

## Newstead Town Board Meeting- September 28, 2020

A public hearing was called to order by the Newstead Town Board on Monday, September 28, 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 Community Development Block Grant program funding projects at 7:20pm.

The Clerk read proof of publication. The Supervisor explained some past projects the town has received funding for and what types of projects are eligible, such as low income, senior benefitting items or safety issues. The town has discussed already 2 projects which are LED lighting and bathroom upgrades at the Senior Center and the Rural Transit Van.

Comments: no one spoke

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

The Supervisor called the **public hearing** to order on the proposed Local Law # 2 of 2020 Overriding the Tax Cap at 7:25pm.

The Clerk read proof of publication. The Supervisor explained the town has passed this resolution for many years and has only had to go over the tax cap once. It is always done just in case we should ever have to go over the cap. At this moment it looks like we should be under the cap.

Comments: no one spoke

There being no further comments, a motion was made by Councilman Jendrowski, seconded by Councilman Burke to close the public hearing at 7:28pm Carried

The **regular meeting** of the Newstead Town Board was called to order at 7:30pm with the same members present as listed above.

Councilman Dugan led the pledge to the flag.

Minutes from the regular meeting held on September 14, 2020 were presented for approval. A motion was made by Councilman Dugan, seconded by Councilman Burke to approve as presented. Carried

**Agenda Changes** – a motion was made by Councilman Jendrowski, seconded by Councilman Dugan to make the following agenda changes: add resolution for Justice Court Assistance Program grant application Carried

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

A letter was received from the Newstead Historical Society announcing the joint agreement between the society and the Town to share the Newstead Abbey bowl and the Town will decide where it should be displayed.

A notice of public hearing was received from the Town of Alden regarding their Local Law #1 of 2020 Overriding the Tax Cap, with the hearing to be held on October 6<sup>th</sup> at 7:10pm.

A motion was made by Councilman Dugan, seconded by Councilman Burke 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.

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

**Budget transfers:** a motion was made by Councilman Dugan, seconded by Councilman Jendrowski to approve the budget transfer(s) as presented in a memo from Bookkeeper Colleen Salmon dated 9/28/20. Carried

**Approval of Bills** – Councilman Burke reported that the Abstract(s) from Batch(es) #2066 plus postage transfer have been reviewed with the previously un-audited vouchers and everything was found in order. He presented Abstract Batch(es) #2069 & 2070 for payment. Vouchers on this abstract(s) numbered 979-1017, totaling \$166,968.18. Councilman Jendrowski seconded to approve payment as follows:

Abstract Batch(es) #2069:  
 General Fund (A)-\$163,904.63, General Fund- Outside Village (B)-\$1,098.48, Highway (DA) -\$0, Highway: Outside Village (DB)-\$1,505.95, 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)-\$316.12, Fire Protection (SF)-\$0, Refuse (SR)-\$0, Sewer #1 Fund (SS)-\$29.84, Sewer District #2 (SS02)-\$70.70, Sewer District #3 (SS03)-\$0, Trust & Agency(TA)-\$0 and Consolidated Water (SW00)-\$42.46, 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:\$166,968.18 Carried

**COMMITTEE AND DEPARTMENT HEAD REPORTS:**

**Highway** – a report was presented from the Highway Supt as follows: the crews have oiled and stoned McNeeley Rd and Stage Rd, mowed field ditches and completed filed ditching on Rapids Rd, mowed the parks, cemeteries and town properties, helped the Town of Alden, Erie County Highway and the Town of Darien on projects. Mike thanked the Supervisor, Councilman Burke, Colleen and Rachel for helping out with the hazardous waste, electronics and shred-it event on Saturday. A report was also given on the totals for the event where 239 town residents and 160 village residents were served. Mike also spoke about the drainage issue on Stage Rd, where they are hoping to use the Kumpf’s property along the hedgerow to keep some of the drainage off the road drains.

