

Newstead Town Board Meeting- March 27, 2023

A regular meeting was called to order by the Newstead Town Board on Monday, March 27, 2023 at 5:30pm 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
Michael Bassanello- Highway Supt.
Dawn Izydorczak – Town Clerk

Roll Call was taken with all board members present except Supervisor Cummings.

Councilman Jendrowski led the pledge to the flag.

Minutes from the regular meeting held on March 13, 2023 were presented for approval. A motion was made by Councilman Jendrowski, seconded by Councilman Dugan to approve as presented. Carried

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

Communications – The Town Clerk presented the following correspondence:

A beer/wine permit was received from Carol Brandl for a party at Veteran’s Park on Sat., June 24th.

A copy of a public hearing notice was received from the Town of Alden regarding amendments to their residency requirements for town employees. The hearing was on March 20th.

A letter of resignation was received from Town Supervisor David Cummings effective March 31, 2023 due to health issues.

The Board accepted the letter of resignation with deep regret and thanked Supervisor Cummings for his many years of service and dedication to the community and he will be greatly missed. We wish him a full recovery.

A motion was made by Councilman Jendrowski, 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: a meeting was held with Tom Northem of the Backlot, water/sewer updates, planning items- Local Laws, Spectrum buildout, Parks and bike path access, building issues updates- library and town hall parking lot, grant updates, LOSAP packet review, gas well items, plus any other items brought before the Board.

An executive session was held from 8:05pm-9:00pm, with no decisions made by the Board.

Agenda Items Question Period: no one spoke

Budget Transfers: none

Approval of Bills – Councilwoman Pope reported that the Abstract(s) from Batch(es) #2323 prepay & 2328 have been reviewed with the previously un-audited vouchers and everything was found in order. Abstract Batch(es) #2334 was presented for payment. Vouchers on this abstract(s) numbered 267-310, totaling \$280,305.35. Councilman Dugan seconded to approve payment as follows:

Abstract Batch(es) #2334:

General Fund (A)-\$23,644.84, General Fund- Outside Village (B)-\$1,721.01, Highway (DA) - \$0, Highway: Outside Village (DB)-\$8,194.25, 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)-\$56,816.00, Refuse (SR)-\$342.00, Sewer #1 Fund (SS)-\$4,730.86, Sewer District #2 (SS02)-\$79.31, Sewer District #3 (SS03)-\$0, Trust & Agency(TA)-\$0 and Consolidated Water (SW00)-\$85,607.08, WD1(SW1)- \$0, WD2(SW2)- \$0, WD3(SW3)- \$0, WD4(SW4)- \$0, WD5(SW5)- \$99,170.00, WD6(SW6)- \$0, WD7(SW7)- \$0, WD7A(SW7A)- \$0, WD8(SW8)- \$0, WD9(SW9)- \$0, WD10(SW10)- \$0; Total: \$280,305.35 Carried

COMMITTEE AND DEPARTMENT HEAD REPORTS:

Highway – a report was presented by the Highway Supt. as follows: The crews have put new park benches together, emptied the garbage on the bike path, serviced tractor for summer, plowed & salted roads, fixed mailboxes, plowed evergreen cemetery, changed cut edge on #10, delivered totes, put up stop ahead sign on Utley Rd, put up hydrant markers, leveled dirt piles on Gabbey & Sescil properties, took sander out of #5 and oiled the apron chain, filled holes in shoulders with CR-1, repaired lawns from plow damage and took Dawson Bruyere off of 6-month probation.

Assessor – a report was presented by Tina as follows: exemption time is over and she is now focusing on the reassessment project. She is on track to have the project completed by the end of March and send notices out the first week of April. Informal hearings will be held from the second week of April until the end of April. The month of May will be used to review assessment challenges that provide an appraisal.

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

Kreher’s Poultry Farm	11072 Main	Greenhouse
Victor Vacanti	11750 Clarence Ctr	Pond
Elizabeth Schultz	12835 Brucker	Generator
Dawn Goran	264 Golden Pond Est	Roof
Victor Vacanti	11750 Clarence Ctr	One family home
Joseph Sigismondi	6090 Utley	One family home
Victor Vacanti	11750 Clarence Ctr	Pole Barn
Joseph Sigismondi	6090 Utley	Pole barn
Michael Zekas	7727 Moore	Pole barn
Thomas Shriver	11599 Howe	Side deck

The Town Board accepted the building report as presented.

