would be residing in an area that is intended for clearing. He would like to see ecology groups involved in the planning process along with the planning board to address these issues before a potential project is approved in the Rt. 5 corridor. It could be handled as easily as through proper landscaping efforts. He just fears an increase in car/deer crashes as we shove the wildlife around with new projects.

Supervisor Cummings stated he feels this is something the Conservation Advisory Council and the Planning Board could look at together and agrees with the thought.

Tom Cowan of 7 Hart St (Chairman of the Planning Board) stated he believes this law addresses two significant long term planning items for the town. 1. Expanding commercial acreage and 2. Use of unused backland along the Rt. 5 corridor. He feels this law will have long term impacts on the town's growth. He also agreed with Lew and the Supervisor that the Planning Board could look at wildlife impacts associated with projects along with the CAC.

Supervisor Cummings stated Code Enforcement Officer Dave Miller has thoroughly reviewed the proposed law and agrees with its approval.

There being no further comments, a motion was made by Councilman Dugan, seconded by Councilwoman Pope to close the public hearing at 7:35pm.

The **regular meeting** of the Town Board was called to order at 7:35pm with the same members present as listed above.

Councilman Burke led the pledge to the flag.

Minutes from the regular meeting held on August 23, 2021 were presented for approval. A motion was made by Councilman Dugan, seconded by Councilman Jendrowski to approve as presented.
Carried Unanimously

Agenda Changes – none

Communications – The Town Clerk presented the following correspondence:
Two letters were received from Charter Communications notifying the town of upcoming changes in their programming services on or about September 1st and September 27th.

A letter was received from NYS Department of State notifying the town that the 2020 Census population numbers are in and the town increased from 8,594 people in 2010 to 8,689 people for the 2020 Census.

The Town Historian’s semi-annual report for January – July 2021 was received and filed.

A letter of notice intent to retire was received from employee Christine Falkowski effective January 31, 2022.

A notice of public hearing was received from the Town of Lancaster regarding their Local Law to opt out of allowing cannabis retail dispensaries and on-site consumption sites within the town. The hearing is to be held on October 4th at 7:15pm.

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

Work Session: The Supervisor reported that no work session was held last two weeks, but the following items were discussed prior to tonight’s meeting: water and sewer project updates, planning items and code change updates, building issue updates, grant updates, brush policy review, 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 9/13/21.
Carried Unanimously

Approval of Bills – Councilman Jendrowski reported that the Abstract(s) from Batch(es) #2163 have been reviewed with the previously un-audited vouchers and everything was found in order. Abstract Batch(es) #2169 were presented for payment. Vouchers on this abstract(s) numbered 898 – 966, totaling \$176,966.92. Councilman Burke seconded to approve payment as follows:

Abstract Batch(es) #2169:
General Fund (A)-\$67,714.85, General Fund- Outside Village (B)-\$100.05, Highway (DA) -\$0, Highway: Outside Village (DB)-\$51,216.53, CAP-Multicultural Ctr (HMCC)- \$0, CAP-Water-Scotland (HS)-\$474.05, CAP-Water-Koepsel (HW)-\$2,160.80, CAP-Water-Draper (HW01)- \$264.59, CAP-Water-Cedar (HW02)-\$253.56, CAP-Water-Knapp (HW03)- \$2,171.83, CAP-Bike Path (HTG)-\$110.25, Drainage (SD)-\$1,517.80, Fire Protection (SF)-\$0, Refuse (SR)-\$26,070.43, Sewer #1 Fund (SS)-\$380.25, Sewer District #2 (SS02)-\$134.50, Sewer District #3 (SS03)-\$516.50, 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)- \$23,876.43;
Total:\$176,966.92
Carried Unanimously

COMMITTEE AND DEPARTMENT HEAD REPORTS:

Highway – a report was presented from the Highway Supt that the crew has oil & stoned Martin Rd from Scotland to the Genesee Co. line and did shoulders on Brucker & Greenbush roads, mowed parks, town properties and field ditch mowing, broomed Jones & Billo roads and swept Martin Rd, helped Lancaster with 2 trucks, took #10 to Kenworth, replaced 50’ of cross culvert on Clair Drive and 40’ on Bruning Rd, painted the handrails at the Town Hall, shut off the outside water spicket at the Denio for the season and worked on the GIS data gathering for the culvert grant.

Assessor – a report was presented from the Assessor and read by the Supervisor as follows: exemption renewals will be mailed shortly. All sales, splits and merges are complete. Inspection and valuation of new construction that has been closed out is also up to date. Early August transfers were shared with the Board.

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

Benjamin Blankenship	6826 Cedar	Pole barn
Alexx Christie	11623 Howe	Shed
Jessica Nowak	5038 Havenwood	Pole barn
Kevin Stone	13714 Martin	Porch roof
Douglas Wall	6827 Cedar	Home Addition
William Hawes	6216 Utley	Home Addition
Steven Weaver	6766 Cedar	Roof
Sharon Schumacher	12081 Meahl	Siding
Phillip Kenline	8238 Greenbush	Deck
Steven Bielak	5062 Havenwood	IG Pool
Lakeshore Management Inc	184 Quarry Hill Est	Manufactured Home
Todd Pfeiffer	12320 Tonawanda Creek	IG Pool
Jacob Kelkenberg	12600 Stage	Pole barn
5720 Cummings Rd Inc	18 Willow	Deck
Coryn Schrock	8269 Greenbush	Pole barn
Daniel Kehr	13565 Main	Roof
Dennis Krol	262 Golden Pond	Roof

The Town Board accepted the building report as presented.