**Assessor** – a report was presented from Tina as follows: The office has picked up quite a bit with tax bills out and exemption renewals being returned. The small claims hearings have been scheduled for the 29<sup>th</sup> of September and she is prepared for both. There were two other claims submitted to the Court, but because neither party followed the proper notification procedures, I was able to get both dismissed by the Court.

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

Gina Senko	7271 Sandhill	Shed
Richard Lauricella	6911 Maple	Pool deck
Aleksandr Matskevich	7500 Greenbush	Pole barn
Carol Boismenu	83 Quarry Hill Est	Carport
David Sescil	12620 Buckwheat	Metal roof
Bryon Troyer	220 Quarry Hill Est	Roof
Rose Heiman	4571 Crittenden	Roof

CMK Builders of Alden	13325 Stage	One Family Home
Kelly Schultz	11167 Main	Special event
Alice Rosazza	5720 Cummings #140	Shed
Donald Campagna	5845 Barnum	Shed
Christopher Whitmarsh	12420 Clarence Center	Pole barn
Kelly Schultz	11167 Main	4 storage units buildings

The Town Board accepted the building report as presented.

**Town Clerk-** nothing at this time

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

**COUNCILPERSONS:**

**Jendrowski-** he attended a meeting with the Supervisor, Akron Fire Company representatives and Village Trustees to discuss the fire contract. He spoke with Dan Kowalik on COVID-19 updates.

**Dugan** – nothing to report

**Burke** – he worked the HHW, electronics and shred-it event from 8:50-12:22pm on Saturday. He stated he has never seen a line of people for the event like that, but it ran very smoothly and was quite successful. He also met with CAC Chairman Klingenschmitt on the drainage map updates.

**Supervisor-** he worked the HHW, electronics and shred-it event on Saturday and agreed he has never seen that volume of people for the event. He read the report on the event and what was dropped off. He thinks a lot of cleaning was done in people’s homes during the 6 months of the COVID-19 pandemic. Many people waited over an hour to get through the whole process, but all were very grateful and no one complained. He attended Zoom meetings with FEMA and Congressman Reed. Attended a meeting of Supervisors in Orchard Park. Attended the fire contract meeting with Akron, spoke with people on the Maple Rd demolition property, worked on purchasing items under the CARES act before September 30<sup>th</sup>. He presented the 2021 budget and read his budget message.

**UNFINISHED BUSINESS:**

**Buildings-** Councilman Jendrowski, Mike & Scott are working on the library drainage issue. Painting at the Denio will be done soon.

**Planning-** LOSAP restriction program may not apply to our situation as a resolution needed to be assed, which was not. Drainage map updates are being worked on by Carl, Scott and Mike.

**Water-** Scott reported the State has responded asking for information from the town which is a good sign that the process should continue to move forward. Hoping to bid in December-January time frame. Cedar St pump station budget numbers were shared with the board at last week’s work session. They are looking for any changes in pressure numbers since Bedford’s moved their greenhouse operations and the Supervisor is reaching out to the property owners.

**Grants-** nothing new

**NEW BUSINESS:**

**Approval- Local Law #2 of 2020- Tax Cap Override:**

A motion was made by Councilman Burke, seconded by Councilman Jendrowski approving the adoption of proposed Local Law #2 of 2020- Override the Tax Cap.

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

**Approval- CBDG Grant Funding for 2021:**

A motion was made by Councilman Jendrowski, seconded by Councilman Dugan approving the application for 2021 Community Development Block Grant funding, with the projects listed as follows: 1. Senior Center LED lights and bathroom upgrades 2. Rural Transit Van Service.

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

**Public Hearing- 2021 Tentative Budget:**

A motion was made by Councilman Dugan, seconded by Councilman Jendrowski approving the calling of a public hearing on the proposed 2021 Tentative Budget for the Town, with the hearing to be held at the Town Hall on October 26<sup>st</sup> at 7:20pm and authorizing the Town Clerk to publish legal notice in the Akron Bugle.

