

Newstead Town Board Meeting- September 27, 2021

The Board entered executive session at 6:45pm to discuss personnel and contracts on a motion from Councilman Dugan, seconded by Councilman Burke. Carried Unanimously

The Board exited executive session on a motion by Councilman Jendrowski, seconded by Councilwoman Pope at 7:01pm, having taken no action. Carried Unanimously

A public hearing was called to order by the Newstead Town Board on Monday, September 27, 2021 at 7:18pm 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
Dawn Izydorzak- Town Clerk

Roll Call was taken with all board members present.

The **public hearing** on proposed use of CDBG funds was postponed.

The **public hearing** on proposed Local Law #11 overriding the tax cap was postponed.

The Supervisor called the **public hearing** on proposed **Local Law #10** amending the shipping container law to order at 7:18pm.

The Clerk read the proof of publication. The Supervisor explained the proposed amendments were reviewed by the Planning Board and Code Enforcement Officer, who provided comments back to the Board to consider.

Comments:

Written comments were received and read by Carl Klingenschmitt of 11520 Howe Rd regarding the numbering sequence in section 450-39, exclusion of PODS and similar short-term moving/storage containers for a period of 45 days, suggested wording changes for section 3.b.4, and better definition of "landscaped area" in section 3.B.6.

There being no further comments, a motion was made by Councilman Dugan, seconded by Councilman Jendrowski to close the public hearing at 7:24pm.

The Supervisor called the **public hearing** on proposed **Local Law #8** amending the Solar Law to order at 7:24pm.

The Clerk read the proof of publication. The Supervisor explained the proposed amendments were reviewed by the Planning Board and Code Enforcement Officer, who provided comments back to the Board to consider as well as providing them with the Niagara County decommission regulations for solar.

Comments:

Written comments were received and read by Carl Klingenschmitt of 11520 Howe Rd stating he supports amendments to the solar law and fully supports growing solar electricity power within the town. He suggested 7 different edits to the current proposed law for the board to consider.

There being no further comments, a motion was made by Councilman Dugan, seconded by Councilwoman Pope to close the public hearing at 7:29pm.

The Supervisor called the **public hearing** on proposed **Local Law #9** amending the pole barn laws to order at 7:29pm.

The Clerk read the proof of publication. The Supervisor explained the proposed amendments were reviewed by the Planning Board and Code Enforcement Officer, who provided comments back to the Board to consider regarding principal structure uses vs. secondary structure uses.

Comments:

Written comments were received and read by Carl Klingenschmitt of 11520 Howe Rd stating he feels the law needs to be clarified through better definitions of what a pole barn is, define agriculture operations and better define what a “lot” is.

There being no further comments, a motion was made by Councilman Dugan, seconded by Councilwoman Pope to close the public hearing at 7:32pm.

The **regular meeting** of the Town Board was called to order at 7:32pm with the same members present as listed above.

Town Attorney Brenda Neill led the pledge to the flag.

Minutes from the regular meeting held on September 13, 2021 were presented for approval. A motion was made by Councilman Burke, seconded by Councilwoman Pope to approve as presented.
Carried Unanimously

Agenda Changes – A motion was made by Councilman Dugan, seconded by Councilman Jendrowski to approve the following agenda changes: add resolutions calling for new public hearings on Local Law #11 of 2021 and CDBG funding
Carried Unanimously

Communications – The Town Clerk presented the following correspondence:

Two notices of public hearing were received from the Village of Akron ZBA regarding the renewal of a special use permit for the daycare center located next to the town owned cemeteries. The hearing is to be held on September 29th at 7:00pm.

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 at work session held last week the following items were discussed: a meeting with Newstead Fire Co on LOSAP issues, Carl K. spoke on code changes, water and sewer project updates, planning items and code change updates, building issue updates, grant updates, Limerick Hall sale, Library issues, LED lighting upgrades, Senior Center issues, cannabis law, plus any other items brought before the Board. The Board entered an executive session at 8:45pm to address personnel items and exited at 9:00pm having taken no action.

Agenda Items Question Period: no one spoke

Budget transfers: a motion was made by Councilman Burke, seconded by Councilwoman Pope to approve the budget transfer(s) as presented in a memo from Bookkeeper Colleen Salmon dated 9/27/21.
Carried Unanimously

Approval of Bills – Councilman Jendrowski reported that the Abstract(s) from Batch(es) #2169 have been reviewed with the previously un-audited vouchers and everything was found in order. Abstract Batch(es) #2171 were presented for payment. Vouchers on this abstract(s) numbered 967-1006, totaling \$28,312.69. Councilman Dugan seconded to approve payment as follows:

Abstract Batch(es) #2171:

General Fund (A)-\$14,470.81, General Fund- Outside Village (B)-\$0, Highway (DA) -\$0, Highway: Outside Village (DB)-\$13,552.65, 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)-\$0, Sewer #1 Fund (SS)-\$42.32, Sewer District #2 (SS02)-\$95.67, Sewer District #3 (SS03)-\$0, Trust & Agency(TA)-\$0 and Consolidated Water (SW00)-\$151.24, 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:\$28,312.69
Carried Unanimously

COMMITTEE AND DEPARTMENT HEAD REPORTS:

Highway – a report was presented from the Highway Supt that the crew has helped the Town of Clarence on a project, mowed the parks and town properties, put shoulders on Moore Rd, Crego Rd Downey Rd and Draper Rd, and did work to fill ground stumps throughout the town. Mike will be out of town for the fall conference from Sept. 28th thru October 1st.

