

Newstead Town Board Meeting- June 12, 2023

A public hearing was called to order by the Newstead Town Board on Monday, November 14, 2022 at 7:26pm at the Newstead Town Hall.

Present: Dawn Izydorczak-Supervisor
Edmund Burke- Councilman
Joseph Dugan – Councilman
John Jendrowski - Councilman
Patricia Pope- Councilwoman (remotely)
Emily Janicz- Town Attorney
Scott Rybarczyk- Town Engineer
Jennifer DiChristina – Town Clerk

Roll Call was taken with all board members present.

The Supervisor called the first public hearing to order on the proposed 8-Lot major subdivision with no public improvements at 11080 Stage Road at 7:24pm.

The Clerk read proof of publication. The Supervisor explained the proposed subdivision has been approved by the Planning Board and a drainage easement the Town engineer recommended has been obtained. No action will be taken tonight as we are still in the 30-day comment period.

Julie – 11513 Stage Rd – moved to Newstead 15 years ago and things have changed with a dramatic increase in construction. Because of the ongoing construction on the road there is a lot of road debris to the point Ride-For-Roswell won't bring their route onto Stage Road. Adding 8 lots will increase the construction and the equipment and she believes it is dangerous. She is also concerned with the wetlands/swamp behind the lots. Where will the water go and is this a phased project?

Tom Wilson – 11011 Stage Rd – also has concerns about water retention. Will they be doing something to keep the water on that side of the road? Also asking where the entrance will be.

Joel Lattimer – 11340 Stage Rd – is in the construction business and is not against the subdivision. His wife and him walk everyday and is concerned about construction debris and are there more lots in the plan for the future.

Justin McNaughton – 11513 Stage Rd – there is one large house going up near Mr. Schultz's house that has been trucking dirt in for the last 3 years. Stage Road is a stone and oiled road and is easily damaged by construction equipment. Their quality of life has been compromised by a single house and he is concerned as to what 8 more will do.

Kelly Schultz – 11080 Stage Rd – he purchased the property from Lafarge in 2006 and the property came with a mining permit but he chose not to mine it. He has planted 600 trees, put in a beautiful pond and has tried to make his property look good. He has high expectations for the houses built on the lots of the proposed subdivision. A corner of the farthest proposed lot to the east is 100 feet from the wetland and behind all the lots are wetlands and can never be developed. This is a road frontage subdivision only. The proposed lots are 150' x 400' and there are zero plans for the of the property.

Jacob Metzger – 8245 Sheridan Dr – as the houses are being built the Town will have to monitor the work and the Town Engineer and the DEC have already given their approval. All of the water will be diverted towards the wetlands and they will never develop in the wetlands.

There being no further comments, a motion was made by Councilman Jendrowski, seconded by Councilwoman Pope to close the public hearing at 7:57pm. Carried Unanimously

The Supervisor called the second public hearing to order on the proposed 13,255 sq. ft. addition located at 12600 Clarence Center Rd at 7:58pm.

The Clerk read proof of publication. On May 8, 2023 the Planning Board recommended this project for approval and Erie County Highway has also approved it. No action will be taken tonight as we are still in the 30-day comment period.

Anita Davis – 12657 Clarence Ctr Rd – her biggest concern is why the Town would allow them to build closer to Clarence Ctr Rd. Why can't they build behind the existing buildings. Sometimes there is an odor emitted from the furnaces and issues with noises and vibrations. She is fearful things will get worse with the addition.

Councilman Jendrowski replied that this is not the same proposal Niagara Specialty Metals made last year. This is an addition that will be down across from Limerick Hall.

Bob Shabala – Niagara Specialty Metals – the proposed project from last year, which would have come closer to Clarence Center Road was scaled down to just a remodel as the original project just got too big.

Tony Brandl – 6320 Hake Rd – he is concerned that any building put up will deposit water in his yard. Also concerned about the noise.

Bob Shabala spoke that Niagara Specialty Metal shares a drainage plan with I Squared R. All the water goes back to the bike path. There are also ditches and a retention pond.

There being no further comments, a motion was made by Councilman Burke, seconded by Councilwoman Pope to close the public hearing at 8:11pm. Carried Unanimously

The regular meeting of the Town Board was called to order at 8:11pm with the same members present as listed above.

Councilman Dugan led the pledge to the flag.

