

Newstead Town Board Meeting – May 28, 2024

A public hearing was called to order by the Newstead Town Board on May 28, 2024, at 7:22pm at the Newstead Town Hall.

Present: Dawn Izydorczak – Supervisor
John Jendrowski - Councilman
Mike Mutter - Councilman
Edmund Burke – Councilman
Michael Coutu – Assistant Town Attorney
Jennifer DiChristina - Town Clerk

Roll Call was taken with all board members present with the exception of Councilman Dugan.

The Supervisor called the public hearing to order for a proposed site plan from Rock Garden Properties LLC to display and sell sheds at 11803-1825 Main Road.

The Clerk read proof of publication and the Supervisor opened the floor for public comment.

Councilman Burke questioned the property owner on several blanks that were left on the SEQR form regarding usage/hookup of public water. The property owner explained that the property only will be leased, not the building, and they will not be using the water at this time.

There being no further comments, a motion was made by Councilman Burke, seconded by Councilman Mutter to close the public hearing at 7:29pm. Carried

The Supervisor called the second public hearing to order at 7:29pm for a proposed 8-lot major subdivision with no public improvements on a 95 acre parcel of land on Miland Road and owned by Lavocat Properties LLC.

The Clerk read proof of publication and the Supervisor opened the floor for public comment.

One written comment from Paul Pfentner of 11353 Miland Road was submitted and attached to these minutes.

Jacob Metzger, 8245 Sheridan Dr. – the engineer for this and he presented the scope of the project. There will be 10 lots total (started with 2 and adding 8) along Miland with 65 acres being maintained as farmland. This process was began last August with the planning board.

The Supervisor voiced the boards concern with the drainage and the town would require easements that would give us access to the drainage ditch that runs behind. Mr. Metzger stated the drainage for the individual homes will drain forward into the existing front ditch and most lots will have retention ponds.

Carissa Berghorn, 11313 Miland Rd. – she lives directly across the street and is very concerned about the drainage affecting their property. Also concerned that active farmland will be taken away.

Paul Pfenter, 11353 Miland Rd. – he spoke about his concerns as to what 8 new lots with houses will do to the preexisting drainage issues. Newstead is very flat and drains very slow.

Darrin Berghorn, 11313 Miland Rd. – he has been farming for the last 53 years and is concerned about new neighbors not appreciating living so close to an active farm. He isn't against building new houses, just not on agricultural land.

Kevin Schmitt, 11174 Miland Rd. – he is new to the town and lives directly next door. He is concerned about how this will effect the drainage on his property.

Ross Rumfola, 11541 Miland Rd. – is the furthest house away from this property and can appreciate the concerns with the added drainage. He questioned if these houses would have septic systems and is there any plans for natural gas.

The supervisor explained National Fuel does not inform the town when they run new gas lines.

Jason Schalbach, 11187 Crego Rd. – he understands all the drainage concerns but his question is what the plan is for the backland. Is this part just Phase I? He was told it will continue to be farmland.

Jeff Jendrowski, 11936 Rapids Rd. – he is a few miles from where this will be and he already has drainage issues at his property. He believes the town needs to correct the water issues we already have before we add more houses that may make things worse.

Councilman Jendrowski knows that drainage is an issue. Lavocat is willing to keep farmland in the back and believes that is a good compromise on their part. People have the right to sell off property and Wendel will be looking into the drainage.

There being no further comments, a motion was made by Councilman Burke, seconded by Councilman Mutter to close the public hearing at 8:02pm. Carried

Councilman Mutter led the pledge to the flag.

The regular meeting of the Town Board was called to order at 8:02pm with the same members present as listed above.

Minutes from the regular meeting held on May13, 2024 and the special meeting held May 20, 2024 were presented for approval. A motion was made by Councilman Mutter, seconded by Councilman Jendrowski to approve as presented. Carried

Agenda Changes – A motion was made by Councilman Burke, seconded by Councilman Mutter to approve the following agenda changes:

Add G. – Resolution to purchase second highway truck

Communications – The Town Clerk presented the following correspondence:

A notice was received from NYS Dept of Taxation & Finance notifying the town that our equalization rate as of May 14th is 100%.