Assessor – a report was presented from the Assessor and read by the Supervisor as follows: exemption renewals are already being brought back in. Inspection and valuation of new construction is being updated as it is closed out by the building department. There are several new land separations that are waiting for County Mapping to process.

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

Christopher Milhollen	11734 Meahl	Pole barn
TNT Builders	13009 Dorsch	Pole barn
Woitaszek Family Trust	12740 Dorsch	Pole barn
Wargo Enterprises	4771 N Millgrove	Demolition
Philip Hegedusich	11158 Main	Generator
Benjamin Schultz	11241 Stage	Roof
Frank Bratek	7667 Scotland	Roof
Salvatore Fusco	11986 Main	Digital Sign
Kevin Shoemaker	7861 Scotland	AG Pool
William Goral	12229 McNeeley	Zoning compliance- Pavilion

The Town Board accepted the building report as presented.

Town Clerk- School tax bills have been mailed and are coming in at a good pace. Dawn also reported the town hall phone systems are experiencing issues due to a cyber-attack against their US phone carrier. They are asking people to contact them via email until the issue is resolved.

Town Attorney(s) – nothing at this time

COUNCILPERSONS:

Jendrowski- he, Councilman Dugan, Newstead Fire Co President Louis Henley and John Wideman met to discuss how the contract is going as well as LOSAP issues. He also spoke with a resident regarding unified development and referred them to the Planning Board and Building Department. He also spoke with the Newstead Chief regarding EMT tablets and the avoidable alarm law, which may need to be looked at for some amendments by the Board.

Dugan – he, Councilman Jendrowski, Newstead Fire Co President Louis Henley and John Wideman met and discuss the contract, LOSAP issues, call volume increases they have been dealing with, membership issues and their sign out in front of the hall. They also discussed grant possibilities for funding and avoidable alarm data was shared.

Burke – he enjoyed working the HHW, electronics and shred-it event Saturday at the Joint Facility. He reported the number of attendees seemed to be significantly decreased from previous events. This is a great service provided for the residents.

Pope- she spoke with a resident about a tree covering a T junction sign on Stage Rd and reported it back to Highway Supt. Bassanello. She also took several calls regarding the garbage pickup delays that have been happening for the past several weeks.

Supervisor- he acknowledged Councilwoman Pope's remarks about the garbage delays and asked residents to continue to be patient as Modern works through their staffing shortages. He met with 3+1 reps and reported the town is ranked at the top for our investment policy. He met the new representative for the Town as well. He attended the bicentennial meeting and an open house hosted by County Line Stone where they had a blasting display and tour of the facility. He attended the Association of Erie County Governments meeting in Tonawanda where a seminar was presented on the CDBG program. He took complaints about the property at Rt. 93 and Brucker Rd, which the CEO will be sending out violation notices on. He received complaints about this weekend's concerts at Braun's Concert Cove and forwarded them to the CEO to address with the concert vendor. He presented the Tentative Budget to the Town Clerk and Town Board and read his budget message for the 2022 budget.

UNFINISHED BUSINESS:

Buildings- nothing new

Planning- the sale of the Limerick Hall should be closing in the next 2 weeks.

Water/Sewer- DJM continues to work on Indian Falls Rd working slowly through the rock. Scott and the Supervisor are continuing to get homeowners connections from the home to the road. Scott also reported he is working with Tom Hoffman, an inspector from Fish & Wildlife, on the culvert study.

Grants- nothing new

NEW BUSINESS:

Public Hearing-2022 Budget:

A motion was made by Councilman Dugan, seconded by Councilman Burke approving the calling of a public hearing on the proposed 2022 Budget, with a hearing to be held on October 25, 2021 at 7:20pm 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

Approval- Update Town Drug Testing Policy:

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

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

Approval- LED Light Conversion for Town roads:

A motion was made by Councilman Burke, seconded by Councilman Jendrowski accepting the proposal from National Grid to update all the fluorescent road lighting in the town to LED lighting.

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

Approval- Advertise for Clerk Typist position:

A motion was made by Councilman Dugan, seconded by Councilwoman Pope approving the Erie County Civil Service canvass and advertisement for a full-time clerk typist position with the town.

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 Jendrowski, seconded by Councilman Dugan 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 October 12, 2021 at 7:20pm 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-Community Development Block Grants:

A motion was made by Councilwoman Pope, seconded by Councilman Burke approving the calling of a public hearing on the proposed uses for 2022 Community Development Block Grants, with a hearing to be held on October 12, 2021 at 7:25pm 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

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 8:10pm.

Carried Unanimously

Respectfully Submitted,

Dawn D. Izydorczak, RMC, Town Clerk