Minutes from the regular meeting held on May 22, 2023 were presented for approval. A motion was made by Councilman Dugan, seconded by Councilman Burke to approve as presented. Carried Unanimously

Agenda Changes – A motion was made by Councilman Jendrowski, seconded by Councilman Burke to approve the following changes: add resolution G a contract amendment with Erie County regarding congregate dining and add motion H to hire PT Senior Van Driver. Carried Unanimously

Communications – The Town Clerk presented the following correspondence:

A letter was received from New York State Dept of Taxation & Finance notifying the Town that our equalization rate is at 100%.

A notice was received from Charter Communications notifying the Town that ESPN College Extra will discontinue programming effective 5/31/2023.

A letter was received from Councilman Eugene Cook from the Town of Huntington with a copy of a resolution he sponsored to Governor Hochul regarding a voter identification process.

A notice was received from Erie County Executive Poloncarz notifying the Town that Erie County approved The Volunteer Firefighters/Ambulance Workers exemption.

An updated brochure from Erie County Department of Senior Services was received updating the suggested contribution from \$3.00 one-way and \$6.00 round-trip to \$8.00 one-way and \$16.00 round trip.

A request for a beer/wine permit was received from Angela Warren for a party at Skyline Park on July 22, 2023.

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

Work Session: The Supervisor reported that at the previous work session the following items were discussed: water updates, a rezoning application, highway needs and a ditching issue, project updates, building needs and grant updates. An executive session was held from 7:49pm to 9:18pm to discuss personnel, contractual items and possible pending litigation. No action was taken. An executive session was held tonight from 6:57pm to 7:22pm to discuss possible pending litigation with no action taken.

Agenda Items Question Period: None

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 6/12/2023. Carried Unanimously

Approval of Bills – Councilman Dugan reported that the Abstract(s) from Batch(es) #2353 have been reviewed with the previously un-audited vouchers and everything was found in order. Abstract Batch(es) #2357 was presented for payment. Vouchers on this abstract(s) numbered 604 - 681, totaling \$142,152.11. Councilman Jendrowski seconded to approve payment as follows:

Abstract Batch(es) #2357:
 General Fund (A)-\$25,728.62, General Fund- Outside Village (B)-\$2,616.71, Highway (DA)-\$0, Highway: Outside Village (DB)-\$6,434.63, 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)- \$66,173.72, CAP-Bike Path (HTG)-\$0, Drainage (SD)-\$2,700.00, Fire Protection (SF)-\$0, Refuse (SR)-\$37,306.37, Sewer #1 Fund (SS)-\$518.43, Sewer District #2 (SS02)-\$118.42, Sewer District #3 (SS03)-\$218.42, Trust & Agency(TA)-\$0 and Consolidated Water (SW00)-\$336.79, 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: \$142,152.11
Carried Unanimously

COMMITTEE AND DEPARTMENT HEAD REPORTS:

Highway – no report given

Assessor – no report given

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

Daniel Dressell	12287 Clarence Ctr Rd	Indoor Riding Arena
Robert Cierniak	12087 Buckwheat Rd	Pole Barn
Chad Fout	12850 Carney Rd	Pool Deck
Samuel Torrelli	12509 Stage Rd	Lean To
Scott Allen	13082 Martin Rd	Pole Barn
Clar Ctr Mennonite Church	11500 Clarence Ctr Rd	Stairway to Attic
Amanda Stewart	11433 Tonawanda Cr	Generator
Joseph Matalone	13427 Steiner Rd	Generator
James Sowinski	6000 Crittenden Rd	Generator
Lisa Drachenberg	6028 Cummings Rd	New Smart Jacks/Steel Plate
Katharine Jemison	6631 Scotland Rd	Roof
Arthur Beitz	13012 Dorsch Rd	Roof
David Alessi	4468 Ayers Rd	Roof

Edward Eisenberger	6100 Utley Rd	SFH
Jessica Nowak	5038 Havenwood Dr	AG Pool/Deck
Grant Sanville	11985 Clarence Ctr Rd	AG Pool
Steven Kinney	11672 Nice Rd	AG Pool
Peter Hennessy	8013 Greenbush Rd	IG Pool/Concrete Pad
Andrew Black	6935 Cedar St	Deck
Jurgen Arndt	12831 Dorsch Rd	Windows/Patio Door
Nicole Folarn	5720 Cummings Rd	Deck w/Railings & Stairs
MPR12089 LLC	12089 Clarence Ctr Rd	2 Tents
Patricia Pope	6373 Dye Rd	Generator
Ryan O'Neill	12477 Main Rd	Generator
Patrick Elsenheimer	5720 Cummings Rd	Covered Deck

Town Clerk- nothing at this time

Town Attorney(s) – nothing at this time

COUNCILPERSONS:

Jendrowski – attended the highway committee meeting and the library board meeting and is working on a problem in the 1st floor bathroom at the library. He has been talking to Dave Miller regarding camping at the Backlot, working on a cemetery project and the upcoming re-zoning application.

