

Newstead Town Board Meeting- September 26, 2022

The Board entered executive session at 7:10pm to discuss contracts 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 Councilman Dugan at 7:22pm, having taken no action. Carried Unanimously

A public hearing was called to order by the Newstead Town Board on Monday, September 26, 2022 at 7:28pm 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
Dawn Izydorczak – Town Clerk

Roll Call was taken with all board members present.

The Supervisor called the hearing to order on the proposed uses for Community Development Block Grant funds for 2023 at 7:28 pm.

The Clerk read proof of publication. The Supervisor explained that every year the town looks at potential projects for this funding and we seek out public opinion on projects. The Supervisor spoke about the potential for a senior van for the senior center and the Rural Transit Van Service, which is always a ranked project. Councilman Burke questioned rankings and the Supervisor explained.

Comments: no one spoke

There being no further comments, a motion was made by Councilman Burke, seconded by Councilman Dugan to close the public hearing at 7:30pm. Carried Unanimously

The Supervisor called the hearing to order on the proposed installation of electric vehicle charging stations at various locations throughout the town at 7:30pm.

The Clerk read proof of publication. The Supervisor explained that this is a topic that NYS is pushing and funding. The Board is looking to see the amount of interest there would be for these in our area.

Comments: Ralph Campbell of Quarry Hill Estates asked who is paying for the electric usage on the stations.

Supervisor Cummings stated the user would pay a set rate to use the station and funding is available through the state and federal governments to install the stations.

Carl Klingenschmitt of Howe Rd stated he feels we may be a little ahead of the curve on this but thinks it is a good idea to look into.

There being no further comments, a motion was made by Councilman Dugan, seconded by Councilman Jendrowski to close the public hearing at 7:36pm. Carried Unanimously

The Supervisor called the hearing to order on the proposed Local Law #3 of 2022 that would update and replace Chapter 150 of the Town Code regarding Construction Codes, Uniform at 7:36 pm.

The Clerk read proof of publication. The Supervisor explained that New York State has issued new guidelines that every municipality is required to adopt. This law is merely making those required amendments to the Code and law so that we are in conformance. Councilwoman Pope asked about the complaint process and after discussion it was decided to leave the wording as it was presented by the state.

Comments: no one spoke

There being no further comments, a motion was made by Councilman Jendrowski, seconded by Councilman Dugan to close the public hearing at 7:40pm. Carried Unanimously

The regular meeting of the Town Board was called to order at 7:40pm with the same members present as listed above.

Town Clerk Izydorczak led the pledge to the flag.

Minutes from the regular meeting held on September 12, 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 Supervisor Cummings, seconded by Councilman Dugan to approve the following changes: remove resolution D on highway equipment and add a motion to advertise for new cleaners 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 October.

A letter of interest in the Library Board position was received from Michelle Cositore.

A letter of interest in the Library Board position was received from Edna Scherf.

A notice was received from Erie County Environment & Planning regarding the 2022 Agriculture Planning Protection Program, which provides matching funds to municipalities to be used to update comprehensive plans, zoning ordinances, solar ordinances and/or farmland protection plans. Applications are due by October 7th.

A motion was made by Councilman Dugan, seconded by Councilman Jendrowski 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: highway issues, water/sewer updates, planning items, building issue updates, grant updates, 2023 budget, refuse bid/contract, bicentennial updates, fire contract, plus any other items brought before the Board. The Board held an executive session from 7:40pm to 8:01 pm regarding contracts and exited executive session having taken no action.

Agenda Items Question Period: no one spoke

Budget Transfers: a motion was made by Councilwoman Pope, seconded by Councilman Jendrowski to approve the budget transfer(s) as presented in a memo from Bookkeeper Colleen Salmon dated 9/26/22. Carried Unanimously

Approval of Bills – Councilwoman Pope reported that the Abstract(s) from Batch(es) #2274, 2277 & 2278 have been reviewed with the previously un-audited vouchers and everything was found in order. Abstract Batch(es) #2280 were presented for payment. Vouchers on this abstract(s) numbered 991-1029, totaling \$31,338.04. Councilman Burke seconded to approve payment as follows:

Abstract Batch(es) #2280:

General Fund (A)-\$16,392.02, General Fund- Outside Village (B)-\$0, Highway (DA) -\$0, Highway: Outside Village (DB)-\$2,814.20, 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)- \$3,425.00, CAP-Bike Path (HTG)-\$0, Drainage (SD)-\$0, Fire Protection (SF)-\$0, Refuse (SR)-\$0, Sewer #1 Fund (SS)-\$727.44, Sewer District #2 (SS02)-\$144.81, Sewer District #3 (SS03)-\$0, Trust & Agency(TA)-\$0 and Consolidated Water (SW00)-\$42.04, 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)- \$7,792.53; Total: \$31,338.04 Carried Unanimously

COMMITTEE AND DEPARTMENT HEAD REPORTS:

Highway – no report presented

Assessor – a report was presented from Tina and read by the Supervisor as follows: Exemption renewals are now being returned by residents. She has completed the land tables for the reassessment and has started the valuation of the residential properties. This is a very long process which will span several months. She will be out of the office the week of September 18th for the Assessor’s conference in Lake George. She has also completed updating the special district values and have turned in the final numbers for budget. She is hoping to have all the valuation complete by mid-February.