Town Clerk- nothing at this time

Town Attorney(s) – nothing at this time

COUNCILPERSONS:

Jendrowski – nothing at this time

Dugan – nothing at this time

Burke – the January and February 2023 Supervisor’s Reports are on file with the Town Clerk.

Pope – nothing at this time

Supervisor – not present

UNFINISHED BUSINESS:

Buildings – Councilman Jendrowski reported a sprinkler inspection failure issue at the town hall which needs to be discussed at next week’s work session

Planning – nothing new to report

Water/Sewer – restoration will begin later this spring once weather settles a bit.

Grants – an email was sent to Senator Gallivan’s office for an update on the Parks grant.

NEW BUSINESS:

Adoption- Local Law 1- Amendments to the Special Event Permit:

A motion was made by Councilman Dugan, seconded by Councilwoman Pope approving the adoption of Local Law #1 of 2023 regarding amendments to the Special Event Permit Law.

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

Councilwoman Pope expressed her opinion that she still feels the db level in the noise law should be dropped down to 75db so she is not in favor of the law as written.

Adoption- Local Law 2- Amendments to the Noise Law:

A motion was made by Councilman Jendrowski, seconded by Councilman Dugan approving the adoption of Local Law #2 of 2023 regarding amendments to the Noise Law.

(Resolution) Cummings-Absent, Dugan-Aye, Burke-Aye, Jendrowski-Aye, Pope- No Carried

Councilwoman Pope again expressed her opinion that she still feels the db level needs to be dropped down to 75db so she is not in favor of the terms and conditions of the permit as written.

Approval- Terms & Conditions for Special Events Permits:

A motion was made by Deputy Supervisor Burke, seconded by Councilman Jendrowski approving the proposed Terms and Conditions for Special Events Permits that clearly outline the town’s policy.

(Resolution) Cummings-Absent, Dugan-Aye, Burke-Aye, Jendrowski-Aye, Pope- No Carried

Approval- Erie County SPCA Contract Approval:

A motion was made by Councilwoman Pope, seconded by Councilman Jendrowski approving the contract with the Erie County SPCA commencing on March 1, 2023 and authorizing the Supervisor/Deputy Supervisor to execute the contract.

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

Approval- Home-based Business- 12426 Swift Mills Rd:

A motion was made by Councilwoman Pope, seconded by Councilman Jendrowski approving the temporary Special Use Permit for a home-based business in the RA zone located at 12426 Swift Mills Rd operated by Kevin Paquin for a wood working shop known as KP Woodworking, LLC, subject to annual review and renewal and determining that the special use permit will not have a significant effect on the environment.

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

Approval- Procurement Policy Amendments:

A motion was made by Councilman Dugan, seconded by Councilwoman Pope approving the proposed amendments to the town’s Procurement Policy.

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

Approval- Amendment to Organizational Minutes:

A motion was made by Councilman Jendrowski, seconded by Councilman Dugan approving an amendment to the January 2, 2023 Organizational Meeting minutes relative to paragraph 47, which now reads “That Daniel Kowalik be appointed Emergency Coordinator for 2023 at a salary of \$2,700 and Joe Hawes and Mike Mutter be appointed Assistant Emergency Coordinators for 2023 at a yearly salary of \$1,650 each.”

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

Approval- USDA Property Access Request Contract Approval:

A motion was made by Councilwoman Pope, seconded by Councilman Jendrowski approving the contract with the USDA to allow them to access the towns properties to trap for the Box Tree Moth and the European Cherry Fruit Fly and authorizing the Supervisor/Deputy Supervisor to execute the necessary paperwork.

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

Approval- Use of Beer/Wine Permits & Park Use:

A motion was made by Councilman Dugan, seconded by Councilwoman Pope approving the requests for beer/wine permit and Park Use as follows: Veteran's Park by Carol Brandl for a party on June 24, 2023.

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

Approval- Lateral Restriction Hardship Application- 6840 Maple Rd:

A motion was made by Councilman Dugan, seconded by Councilman Jendrowski approving the application for a lateral restriction exception hardship at 6840 Maple Rd in water district 10 as submitted by owner(s) Joe Daddario & Dawn Gibson, 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 Dugan, seconded by Councilman Jendrowski to adjourn the regular meeting at 5:50pm.

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

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