Dugan – spoke with Dave Miller regarding the Backlot.

Burke – attended the Recreation Board meeting. Registration began on June 5th and employees will be approved tonight. Also attended the Celebration Committee meeting.

Pope – spoke with someone regarding Modern Disposal and what the rules for large item pick-up are.

Supervisor – the May Supervisor’s Report is on file with the Town Clerk. Attended several Bicentennial meetings, met with Mike on highway needs and got quotes for mowers, lifts and a truck. Also spoke with residents on noise issues, conducted interviews for clerks, a cleaner and senior van driver and toured the Orchard Park Community Center with Colleen, Sarah and Dan.

UNFINISHED BUSINESS:

Buildings – no updates

Planning – several issues still pending

Water/Sewer – closing water line project tonight

Grants – no updates

NEW BUSINESS:

Resolution – Bicentennial Events Authorizations and Declarations:

A motion was made by Councilwoman Pope, seconded by Councilman Burke approving the Akron Village Police Department and a private security company to perform crowd control and other functions during the Bicentennial Events and all said events held at Veteran’s Park are weapon free.

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

Carried Unanimously

Resolution – Close out Waterline Project-Knapp/Indian Falls/Kirby:

A motion was made by Councilman Dugan, seconded by Councilman Burke approving the final pay request and Release of Liens provided by DJM Contracting, Inc. and authorizing full contract payment and release of all retained monies.

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

Carried Unanimously

Approval- Appointment of New Cleaner:

A motion was made by Councilman Dugan, seconded by Councilwoman Pope approving the hire of Mike Schifferle effective immediately at \$19.00/hour as cleaner for the town buildings.

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

Approval- Summer Recreation Hire Employees:

A motion was made by Councilman Burke, seconded by Councilman Jendrowski approving the hiring of employees to work the Summer 2023 Recreation program as per the attached listing as presented and recommended for approval by Recreation Director Dan Roland.

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

Approval – Approve Town Officials Authorized at KeyBanc:

A motion was made by Councilman Burke, seconded by Councilman Jendrowski to approve Supervisor Dawn Izydorzak, Town Clerk Jennifer DiChristina and Bookkeeper Colleen Salmon as authorized agents with KeyBanc.

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

Approval- Beer/Wine Permit:

A motion was made by Councilman Dugan, seconded by Councilman Burke approving the request for a beer/wine permit at Skyline Park on July 22, 2023 by Angela Warren for a party.

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

Resolution – Contract Amendment with Erie County:

A motion was made by Councilman Jendrowski, seconded by Councilman Burke approving the proposed amendment with Erie County for the Congregate Dining Contract effective June 1, 2023.

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

Carried Unanimously

Approval- Appointment of New Senior Van Driver:

A motion was made by Councilman Burke, seconded by Councilwoman Pope approving the hire of Paul Zebrowski effective immediately at \$18.00/hour as a Senior Van Driver.

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

Privilege of the Floor/Question Period:

Ralph Campbell – 89 Quarry Hill Estates – wants to know what is being done about the violations at the Backlot. Are they allowed to camp within the fence and do they have a liquor license? The Supervisor advised Mr. Campbell that the Town Board did not have the information he was looking for and should ask the proper agencies. Mr. Campbell feels the Backlot is pushing the envelope.

Councilman Jendrowski stated that it seems, in his opinion, that things have gotten better the last few weeks.

Carol Boismenu – 83 Quarry Hill Estates – this year there have been 3 events so far at the Backlot and every one of them has violated the rules and regulations. Asked why they aren't being held responsible for following the rules.

The Supervisor explained that the Town Board develops and amends the policies, but the CEO is the one who enforces them.

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 8:43pm.

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

Respectfully Submitted,
Jennifer DiChristina, Town Clerk