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

Daryl Santillo	11735 Clarence Center	Solar panels-garage mount
Edward Sebian	13833 Main	Shed
Patrick Oliver	13324 Stage	Shed
Steven Turowski	13098 Steiner	Addition/ deck
Joseph Healey	5220 Crittenden	Boiler replacement
Raymond Braun	5008 S Newstead	Interior renovation
James Witkowski	12765 Brucker	Roof
Alexander Koss	13853 Bloomingdale	Roof
Tanya Lords-Quinn	11953 Buckwheat	Roof
Jeffrey Poss	8098 Maple	Roof
Richard Place	12701 Stage	One Family Home
Arrowhead Timberlodge	12292 Clarence Ctr	Fireworks
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Raymond Braun	11891 Main	Festival
EM Wargo	5055 Havens	Fireworks
Raymond Braun	11891 Main	Glow & Show event
Cory Dukat	11860 Sheila Ln	IG Pool
Alex Wallis	12761 Swift Mills Rd	Two Family Home

The Town Board accepted the building report as presented.

Town Clerk- School tax collection continues at a good pace and hunting license sales are just getting busy. The sign and landscaping projects are both in full progress.

Town Attorney(s) – nothing at this time

COUNCILPERSONS:

Jendrowski – he attended a library board meeting where they discussed the vacancy on the board, the HVAC system grant, and the roof leak. He attended a meeting with Councilman

Dugan and Newstead Fire Co President Louis Henley and Chief Chris Bower. He spoke with Lavocat's and Dawn on the choice of stone on the library bank. He also spoke with Dave Miller regarding the Backlot noise and fireworks issues as well as updates on fire inspections and streamlining the building permit program.

Dugan – He attended a meeting with Councilman Jendrowski and Newstead Fire Co President Louis Henley and Chief Chris Bower and feels we are finally on the right track and the negotiations are moving along now.

Burke – he attended a meeting of the Joint Municipal Facility committee where they discussed the possibility of a solar source for the HVAC.

Pope – nothing at this time

Supervisor – He attended Supervisors meetings in East Aurora and Lackawanna, the JMF committee meeting, a meeting with 3+1 with Colleen, worked on the union contract, chased bicentennial letters from representatives, and spoke with the CEO about complaints. He presented his budget message for 2023, which currently keeps us under the tax cap by about \$1,200.

UNFINISHED BUSINESS:

Buildings – library leak still being addressed, we are asking Lavocat's for a price to stone the island at the rear of the library, the exterior column at the Denio needs to be looked at and addressed, the Town Hall sign work and landscaping is in full swing.

Planning – nothing new

Water/Sewer – Scott reported the contractor has machines on site and is supposed to start by Wed., Sept. 28th. They have been notified in writing that they are expected to meet the substantial completion date of November 18th. Scott thanked Dave & Colleen for getting all the resident's applications in and sent to ECWA for processing.

Grants – a resolution on the 2023 CDBG will be completed at the next meeting, nothing new on parks, private van grant is received. We received a copy of a letter from the Village of Akron to Erie County declining the funds for the sidewalk project since we cannot find a way to run the sidewalk that appeals to everyone concerned.

NEW BUSINESS:

Public Hearing- Local Law #4 of 2022- Override Tax Cap:

A motion was made by Councilman Dugan, seconded by Councilman Burke approving the calling of a public hearing on the proposal Local Law #4 of 2022 to override the tax cap, with the hearing to be held on October 11, 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- No Carried

Public Hearing- 2023 Budget:

A motion was made by Councilman Burke, seconded by Councilman Dugan approving the calling of a public hearing on the proposed Budget for 2023, with the hearing to be held on October 24, 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

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

A motion was made by Councilman Jendrowski, seconded by Councilman Burke approving the adoption of Local Law #3 of 2022 that would repeal and replace Chapter 150 of the Town Code regarding the Uniform Construction Codes.

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

Approval- Advertise for Cleaners:

A motion was made by Councilman Burke, seconded by Councilwoman Pope authorizing the Town Clerk to advertise for the open cleaner(s) position in the Akron Bugle.

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

Privilege of the Floor/Question Period:

Alvin Dahn of 87 Quarry Hill Estates asked why Councilwoman Pope has been appearing virtually the last 2 meetings.

Supervisor Cummings and the Town Attorney explained the new virtual law and that Councilwoman Pope currently has a medical excuse why she cannot be physically present at meetings.

Ralph Campbell of Quarry Hill Estates stated the last concert at the Backlot registered 93 decibels at his home and close to 100 decibels by the park office. They endured 5 hours of pounding bass. This concert was not quiet by any means, and he feels the concert promoters are not attempting to make improvements at all.

Councilman Jendrowski stated he has talked to the CEO several times about mitigation plans for next year and the Board is looking at changes to the codes that would help.

Rose Dahn of 87 Quarry Hill Estates stated dealing with this next year is not helping them now. This is not acceptable, and she feels like senior citizens don't matter to them. They have all been there before this concert venue ever started and they just want peace in their homes.

Alvin Dahn questioned what has been done since the last meeting. He stated it seems like nothing has been done.

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 8:20pm.
Carried Unanimously

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