

## Newstead Town Board Meeting – December 11, 2023

A public hearing was called to order by the Newstead Town Board on Monday, December 11, 2023, at 7:30pm at the Newstead Town Hall.

Present: Dawn D. Izydorczak – Supervisor  
John Jendrowski – Councilman  
Edmund Burke – Councilman  
Joe Dugan – Councilman  
Emily Janicz- Town Attorney  
Michael Coutu – Assistant Town Attorney  
Joseph Bartos - Town Engineer  
Jennifer DiChristina – Town Clerk

Roll Call was taken with all board members present except for Councilwoman Pope.

The Supervisor called the public hearing to order for the re-zoning request at 13638 Bloomingdale Road at 7:30pm.

The Clerk read proof of publication. The Supervisor explained that we have received several letters and emails regarding the re-zoning request and that the Board would not be voting on this tonight. Erie County is still in the 30-day comment period so this will not be voted on until the 12/28 meeting.

**DeAnna Hyche, Broadway Group, Huntsville Alabama** – explained that her company doesn't typically seek out property that needs to be rezoned but they were led to this parcel because it has an I-2 parcel behind it and due to the amount of traffic on the road.

**Colleen Salmon, 84 Bloomingdale Ave.** – is opposed to the request because there is already so much traffic that it's sometimes difficult to get in or out of her driveway. The road does not need anything more that will increase traffic more and there is a Dollar General 2 miles away that is a disaster.

**Lori Reiner, 31 Randy Dr.** – is opposed to the project and read a letter she submitted to the board.

**Alicia Bartsch, 13831 Bloomingdale Rd.** – opposed to the re-zoning due to the amount of both actual and near accidents at that occur at that intersection. Traffic has increased dramatically since new businesses opened on the reservation which brings people from other areas that don't know where they are going. She moved here 15 years ago and appreciates the greenspace. She wants to see it stay that way.

**Angelo Fischione, 2 John St** – moved here in August from West Seneca where they are overwhelmed with Dollar Generals. They are all a mess and he doesn't feel another one is needed in Newstead.

**James Odell, 13358 Bloomingdale Rd** – is opposed to the re-zoning because of the traffic the area farmers have to deal with at the intersection as it is now.

**Jennifer Freeman, 13865 Bloomingdale Rd** – doesn't believe this is the right place for a retail store.

**Matt Hall, 134 Main St** – asked how many acres the parcel was and if there would be room for additional retail. He was told there is only 2 acres so there wouldn't be room for anything else. He spoke about the Dollar General on Main Road which is only several miles away. The one we have is a disaster with minimal staff. He also walked around the building and there is garbage everywhere. Doesn't seem that anyone cleans up.

**Jon Zimmerman, 13761 Bloomingdale Rd** – is opposed to the re-zoning and he highlighted parts of the letter he submitted earlier.

**Debbie Leising, 11 Indianola Ave** – Bloomingdale is already a dangerous road especially when the school has an event and people park on both sides of the road.

**Tracy Spenton, 13471 Bloomingdale Rd** – lives where it is a 40-mph zone and cars are always speeding when they go by her house. She is a school bus driver and delivers newspapers and feels this will make the road even more dangerous. She wants to keep the area country.

**Cheyenne Seelau on behalf of Irene Batts, 13676 Bloomingdale Rd** – is positively disgusted by this idea.

**John Grandits, 13895 Bloomingdale Rd** – has lived here for 38+ years and moved into this area because he wanted something rural. There are so many accidents at this intersection and we don't need another business that may take business away from existing stores.

**Lindsey Walter, 116 East Ave** – read the many complaints that have been made concerning the current Dollar General on social media. The majority of the complaints were regarding the store not being open due to staffing issues.

There being no further comments, a motion was made by Councilman Burke, seconded by Councilman Dugan to close the public hearing at 7:59pm. Carried

Councilman Burke led the pledge to the flag.

The regular meeting of the Town Board was called to order at 8:00pm with the same members present as listed above.

Minutes from the regular meeting held on November 27, 2023 were presented for approval. A motion was made by Councilman Burke, 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 items to the agenda:

L. Lateral Restriction for Kim Wurthman at 12033 Tonawanda Creek Road

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

A notice was received from Charter Communications notifying the Town of upcoming programming changes that will take effect on or around December 31, 2023.

A notice was received from Charter Communications notifying the Town of upcoming programming changes that will take effect on or around January 10, 2024.

An application for waiver of the 30-day advance notification for a liquor license was received from Georgie's Pizzeria The Prince of Pies for the establishment located at 11891 Main Road.

A letter was received from Lucy Zimmerman, Kay Oesterling & Jon Zimmerman stating their opposition of the re-zoning request at 13638 Bloomingdale Road.