Town Clerk- School tax bills have been received extremely late. We are working at processing them and getting them mailed out by Wednesday. Collection then begins immediately through November 30th. Dawn thanked Bob Massaro, Dave Borchert and the highway crew for all the extra work they did over the past 2-3 weeks at the Town Hall and the Denio. They both look great!

Town Attorney(s) – nothing at this time

COUNCILPERSONS:

Jendrowski- the library carpet color has been picked out and ordered. The grant for the new HVAC system is being submitted. He spoke with a Kathryn Drive resident and Mickey Beck regarding complaints and addressed an issue with some of the flag pipes at Veterans Park. He spoke with the CEO on Local Law 7 to get his thoughts.

Dugan – he and Councilman Jendrowski have a meeting with Newstead Fire Co. Chief Chris Bower and President Louis Henley this Tuesday night at 7:00pm.

Burke – nothing at this time

Pope- nothing at this time

Supervisor- the August Supervisor’s Report is on file with the Town Clerk. He & Colleen attended the annual budget roundtable put on by Drescher & Malecki. He distributed the minutes for the waterline meeting to all concerned and he is still working with the Sheriff’s Dept. and NYS Troopers to gather incident reports for Cedar & Carney. Blinking lights have been added to the Carney Rd approaches but still feels that is not enough. He spoke with Modern regarding refuse pickup delays

due to manpower shortages. He asks all our resident's patience through this until they can get back to full staffing. He also worked on ideas for CDBG funding projects for next year.

UNFINISHED BUSINESS:

Buildings- the new library carpet is ordered and the HVAC grant submission is pending.

Planning- multiple local laws are pending public hearings. NextEra will be working 24/6 work weeks for the next several weeks. When the pulling of lines begins, Nice Rd will be temporarily closed during that stage. The helicopter work has been pushed back to November.

Water/Sewer- Scott reported 1,300' of waterline has been installed on Indian Falls Rd. The contractor has gone thru 3 buster heads to get through the rock so far. They are concerned that there are no services out at the road yet for homeowners on Indian Falls. Most of the ones on Knapp Rd are done and ready. He also reported the County is moving forward with a pump station in front of the water tank on Main Rd. Culvert Study: Scott thanked Mike and the highway crew for all their work on the data collection for the culvert study. He presented the Board with a preliminary GIS map of the data collected so far. He stated the next step is to work with NYS Fish & Wildlife to inspect & check the culverts for fish passage impediments and sediment/erosion. This provides potential for funding options for projects to fix the culverts that need it.

Grants- nothing new to report

NEW BUSINESS:

SEQRA-Local Law #7 of 2021:

A motion was made by Councilman Jendrowski, seconded by Councilman Dugan issuing a negative SEQRA declaration for a Type II action and determination of non-significance of local law regarding the proposed Local Law #7 of 2021 amending the Zoning Law relative to the Route 5 Overlay District.

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

Adoption-Local Law #7 of 2021- Amendments to Route 5 Zoning Overlay District Law:

A motion was made by Councilman Jendrowski, seconded by Councilman Dugan approving the adoption of the proposed Local Law #7 of 2021 amending the Zoning Law relative to the Route 5 Overlay District law.

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

Public Hearing-Community Development Block Grants:

A motion was made by Councilwoman Pope, seconded by Councilman Dugan approving the calling of a public hearing on the proposed uses for 2022 community Development Block Grants, with a hearing to be held on September 27, 2021 at 7:05pm at the Town Hall and authorizing the Town Clerk to publish notice in the Akron Bugle, the official town paper.

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

Public Hearing-Local Law #11 of 2021- Tax Cap Override:

A motion was made by Councilman Burke, seconded by Councilwoman Pope approving the calling of a public hearing on the proposed Local Law #11 of 2021 allowing the override of the NYS Tax Cap if necessary, with a hearing to be held on September 27, 2021 at 7:10pm at the Town Hall and authorizing the Town Clerk to publish notice in the Akron Bugle, the official town paper.

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

Reappointment- Board of Assessment Review:

A motion was made by Councilman Burke, seconded by Councilman Dugan approving the reappointment of Fred Pask to the Board of Assessment Review for a term beginning 10/1/2021 thru September 30, 2026.

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

Approval- Accept Notice of Retirement:

A motion was made by Councilman Dugan, seconded by Councilman Burke accepting, with regret, the notice of retirement of Christine Falkowski effective January 31, 2022.

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

Approval- Town Brush Policy:

A motion was made by Councilman Burke, seconded by Councilwoman Pope approving the proposed new Town Brush Policy as presented.

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

Privilege of the Floor/Question Period: Supervisor Cummings acknowledged the presence of Sharon Carlo in the audience and congratulated her on her recent appointment to the Village of Akron's Zoning Board of Appeals as an alternate. The rest of the Board expressed their congratulations as well. Sharon thanked them all and stated she looks forward to serving.

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 8:04pm. Carried Unanimously

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