

## Newstead Town Board Meeting- March 13, 2023

A public hearing was called to order by the Newstead Town Board on Monday, March 13, 2023 at 7:18pm at the Newstead Town Hall.

Present: Edmund Burke- Councilman/ Deputy Supervisor  
Joseph Dugan- Councilman  
John Jendrowski – 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 except Supervisor Cummings.

The Deputy Supervisor called the **public hearing** to order on the proposed home-based business to be located at 12438 Swift Mills Rd to order at 7:18pm.

The Clerk read the proof of publication. It was explained that this has been recommended for approval by the Planning Board and we are still waiting for comments from Erie County Planning.

Comments: Cheryl Buyea of 12466 Swift Mills Rd stated she lives directly across the street from the location and she is not sure why this is in an ag area and questioned why it can't be located in a commercial area. She has concerns about noise & dust from the operation.

Kevin Paquin owner of the business stated this is a small business not a commercial entity. It is a side hobby that has escalated to a small business. His operation is all contained indoors including a dust collection system. He makes every effort to be a good neighbor.

Councilman Jendrowski stated we are an ag community but the town also has a process that allows residents to have a small home based business that is monitored and checked by the Code Enforcement Officer for compliance every year. If a business is not in compliance the Special Use Permit can be taken away.

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

The Deputy Supervisor called the **public hearing** to order on the proposed Local Law 1 of 2023 that would amend the Special Event Permit Law of the town at 7:24pm.

The Clerk read the proof of publication. Comments have been received from the Planning Board and CEO on the proposed changes. We are still in the 30-day comment period for Erie County.

Comments: Alvin Dahn of 87 Quarry Hill Estates questioned the proposed wording in section 450 the 4<sup>th</sup> line down that states “may” result in the CEO shutting down...” he believes the wording should be changed to “Shall”.

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

The Deputy Supervisor called the **public hearing** to order on the proposed Local Law 2 of 2023 that would amend the Noise Law of the town at 7:28pm.

The Clerk read the proof of publication. Comments have been received from the Planning Board and CEO on the proposed changes. We are still in the 30-day comment period for Erie County.

Comments: Ralph Campbell of Quarry Hill estates stated he is happy with most of the proposal but feels the db levels need to be lowered from 80db to 70db, we need to add no generators

running after 11:00pm at night and would like to see a limit put on the number of concerts they can have at the location per year/season. Currently the Backlot already has 3 weekends in a row scheduled for the coming season, which he believes is too much for the neighbors to have to deal with. He believes there should be no more than 2 a month allowed for the sake of the neighbors.

Alvin Dahn spoke and agrees the db levels should be lowered from 80db to 70db.

Councilman Jendrowski asked how far away their properties are from the venue. They both stated 500 feet.

There being no further comments, a motion was made by Councilwoman Pope, seconded by Councilman Jendrowski to close the public hearing at 7:34pm.

The **regular meeting** of the Town Board was called to order at 7:36pm with the same members present as listed above.

Councilwoman Pope led the pledge to the flag.

Minutes from the regular meeting held on February 27, 2023 were presented for approval. A motion was made by Councilman Dugan, seconded by Councilman Jendrowski to approve as presented. Carried

**Agenda Changes** – a motion was made by Councilman Jendrowski, seconded by Councilman Dugan to add the following item to the agenda: add a motion for a lateral restriction application Carried

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

A letter from The Town of Hempstead Supervisor requesting all elected officials to join him in Albany on May 20<sup>th</sup> at 12:30pm to protest Governor Hochul's New York Housing Compact plan.

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

**Work Session:** The Deputy Supervisor reported that at the work sessions held, the following the items were discussed: water/sewer updates, planning items, building issues updates, grant updates, plus any other items brought before the Board. A joint meeting was held with the Village of Akron Board and Councilman Burke thanked Dawn for taking good minutes of the work session.