A letter was received from Lori Reiner stating her opposition of the re-zoning request at 13638 Bloomingdale Road.

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

**Work Session:** the Supervisor reported that there was no work session held last week due to the safety meeting. The following items were discussed prior to tonight's meeting: water/sewer updates; planning items: truck purchase, rezoning for 13638 Bloomingdale, town committees/appointments for 2024, rotary flagpole request; Building projects: dog kennel; grant updates, Mt. Olive cemetery update and park use request. An executive session was held tonight from 7:17pm to 7:28pm to discuss contracts and potential litigation.

**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 12/11/2023. Carried

**Approval of Bills** – Councilman Jendrowski reported that the Abstract(s) from Batch(es) #2413 have been reviewed with the previously un-audited vouchers and everything was found in order.

Abstract Batch(es) #2408 was presented for payment. Vouchers on this abstract(s) numbered 1380-1431, totaling \$81,377.60. Councilman Dugan seconded to approve payment as follows:

Abstract Batch(es) #2408:

General Fund (A)-\$71,812.02, General Fund- Outside Village (B)-\$48.99, Highway(DA)-\$8,042.93, Highway: Outside Village (DB)-\$0, 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)-\$0, Sewer #1 Fund (SS)-\$1,162.05, Sewer District #2 (SS02)-\$76.37, Sewer District #3 (SS03)-\$235.24, Trust & Agency (TA)-\$0 and Consolidated Water (SW00)-\$0, WD1(SW1)- \$0, WD2(SW2)- \$0, WD3(SW3)- \$0, WD4(SW4)- \$0, WD5(SW5)- \$0, WD6(SW6)- \$0, WD7(SW7)- \$0, WD7A(SW7A)- \$0, D8(SW8)- \$0, WD9(SW9)- \$0, WD10(SW10)- \$0; Total: \$81,377.60 Carried

**COMMITTEE AND DEPARTMENT HEAD REPORTS:**

**Highway** – a report was presented by Mike Bassanello and read by the Supervisor as follows: the crews completed plowing and salting the Town roads 5 times, they prepared for weather including putting up plow stakes, they serviced trucks and dealt with issues such as 8-1 electrical problems, put sander in F-550, picked up #3 at Frey Heavy Duty after walking and new springs were installed and the back stops at the park have new fencing installed.

**Assessor** – a report was presented by Tina as follows: there is not too much to report for this month. The phone calls from the mailing have significantly reduced. I am still processing exemptions as they come in and reviewing sales data. I also continue to work on new construction. Other than those items, not much is going on here in the Assessor’s office. I hope you all have a fantastic holiday and if anyone has any questions please contact me.

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

5720 Cummings Road Inc.	5720 Cummings Road	Pole Barn
J & R Specialties Inc.	13661 Main Road	2 Pole Barns
Daniel McMahon	4163 S Newstead Road	Generator
Ronald Snyder	12178 Hunts Corners Rd	Roof
Kathryn Beck	12720 Main Road	Roof
Michael Thomas	4821 Schutt Road	SFH
Randall Schaefer	6557 Utley Road	Special Event Permit
William Gliss	7201 Sandhill Road	Pole Barn
Nancy Beebe	6822 Cedar Street	Shed
Carl Domescek	7548 Greenbush Road	Pole Barn
Michael Schwallie	6486 Utley Road	SFH
Janice Schoenwetter	13850 Knapp Road	SFH
John Dominick	6328 Hake Road	Roof
Anthony Brandl	6320 Hake Road	Roof
Lakeshore	66 Quarry Hill Est	Generator
Gerald Szmania	13356 Stage Road	Generator
David Root	12610 Clair Drive	Generator

**Town Clerk** -nothing at this time

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

**COUNCILPERSONS:**

**Jendrowski** – had a call from Kristine on Saturday regarding a sewer issue in the downstairs bathroom at the library. The bathrooms on the lower level will be closed until we have the problem fixed.

**Dugan** – nothing to report

**Burke** – attended the Safety Meeting last Monday and congratulated the Recreation Director for his 15 years of service.

**Pope** – not present

**Supervisor** – did a presentation at the Senior Center on the time capsule from the bicentennial, attended the health insurance meeting with our new vendor and employees, had a meeting with Mt. Olive cemetery trustees and the Highway Superintendent, attended Newstead's Installation Dinner, attended a meeting of the CDBG project oversight committee, attended the Safety Dinner, spoke with ACS Superintendent about shared issues, worked on year-end appointment items, 2024 contracts and the 2024 organizational meeting.

**UNFINISHED BUSINESS:**

**Buildings** – nothing other than the issue with the lower-level library bathrooms.

**Planning** – still working on the Emergency Management purchase, the EMS contract, the re-zoning request on Bloomingdale and the Rotary flag pole project.