A notice was received from the Village of Akron informing the town that effective August 1, 2024 the reimbursement rate for the police officers assigned to the Town Court will increase to \$40.00 per hour with the option of using a peace officer at the rate of \$35.00 per hour.

A letter of resignation was received by Senior Assistant Kathy Meyers effective June 21, 2024.

A notice was received from Rachel Kleparek with the results of the hazardous/electronic waste/shredding event that was held on May 18th.

A notice was received from Charter Communications informing the town of revisions to its channel lineup on or about July 1, 2024.

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

Work Session: at the work session held last week the following items were discussed: a brief special meeting was held to address a resolution for a new highway truck, planning items: Community Center design, dog kennel agreement renewal with Alden, Ag & Farmland protection plan, Historical Society invitation, County assessments proposal; Building projects: library, town hall transformer/village purchase of surplus transformer; Grant updates – JCAP grant implementation; Water/sewer – Buell St. sewer & Niagara Label repair; review of projects before the town board.

Agenda Items Question Period: no one spoke

Budget Transfers: None

Approval of Bills – Councilman Mutter reported that the Abstract(s) from Batch(es) #2456-2457 have been reviewed with the previously un-audited vouchers and everything was found in order. Abstract Batch(es) #2460 was presented for payment. Vouchers on this abstract(s) numbered 597 - 638, totaling \$23,697.15. Councilman Burke seconded to approve payment as follows:

Abstract Batch(es) #2456-2457:

General Fund (A)-\$14,490.99, General Fund- Outside Village (B)-\$150.00, Highway(DA)-\$8,454.74, Highway: Outside Village (DB)-\$, CAP-Multicultural Ctr (HMCC)- \$, CAP-Water-Scotland (HS)-\$, CAP-Water-Koepsel (HW)-\$, CAP-Water-Draper (HW01)-\$, CAP-Water-Cedar (HW02)-\$, CAP-Water-Knapp (HW03)- \$, CAP-Bike Path (HTG)-\$, Drainage (SD)-\$78.72, Fire Protection (SF)-\$, Refuse (SR)-\$, Sewer #1 Fund (SS)-\$29.58, Sewer District #2 (SS02)-\$68.23, Sewer District #3 (SS03)-\$, Trust & Agency (TA)-\$ and Consolidated Water (SW00)-\$424.89, WD1(SW1)- \$, WD2(SW2)- \$, WD3(SW3)- \$, WD4(SW4)- \$, WD5(SW5)- \$, WD6(SW6)- \$, WD7(SW7)- \$, WD7A(SW7A)- \$, D8(SW8)- \$, WD9(SW9)- \$, WD10(SW10)- \$;

Total: \$23,697.15

Carried

COMMITTEE AND DEPARTMENT HEAD REPORTS:

Highway – no report

Assessor – a report was presented by the Assessor and read by the Supervisor as follows: Today is grievance day and we have approximately 6 individuals coming in to contest the 2024 assessments. I have already met with most of the individuals coming in and was not able to come to an agreement. We will be holding grievance in the Assessment department due to scheduling conflicts with tonight’s town board meeting.

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

Derek Cattio	11643 Howe Rd	IG Pool
Anthony Pingitore	4954 S Newstead Rd	Roof
Walter Duft	11063 Clarence Ctr Rd	Roof
Aaron Nadrowski	13097 Steiner Rd	Addition
Charles Keppler	12376 Stage Rd	Addition
Lori Millard	6217 Utley Rd	Pole Barn
Grant Sanville	11985 Clarence Ctr Rd	Pool Deck
Steve & Ilene Polley	Ashwood (Leisurewood)	Screen Room
Michael Basar	6498 Utley Rd	Pre-Fab Shed
Lakeshore	46 Quarry Hill Est	Manufactured Home
M Kathleen Volland	122 Quarry Hill Est	Manufactured Home
Katie Smith	5140 Havens Rd	Generator
5720 Cummings Rd Inc	Sprucewood Lane	Roof/Siding