**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 3/13/2023. Carried

**Approval of Bills** – Councilwoman Pope reported that the Abstract(s) from Batch(es) #2322 have been reviewed with the previously un-audited vouchers and everything was found in order. Abstract Batch(es) #2323 prepay & 2328 was presented for payment. Vouchers on this abstract(s) numbered 191-246, totaling \$264,703.91. Councilman Jendrowski seconded to approve payment as follows:

Abstract Batch(es) #2323 prepay & 2328:  
General Fund (A)-\$140,493.91, General Fund- Outside Village (B)-\$474.33, Highway (DA) -\$0, Highway: Outside Village (DB)-\$14,396.80, 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)-\$34,272.04, Sewer #1 Fund (SS)-\$531.05, Sewer District #2 (SS02)-\$168.88, Sewer District #3 (SS03)-\$403.44, Trust & Agency(TA)-\$0 and Consolidated Water (SW00)-\$579.46, 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)- \$73,384.00; Total: \$264,703.91 Carried

### **COMMITTEE AND DEPARTMENT HEAD REPORTS:**

**Highway** – no report was presented

**Assessor** – a report was presented by Tina as follows: exemption time is over so she is able to focus on completing the reassessment project. She is on track to have the project complete by the end of March so notices will be sent the first week of April. Informal hearings will be held from the 2<sup>nd</sup> week of April until the end of April. The month of May she will review assessment challenges that are providing an appraisal.

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

Niagara Specialty Metals	12600 Clarence Center	Warehouse addition
Daniel Dodge	11238 Hunts Corners	Finish basement
Kirk Allgaier	13353 Stage	One Family Home & pole barn
Jurgen Arndt	12831 Dorsch	Windows & patio
Richard Owen	7522 Cedar	Windows

The Town Board accepted the building report as presented. CEO Dave Miller was present and informed the Board that May is Building Safety Month. He will be asking them for a resolution of support in recognition of that.

**Town Clerk**- the 2023 County-Town tax bills are due by this Wednesday and the town has been given their entire warrant payment in full. We are now just collecting the County portion to forward to them.

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

### **COUNCILPERSONS:**

**Jendrowski** – he attended the library board meeting and reported that Kristine will be requesting an extension of the HVAC grant to accommodate the estimated August 10<sup>th</sup> date of delivery for the new system. He attended a snow seeker’s meeting where they discussed grant funding for groomer cabooses for emergency situations. They also discussed adding reflective signage along the bike path. NuPipe was in and fixed the back flow preventer at the library. He also reported that both fire companies will be using the state contract bid for turnout gear purchases.

**Dugan** – he spoke with counsel about an issue on a voucher. He also spoke with Dan Kowalik to arrange a committee meeting on March 29<sup>th</sup> to discuss supply purchases. He took a resident garbage complaint about the new totes & lack of notice to residents. Once he explained the whole process, they seemed to understand the new contract requirements.

**Burke** – he attended a celebration committee meeting where they discussed a new online map of the parade route & staging area. He also attended the joint meeting with the village and addressed the sewer requests by Leisurewood.

**Pope** – nothing at this time

**Supervisor** – not present

### **UNFINISHED BUSINESS:**

**Buildings** – the refurbishment of the Route 5 barn is being discussed.

**Planning** – nothing new

**Water/Sewer** – Scott continues to stay in contact with the contractor for an April restoration plan, weather permitting.

**Grants** – Dawn had a phone conference with Rotella on the Parks grant and possible funding sources for the Emergency Management supplies purchases. Rotella has asked to be kept in the loop on the Senior Van grant as well.

**NEW BUSINESS:**

**Approval- Corrective Action Policy Amendments:**

A motion was made by Councilman Dugan, seconded by Councilwoman Pope approving the adoption of amendments to the towns Corrective Action Policy as submitted and authorizing the Town Clerk to distribute to all employees.

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

**Approval- Additional Insurance Coverage:**

A motion was made by Councilman Jendrowski, seconded by Councilman Dugan approving the addition of insurance coverage for the barn owned by the town located at 13420 Main Rd at an additional cost of approximately \$320 per year through Trident Insurance Brokerage and authorizing the Supervisor/Deputy Supervisor to execute any necessary paperwork and make payment.

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

**Approval- Lateral Restriction Hardship Application- 6090 Utley Rd:**

A motion was made by Councilman Jendrowski, seconded by Councilman Dugan approving the application for a lateral restriction exception hardship at 6090 Utley Rd in water district 5 as submitted by owner(s) Elaine & Joseph Sigismondi, based on supporting documentation provided.

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

**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 Jendrowski, seconded by Councilwoman Pope to adjourn the regular meeting at 8:00pm.

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

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