**Water/Sewer** – working on the paperwork and permits for the Niagara Label repairs that will potentially begin in the spring.

**Grants** – submitting the paperwork for payment for the library HVAC project.

**NEW BUSINESS:**

**Approval- Bid proposals for Emergency Management Services Trailer:**

A motion was made by Councilman Dugan, seconded by Councilman Jendrowski authorizing the Town Clerk to advertise for bids for an Emergency Management Services Trailer, with bid submissions due no later than January 4, 2024 at 1:00pm.

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

Carried

**Public Hearing-New EMS Contract with Twin City Ambulance:**

A motion was made by Councilman Burke, seconded by Councilman Jendrowski approving the calling of a public hearing on December 28, 2023, at 7:25pm to hear comments on the proposed Pre-Hospital Emergency Medical Services 3-year contract with Twin City Ambulance and authorizing the Town Clerk to publish notice of the hearing in the Akron Bugle.

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

Carried

**Approval –Authorization to Expend Highway Funds for 2024:**

A motion was made by Councilman Jendrowski, seconded by Councilman Dugan approving the expenditure of \$250,000 received from the State of New York for the repair of various roads throughout the Town. This will include shoulder rehabilitation, repair and/or replacement of culverts, sign replacement and chipping and sealing of 29.76 miles of town highways.

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

Carried

**Approval – Legal Services Contract Renewal 2024:**

A motion was made by Councilman Dugan, seconded by Councilman Burke approving the proposed contract with Emily Janicz for legal services as Town Attorney, Michael T. Coutu as Assistant Town Attorney, and Brendan Neill as Assistant Town Attorney in 2024, subject to the terms set forth in the resolution and authorizing the Supervisor to execute the agreements.

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

Carried

**Approval- Audit Services Contact Renewal 2024:**

A motion was made by Councilman Burke, seconded by Councilman Dugan approving the proposed contract renewals with Drescher & Malecki LLP for auditing services for yearend ending December 31, 2023, and yearend ending December 31, 2024, subject to the terms set forth in the resolution and

authorizing the Supervisor to execute the agreements.

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

**Approval – Grant Writing Services Contact Renewal 2024:**

A motion was made by Councilman Jendrowski, seconded by Councilman Dugan approving the proposed contract renewal with Rotella Grant Management for grant writing services for 2024, subject to the terms set forth in the resolution and authorizing the Supervisor to execute the agreements.

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

**Approval- Bond Counsel Services Contact Renewal 2024:**

A motion was made by Councilman Dugan, seconded by Councilman Jendrowski approving the proposed contract renewal with Hawkins Delafield & Wood LLP for bond counsel services for 2024, subject to the terms set forth in the resolution and authorizing the Supervisor to execute the agreements.

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

**Approval- Municipal Solutions Financial Services Contract for 2024:**

A motion was made by Councilman Burke, seconded by Councilman Jendrowski approving the proposed contract renewal with Municipal Solutions for general financial services and continuing disclosure filings on behalf of the Town for the year 2024, subject to the terms set forth in the resolution and authorizing the Supervisor to execute the agreements.

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

**Approval – 30-day waiver for Liquor License:**

A motion was made by Councilman Jendrowski, seconded by Councilman Burke approving the request by Akron Conlon Enterprises Inc. for the establishment located at 11891 Main Road known as Georgie’s Pizzeria The Prince of Pies for waiver of the 30-day advance notification for a liquor license.

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

**Approval-Temporary Special Use Permits and Home-Based Businesses in RA Zone-2024 :**

A motion was made by Councilman Dugan, seconded by Councilman Burke approving the temporary special use permits for 2024 for Richard Hodge at 6500 Draper Rd., KP Woodworking LLC at 12426 Swift Mills Rd. and KM Land Clearing at 7838 Fletcher Rd.

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

**Approval- Use of Skyline Park by Niagara Frontier Search & Rescue Team:**

A motion was made by Councilman Dugan, seconded by Councilman Burke approving the request from Niagara Frontier Search & Rescue Team to use Skyline Park for training subject to insurance and a signed agreement approved by the Town Attorney.

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

**Approval- Lateral Restriction Hardship Application- 12033 Tonawanda Creek Road:**

A motion was made by Councilman Dugan, seconded by Councilman Jendrowski approving the application for a lateral restriction exception hardship at 12033 Tonawanda Creek Road in water district 10 as submitted by owner(s) Kim Wurthman, based on supporting documentation provided.

Izydorczak-Aye, Dugan-Aye, Burke-Aye, Jendrowski-Aye, Pope- Absent  
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 Burke seconded by Councilman Jendrowski to adjourn the regular meeting at 8:28pm.

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

Respectfully Submitted,  
Jennifer DiChristina, Town Clerk