Town Clerk – nothing at this time

Town Attorney(s) – nothing at this time

COUNCILPERSONS:

Jendrowski – nothing to report

Dugan – absent

Burke – nothing to report

Mutter – nothing to report

Supervisor – I attended the delivery of the new EMS shelter trailer, attended a zoom meeting with Erie County Legislators, met with representatives from Chris Greene’s office on Hake Rd concerns, attended the training for our new security panic buttons, had a meeting with Dan Castle and Sarah Gatti of Erie County Planning on AG Protection Plan grant funding opportunities, and had a meeting this morning with Wendel on the Community Center design.

UNFINISHED BUSINESS:

Buildings – Town Hall transformer project ready for June/July install.

Planning – Community Center project design moving along

Water/Sewer – received DOT approval and Justine will be sending out the RFP with a date of June 18th for opening bids.

Grants – Justice Court JCAP grant implementation ongoing.

NEW BUSINESS:

Resolution - Site Plan for 11803-11825 Main Rd:

A motion was made by Councilman Jendrowski, seconded by Councilman Mutter approving the site plan to allow for the display and sale of sheds at 11803-11825 Main Road and owned by Rock Garden Properties LLC for Shed Builders LL subject to the terms set forth in the resolution.

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

Public Hearing – Proposed Short-Term Rental 13753 Main Rd:

A motion was made by Councilman Burke, seconded by Councilman Mutter approving the calling of a public hearing on June 24, 2024, at 7:20pm to hear comments on the proposed short-term rental at 13753 Main Rd., owned by Thomas & Candy Zackey and orders the Town Clerk to publish notice of the hearing in the Akron Bugle.

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

Public Hearing – Proposed Short-Term Rental 7269 Sandhill Rd:

A motion was made by Councilman Mutter, seconded by Councilman Burke approving the calling of a public hearing on June 24, 2024, at 7:25pm to hear comments on the proposed short-term rental at 7269 Sandhill Rd., owned by Jean & Peter York and orders the Town Clerk to publish notice of the hearing in the Akron Bugle.

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

Resolution – July 3rd Event Authorization:

A motion was made by Councilman Jendrowski, seconded by Councilman Burke approving the Akron Village Police Department to perform crowd control and other necessary functions during the Fourth of July Celebrations which will take place on July 3rd – 4th, 2024 and will be a weapon free event.

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

Appointment of Marriage Officer:

A motion was made by Councilman Mutter, seconded by Councilman Burke authorizing the appointment of Supervisor Dawn D. Izydorczak to be a marriage officer within the town’s jurisdiction for the remainder of 2024.

Izydorczak-Abstained, Dugan-Absent, Burke-Aye, Jendrowski-Aye, Mutter-Aye
Carried

Approval- Advertising for Open Town Positions:

A motion was made by Councilman Burke, seconded by Councilman Mutter approving the advertisement in the Akron Bugle for the positions of 2nd deputy dog control officer and part time senior center attendant.

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

Resolution - Award Highway Truck Mini-Bid:

A motion was made by Councilman Mutter, seconded by Councilman Burke approving the purchase of a second, class 8 dump truck from Fleet Maintenance, Inc. for the Western Star cab & chassis with the Viking Cives dump, plow and sander for a total cost of \$345,257.40 and authorizes the Town Supervisor and Town Highway Superintendent to take all necessary steps to accept the Mini-Bid and complete the purchase.

Councilman Jendrowski voiced his opinion that he was not in favor of the purchase as he didn't have enough information to confidently approve a second truck.

(Resolution Attached) Izydorczak-Aye, Dugan -Absent, Burke-Aye, Jendrowski- Nay, Mutter-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 Councilman Mutter to adjourn the regular meeting at 8:25 pm.

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

Respectfully Submitted,
Jennifer L. DiChristina, Town Clerk