

Newstead Town Board Meeting- May 22, 2023

A regular meeting was called to order by the Newstead Town Board on Monday, May 22, 2023 at 7:34pm at the Newstead Town Hall.

Present: Dawn Izydorczak-Supervisor
Edmund Burke- Councilman
Patricia Pope- Councilwoman (remotely)
Emily Janicz- Town Attorney
Michael Coutu – Assistant Town Attorney
Scott Rybarczyk- Town Engineer
Jennifer DiChristina – Town Clerk

Roll call was taken with all board members present except for Councilman Jendrowski who is sick.

Councilman Dugan led the pledge to the flag.

Minutes from the regular meeting held on May 8, 2023 were presented for approval. A motion was made by Councilman Dugan, seconded by Councilwoman Pope to approve as presented.
Carried

Agenda Changes – None

Communications – The Town Clerk presented the following correspondence:

A copy of the Erie County Clerk's Office 2022 Annual Report was received from Michael Kearns, Erie County Clerk.

A letter from the Akron Central School District was received regarding the notice of determination of non-significance (negative declaration) with regards to the upcoming Capital Improvements Projects 2023.

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

Work Session: The Supervisor reported that at the previous work session the following items were discussed: water updates, a rezoning application, pending projects, highway needs, building needs and grant updates. An executive session was held from 7:07pm to 7:56pm for personnel, contract & possible pending litigation with no action taken. An executive session was held tonight from 7:07pm to 7:28pm for contracts and personnel matters with no action taken.

Agenda Items Question Period: No one spoke

Approval of Bills – Councilman Burke reported that the Abstract(s) from Batch(es) #2348 have been reviewed with the previously un-audited vouchers and everything was found in order. Abstract Batch(es) #2353 was presented for payment. Vouchers on this abstract(s) numbered 534 - 583, totaling \$212,158.98. Councilman Dugan seconded to approve payment as follows:

Abstract Batch(es) #2353:

General Fund (A)-\$17,908.31, General Fund- Outside Village (B)-\$38.22, Highway (DA) -\$0, Highway: Outside Village (DB)-\$1,000.80, 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)- \$98,243.16, CAP-Bike Path (HTG)-\$0, Drainage (SD)-\$0, Fire Protection (SF)-\$94,827.71, Refuse (SR)-\$0, Sewer #1 Fund (SS)- \$28.92, Sewer District #2 (SS02)-\$69.82, Sewer District #3 (SS03)-\$0, Trust & Agency(TA)-\$0 and Consolidated Water (SW00)-\$42.04, 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: \$212,158.98
Carried

COMMITTEE AND DEPARTMENT HEAD REPORTS:

Highway – No report was given

Assessor – a report was presented by Tina as follows: I have informal hearings scheduled for 5/23 in the morning and the grievance hearings will begin at 4pm. I have all the paperwork from prior meetings prepared for the grievance board. All the BAR members have received copies of the grievance schedule as well as the sales data sheets. I have no concerns currently and if you have any questions please feel free to contact me.

Building Office – No report was given

Town Clerk- nothing at this time

Town Attorney(s) – nothing at this time

COUNCILPERSONS:

Jendrowski – absent

Dugan – Nothing to report

Burke – Attended the Celebration Meeting and the plans for the fireworks and parade are coming together nicely and he worked at the recycling event on Saturday May 20th. Councilman Burke also wanted to commend Kristine Sutton and Sarah Young for the Wednesday afternoon program where seniors read stories to 2nd & 3rd grade children at the Cultural Center.

Pope – helped at the recycling event on May 20th and stated Senator Stephen Hawley will have a recycling event in Batavia on June 25th.

Supervisor – The April Supervisor’s Report is on file with the Town Clerk.

