

## Newstead Town Board Meeting – November 27, 2023

A public hearing was called to order by the Newstead Town Board on Monday, November 27, 2023, at 7:20pm at the Newstead Town Hall.

Present: Dawn Izydorczak-Supervisor  
John Jendrowski - Councilman  
Patricia Pope- Councilwoman  
Edmund Burke - 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 Councilman Dugan who is sick.

The Supervisor called the public hearing to order for the Leisurewood Building project at 7:20pm.

The Clerk read proof of publication. The Supervisor explained the Planning Board recommended approval on 10/2/23 and Town Engineer recommended approval on 10/24/23.

Al Hopkins, Metzger Engineering – appeared to answer any questions the board might have regarding the project. He explained it will be a maintenance/cold storage building with no utilities to be built on what was a basketball court. It will be on a stone base which he stated will be good for the drainage. He also showed an aerial view of the property and where the building will be constructed and that it will be out of the public view.

Kenneth Merle, LCI Board President – also appeared to answer any questions the board might have.

There being no further comments, a motion was made by Councilman Jendrowski, seconded by Councilwoman Pope to close the public hearing at 7:25pm. Carried

The Supervisor called the second public hearing to order for Local Law #6 to Rescind the Tax Cap at 7:25pm.

The Clerk read proof of publication. This is to repeal Local Law #5 and since we didn't go over the 2% tax cap it must be rescinded.

There being no comments, a motion was made by Councilman Burke, seconded by Councilwoman Pope to close the public hearing at 7:27pm. Carried

The Supervisor called the third public hearing to order for Local Law #7 for the Amendments to the Solar Law at 7:27pm.

The Clerk read proof of publication. The Supervisor explained that 4 ½-5 months ago a moratorium was placed on the Solar Law and these are the proposed amendments.

There being no comments, a motion was made by Councilman Burke, seconded by Councilwoman Pope to close the public hearing at 7:30pm. Carried

Councilman Jendrowski led the pledge to the flag.

The regular meeting of the Town Board was called to order at 7:30pm with the same members present as listed above.

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

**Agenda Changes** – none

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

A letter was received from Kay S Kraatz voicing her opposition to the rezoning at 13638 Bloomingdale Road.

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

**Work Session:** the Supervisor reported that the following items were discussed at last week's work session: water/sewer updates; planning items: truck purchase, Mt. Olive cemetery letter, EMO equipment, EMS contract, rezoning for 13638 Bloomingdale, Leisurewood Dam update, town committees & appointments for 2024, fire inspections update; Building projects: library issues, town hall transformer, JMF HVAC; Grant updates and items for the joint meeting with the Village.

Agenda Items Question Period: no one spoke

**Budget Transfers:** a motion was made by Councilman Burke seconded by Councilwoman Pope to approve the budget transfer(s) as presented in a memo from Bookkeeper Colleen Salmon dated 11/27/2023. Carried

**Approval of Bills** – Councilwoman Pope reported that the Abstract(s) from Batch(es) #2400 have been reviewed with the previously un-audited vouchers and everything was found in order. Abstract Batch(es) #2402 was presented for payment. Vouchers on this abstract(s) numbered 1314-1358, totaling \$183,712.56. Councilman Burke seconded to approve payment as follows:

Abstract Batch(es) #2413:

General Fund (A)-\$75,372.63, General Fund- Outside Village (B)-\$19,217.22, Highway(DA)-\$57,537.28, 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)-\$31,436.46, Sewer #1 Fund (SS)-\$30.49, Sewer District #2 (SS02)-\$71.94, Sewer District #3 (SS03)-\$0, Trust & Agency (TA)-\$0 and Consolidated Water (SW00)-\$46.54, 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: \$183,712.56 Carried

**COMMITTEE AND DEPARTMENT HEAD REPORTS:**

**Highway** – a report was presented by Mike Bassanello and read by the Supervisor as follows: The crews removed a fallen tree in field ditch on Buell Street, picked up leaves and put up plow stakes, completed training on new lifts, prepared trucks for winter road maintenance, mowed field ditches on Moore, Martin and Meahl Roads, did field ditching on Moore Road, broke up a beaver dam on Buckwheat Road in driveway culvert and went to Valley Fab for parts.