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

**Approval- NYS Police Satellite Office Contract Renewal:**

A motion was made by Councilman Burke, seconded by Councilman Dugan approving the contract renewal with the NYS Police for maintaining a satellite office at the Newstead Town Hall for another 5 years, subject to the terms set forth in the resolution.

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

**Approval- Updated Formulas for Special District Assessments:**

A motion was made by Councilman Jendrowski, seconded by Councilman Burke approving the proposed updates to the formulas used in assessing special district charges as submitted by the Assessor.

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

**Approval- Lead Agency- 12292 Clarence Center Rd Hotel:**

A motion was made by Councilman Dugan, seconded by Councilman Burke declaring lead agency status on 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 and authorizing the Building Department to conduct a coordinated review.

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

**Public Hearing- Site Plan- Hotel addition at 12292 Clarence Center Rd:**

A motion was made by Councilman Dugan, seconded by Councilman Burke approving the calling of a public hearing on 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, with the hearing to be held at the Town Hall on October 13, 2020 at 7:20pm and authorizing the Town Clerk to publish legal notice in the Akron Bugle.

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

**Approval- Purchase of Gas Well:**

A motion was made by Councilman Burke, seconded by Councilman Jendrowski approving the agreement to purchase of a gas well jointly with the Village of Akron, which is located on the Joint Municipal Facility property on Clarence Center Rd, and authorizing the Supervisor to execute the agreement with the Village.

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

**Approval- Lateral Restriction Hardship- 13325 Stage Rd:**

A motion was made by Councilman Jendrowski, seconded by Councilman Burke approving the application for a lateral restriction exception hardship for construction of a new build home in water district #5 at 13325 Stage Rd as submitted by CMK Builders of Alden, based on supporting documentation provided.

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

**Approval- Lateral Restriction Hardship- 11226 Hiller Rd:**

A motion was made by Councilman Jendrowski, seconded by Councilman Dugan approving the application for a lateral restriction exception hardship for construction of a new build home in water district #10 at 11226 Hiller Rd as submitted by Edward Krier, based on supporting documentation provided.

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

**Approval- Use of Veteran’s Park- Akron Chamber of Commerce:**

A motion was made by Councilman Burke, seconded by Councilman Jendrowski approving the use of Veteran’s Park on October 10th at 2:30pm by the Akron Chamber of Commerce to line up cars for a Cruise Parade through the Village of Akron.

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

**Approval- Add IEC New York Electrical Inspection Services:**

A motion was made by Councilman Burke, seconded by Councilman Dugan approving the addition of IEC New York Electrical Inspection Services to the Town’s list of approved electrical inspectors allowed to perform electrical inspections in the Town.

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

**Approval- Justice Court Grant Funding:**

A motion was made by Councilman Jendrowski, seconded by Councilman Dugan approving the Town Justices to make application for Justice Court Assistance Program Grant funding for court related supplies and expenditures.

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

**Privilege of the Floor/Question Period:**

James Foster of 12834 Stage Rd spoke regarding an ongoing drainage issue around his home and his frustrations with how long the process is taking. He is concerned with some of the things he has been told and feels a new culvert with some new drainage wok would take care of it. He has lived at the residence for 26 years and the ditch behind his house has never been cleaned. The drainage issues have been for about the last 8 years. He began speaking with the highway department about this in June and is just frustrated it isn’t done yet.

Highway Supt. Bassanello explained to the Board that the dich in question has never been on the town maintained drainage map and is on private property, therefore the town has no responsibility to maintain it. They have come up with a couple ideas on how to address it, but it involves getting legal permission from other property owners to access their property as well as Mr. Fosters.

Paul Hackett of 12850 Stage Rd also appeared and spoke about his concerns if they run the new drainage down along the hedgerow of the Kumpf’s property as that runs right along his property line and his garage.

After much discussion, the Board decided that Town Engineer’s from Wendel will go out to the site with Mike and look at the whole situation and give an opinion as well as possibly shooting grades.

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 8:17pm. Carried

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