She attended several bicentennial meetings, met with John & Mike on highway needs, got quotes for blinds at the Cultural Center, spoke to several residents on the noise issues, spoke with Trustee Forrestel on parking issues at the soccer tournament, spoke with Alden Councilwoman Pautler on the dog kennel agreement, met with Linda Weston from Rural Transit Van Service, reviewed applications received for clerks and cleaners, worked with Colleen on proposal for fund balance allocations and met with Mike and a Steril-Koni representative on the lifts.

UNFINISHED BUSINESS:

Buildings – nothing new with the Library. Initial analysis has been done on the parking lot and Scott discussed several options that we have. Dawn received 2 quotes for blinds in the Cultural Center and will be going with Sonic Blinds.

Planning – no updates

Water/Sewer – change order resolution will be approved tonight. We are holding 5% back and are waiting on seed growth. Every punch list item is complete except the seeding. Hoping to do final payout in 2 weeks. Nothing new on sewer.

Grants – nothing new on any of the outstanding grants. Consolidated funding grants will open July 28th and Rotella & Scott will be looking into grants for the Town.

NEW BUSINESS:

Public Hearing- 8-lot Major Subdivision – 11080 Stage Rd.:

A motion was made by Councilman Dugan, seconded by Councilman Burke authorizing the calling of a public hearing on the proposed 8-lot major subdivision without public improvement on a 118-acre parcel at 11080 Stage Rd by owner Kelly Schultz, with the hearing to be held at the Town Hall on June 12, 2023 at 7:20pm and authorizing the Town Clerk to advertise said hearing in the Akron Bugle.

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

Public Hearing- Site Plan Application – 12600 Clarence Center Rd:

A motion was made by Councilwoman Pope, seconded by Councilman Burke approving the calling of a public hearing on the proposed 13,255 sq. ft. addition at Niagara Specialty Metals located at 12600 Clarence Center Rd, with the hearing to be held at the Town Hall on June 12, 2023 at 7:25pm and authorizing the Town Clerk to advertise said hearing in the Akron Bugle.

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

Approval- DJM Waterline Change Order No. 2:

A motion was made by Councilman Burke, seconded by Councilman Dugan approving the proposed amendments to the contract with DJM Contracting for the Waterline project on Indian Falls, Knapp Rd & Kirby Rd. After balancing quantities for actual items installed, the project cost has decreased from \$1,205,918.80 to \$1,187,161.60, and the Supervisor is authorized to execute the necessary paperwork for the annexed change order.

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

Motion – Approve the referral for Rezoning to Planning Board:

A motion was made by Councilwoman Pope, seconded by Councilman Dugan to refer the Rezoning request from Fancher Properties LLC at 13661 Main Road to the Planning Board. Izydorczak-Aye, Dugan-Aye, Burke-Aye, Jendrowski-Absent, Pope-Aye Carried

Approval- Lateral Restriction Hardship Application- 6100 Utley Rd:

A motion was made by Councilman Burke, seconded by Councilman Dugan approving the application for a lateral restriction exception hardship at 6100 Utley Road in water district 5 as submitted by owner(s) Jenna Eisenbeger, based on supporting documentation provided.

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

Privilege of the Floor/Question Period:

Ralph Campbell, 89 Quarry Hill Estates – between 10:00-10:45 the concert was over the 80-decibel limit. Dave Miller was not around and calling the office number did not go to his cell phone like they were told. The Backlot also didn't send the letters to the neighbors in a one mile radius like they claimed they would. He said the concert was good until the very end and they turned the volume up. There were also fireworks and camping in the parking lot. Mr. Campbell also presented a letter from the manager of Quarry Hill Estates stating the concerns and complaints of the residents.

Janet, 89 Quarry Hill Estates – stated the house shakes and you can't hear the TV over the concert.

Carol Boismenu, 83 Quarry Hill Estates – when there is a concert there is nothing you can do to get away from the noise. She can't open any windows or have people over because it is too loud. She had to leave her home on Saturday until the music was finished. She is also concerned with the fireworks and residents that have PTSD.

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 8:02pm.

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

Respectfully Submitted,
Jennifer DiChristina, Town Clerk