**Assessor** – a report was presented by Tina as follows: we have had a good number of phone calls and responses from the letters that were mailed to our seniors. We were able to grant a few new senior exemptions so far and one new veterans' exemption from the mailing. Overall, it was a success. All sales and exemptions received have been processed. I will continue plugging away at the new construction list in between exemptions and meetings.

**Building Office** – no report was presented

**Town Clerk** -nothing at this time

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

**COUNCILPERSONS:**

**Jendrowski** – had a conversation with a resident regarding U-Gate, spoke with a resident on the Fancher project and spoke to Dave Miller regarding both. A resident has concerns about traffic at Main and Cummings and the water runoff from power washing the equipment.

**Dugan** – absent

**Burke** – attended the town training on November 9<sup>th</sup>.

**Pope** – nothing to report

**Supervisor** – attended the joint meeting with the Village board, delivered the payment check to Lancaster and coordinated the dog kennel move to JMF, had a conference call with Colleen & Matt Montalbo regarding budget/audit items and worked on year-end appointment items.

**UNFINISHED BUSINESS:**

**Buildings** – nothing new

**Planning** – still working on EMO purchases, the EMS contract and the rezoning request on Bloomingdale.

**Water/Sewer** – nothing new

**Grants** – nothing new

**NEW BUSINESS:**

**Adoption- Local Law #6 of 2023- Repeal LL#5 of 2023:**

A motion was made by Councilman Burke, seconded by Councilman Jendrowski approving the adoption of Local Law #5 of 2022 that repeals Local Law #4 of 2022 as proposed.

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

**Adoption – Local Law #7 of 2023 – Solar Law Amendments:**

A motion was made by Councilwoman Pope, seconded by Councilman Jendrowski approving the adoption of Local Law #7 of 2023 entitled “2023 Amendment No. 1 to the Solar Law”.

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

**Public Hearing-Local Law No. 8 – 13638 Bloomingdale Road Re-Zoning request:**

A motion was made by Councilman Jendrowski, seconded by Councilman Burke approving the calling of a public hearing on December 11, 2023, at 7:25pm to hear comments on Local Law #8 of the year 2023 entitled 2023 Rezoning of Real Property and Zoning Map Amendment No. 2” at 13638 Bloomingdale Road and authorizing the Town Clerk to publish notice of the hearing in the Akron Bugle.

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

**Approval – U-Gate Project at 12474 Main Road:**

A motion was made by Councilman Burke, seconded by Councilman Jendrowski approving the final site plan from Joseph Frey for U-Gate Store at 12474 Main Road in the C-2 zone for the first phase of redevelopment.

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

**Approval – Fancher Project at 13661 Main Road:**

A motion was made by Councilwoman Pope, seconded by Councilman Burke approving the final site plan which includes the construction of two new 11,776 square feet storage buildings as well as site work based on the site plan presented to the Town Board on 10/16/2023.

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

**Approval-Site-Plan Application – Leisurewood Campground – 5720 Cummings Rd:**

A motion was made by Councilman Jendrowski, seconded by Councilwoman Pope approving a proposed site-plan alteration to construct a 1,728 square feet pole barn style maintenance building at 5720 Cummings Road.

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

**Approval – Town Hall Transformer Installation Contractor:**

A motion was made by Councilman Burke, seconded by Councilwoman Pope approving the quote from Spring Creek Construction in the amount of \$9,660 to install the new transformer at the Town Hall.

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

**Approval- Lateral Restriction Hardship Application- 6486 Utley Rd:**

A motion was made by Councilman Burke, seconded by Councilwoman Pope approving the application for a lateral restriction exception hardship at 6486 Utley Road in water district 5 as submitted by owner(s) Michel Schwallie, based on supporting documentation provided.

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

**Approval- Lateral Restriction Hardship Application- 13850 Knapp Rd:**

A motion was made by Councilwoman Pope, seconded by Councilman Burke approving the application for a lateral restriction exception hardship at 13850 Knapp Road in water district 10 as submitted by owner(s) Janice Schoenwetter, based on supporting documentation provided.

Izydorczak-Aye, Dugan-Absent, 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 Burke seconded by Councilwoman Pope to adjourn the regular meeting at 7:55pm.

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

Respectfully Submitted,  
Jennifer DiChristina, Town Clerk