

## Newstead Town Board Meeting – October 28, 2024

A public hearing was called to order by the Newstead Town Board on October 28, 2024, at 7:26pm at the Newstead Town Hall.

Present: Dawn Izydorczak – Supervisor  
Joe Dugan - Councilman  
John Jendrowski - Councilman  
Mike Mutter - Councilman  
Edmund Burke – Councilman  
Emily Janicz – Town Attorney  
Michael Coutu – Assistant Town Attorney  
Justine Seefeldt – Town Engineer  
Jennifer DiChristina - Town Clerk

Roll Call was taken with all board members present.

The Supervisor called the public hearing to order for SUP/Homebased business at 13868 Indian Falls Road.

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

The Supervisor explained that this project was recommended to the Town Board by the Planning Board.

Richard Raykowski, 13830 Indian Falls Rd – he sold the property to Brian and thinks he is doing a great job and his home-based business should be approved.

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

The Supervisor called the second public hearing to order at 7:29pm for public comments on short term rental at 12353 Clarence Center Road.

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

The Supervisor explained that this project had been recommended to the Town Board by the Planning Board. Also submitted to Erie County and they had no comments. A letter of support was received from the Ebersoles of 12459 Clarence Center Road.

Treg Lewis, 12337 Clarence Center Rd – appreciates knowing all his neighbors and doesn't like that this will be a revolving door of people. Since the properties are open in the front and back anyone staying in the house has a full view of his yard. Mr. Lewis at the least is asking that a fence be installed between the properties.

Krystle Prystajko, Event Manager, Timberlodge – believes that this benefits the community due to the lack of lodging in the Town.

Daniel Klonowski, 11199 Stage Rd – the privacy fence has already been started and they have outdoor cameras/indoor smoke detectors and noise detectors. He stated it will not be a party house.

Councilman Burke asked if this is a yearly renewal and it is. If there are complaints it could be cause to not renew the permit.

There being no further comments, a motion was made by Councilman Dugan, seconded by Councilman Burke to close the public hearing at 7:44pm. Carried Unanimously

The Supervisor called the third public hearing to order at 7:45pm for public comments on the 2025 Budget.

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

There being no comments, a motion was made by Councilman Burke, seconded by Councilman Dugan to close the public hearing at 7:47pm. Carried Unanimously

Councilman Burke led the pledge to the flag.

The regular meeting of the Town Board was called to order at 7:47pm with the same members present as listed above.

Minutes from the regular meeting held on October 14, 2024 were presented for approval upon the correction of a name in Councilman Burkes report. A motion was made by Councilman Dugan, seconded by Councilman Burke to approve as presented. Carried Unanimously

Agenda Changes – None

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

An email was received from resident Jacob Halleck asking local and county officials to consider putting a sidewalk in on Parkview Drive through the park.

The 2023 Newstead Library Annual Report was received.

A letter from the NYS Department of Transportation was received informing the Town that the requested speed reduction on Hake Road between Route 93 and Clarence Center Road was denied.

A letter from Erie County Water Authority was received regarding the EPA 2024 Lead and Copper Rule Improvements.

A letter from Northern Erie Sno-Seekers Snowmobile Club requesting permission for the club to utilize the West Shore Bike Path for the 2024-25 snowmobiling season.

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

**Work Session:** at the session held last week, the following items were discussed: planning items short term rentals, EMS trailer ribbon cutting, Kathryn Dr request, JMF agreement with village; Building project – Library roof, B&A dept. desk enclosure, transformer auction, tree removal issue; Grants updates; Water/Sewer updates; 2025 budget.

**Agenda Items Question Period:** no one spoke

**Budget Transfers:** a motion was made by Councilman Dugan, seconded by Councilman Burke to approve the budget transfer(s) as presented in a memo from Bookkeeper Colleen Salmon dated 10/28/2024. Carried Unanimously

**Approval of Bills** – Councilman Burke reported that the Abstract(s) from Batch(es) #2500 have been reviewed with the previously un-audited vouchers and everything was found in order. Abstract Batch(es) #2505 was presented for payment. Vouchers on this abstract(s) numbered 1251-1278 and 1280-1300, totaling \$167,258.10. Councilman Mutter seconded to approve payment as follows:

Abstract Batch(es) #2505:

General Fund (A)-\$64,896.34, General Fund- Outside Village (B)-\$, Highway(DA)-\$, Highway: Outside Village (DB)-\$55,379.43, CAP-Multicultural Ctr (HMCC)- \$2,800.00, 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)-\$41,778.54, Fire Protection (SF)-\$2,400.00, Refuse (SR)-\$, Sewer #1 Fund (SS)-\$3.79, Sewer District #2 (SS02)-\$, Sewer District #3 (SS03)-\$, Trust & Agency (TA)-\$ and Consolidated Water (SW00)-\$, WD1(SW1)- \$, WD2(SW2)- \$, WD3(SW3)- \$, WD4(SW4)- \$, WD5(SW5)- \$, WD6(SW6)- \$, WD7(SW7)- \$, WD7A(SW7A)- \$, D8(SW8)- \$, WD9(SW9)- \$, WD10(SW10)- \$;

Total: \$167,258.10

Carried Unanimously

## **COMMITTEE AND DEPARTMENT HEAD REPORTS:**

**Highway** – a report was presented by the Highway Superintendent and read by the Supervisor as follows: the crews paved the bike path and thanks Alden, Clarence, Pembroke & Elma for the help, mowed parks, road ditched piped on Dye Road 120', cut trees and thanked the Village for the help, replaced crosscut on Stage and N Ayers, helped Village pave streets and JMF driveway, boom mowed field ditches, picked up tires on Bruning Road, replaced driveway pipe on Stage Road, cleaned up wood chips in Vets Park, black topped holes in shoulders various roads, picked up 2 dead deer and broomed intersections of various roads.

**Assessor** – no report was given

**Building Office** – no report was given

**Town Clerk** – nothing at this time

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

## **COUNCILPERSONS:**

**Jendrowski** – nothing to report

**Dugan** – had several conversations with Chris Whitmarsh regarding sewer line project.

**Burke** – attended the ribbon cutting at the JMF for the new EMS trailers and had a conversation with the Supervisor regarding the Community Center.

**Mutter** – attended the ribbon cutting for the EMS trailer and an EMS contract meeting.

**Supervisor** – attended a zoom meeting with Erie County Civil Service, attended the JMF Committee meeting, had a meeting with Wendel to discuss next steps for Community Center project, and had the annual walk thru of our buildings by Comp Alliance. Spoke with Highway Supt. on bike path repaving project, which looks great. Attended the ribbon cutting ceremony for our new EMS trailers. Will be out of town for a few days, Joe will be in charge.

## **UNFINISHED BUSINESS:**

**Buildings** – library roof

**Planning** – nothing to report

**Water/Sewer** – nothing to report

**Grants** – nothing to report

## **NEW BUSINESS:**

### **Approval – SUP/Homebased business at 13868 Indian Falls Rd:**

A motion was made by Councilman Dugan, seconded by Councilman Burke approving the SUP/Homebased Business at 13868 Indian Falls Road and owned by Brian Bergman/Bergman Landscaping LLC to operate a home-based business engaged in landscaping on an approximately 15 acre parcel in the RA zone in the Town of Newstead subject to the terms set forth in the resolution. (Resolution) Izydorczak-Aye, Dugan-Aye, Burke-Aye, Jendrowski-Aye, Mutter-Aye

Carried Unanimously

### **Approval- Short-Term Rental 12353 Clarence Center Rd:**

A motion was made by Councilman Mutter, seconded by Councilman Dugan approving the proposed short-term rental at 12353 Clarence Center Rd., in the RA zone, owned by Daniel & Nicole Klonowski, and subject to the terms set forth in the resolution.

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

Carried Unanimously

**Approval – Intermunicipal Agreement with Erie Co. for Planning Grant:**

A motion was made by Councilman Burke, seconded by Councilman Mutter accepting the County Municipal Planning Grant for \$27,000 to aid in the preparation of an Agricultural and Farmland Protection Plan for the Town of Newstead.

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

Carried Unanimously

**Approval- Annual Applications Ad:**

A motion was made by Councilman Dugan, seconded by Councilman Burke approving the advertisement in the Akron Bugle for the annual town positions appointments ad for 2025.

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

**Approval- Lateral Restriction Hardship Applications:**

A motion was made by Councilman Dugan, seconded by Councilman Burke approving the applications for a lateral restriction exception hardship at 11875 Stage Road in water district 10 as submitted by owner A. Miller and 7363 Cedar St in water district 10 as submitted by owner C. Carrick, based on supporting documentation provided.

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

**Approval- Advertise a Public Meeting on the Community Center:**

A motion was made by Councilman Burke, seconded by Councilman Mutter approving the advertisement of a public meeting on November 18th, 2024, at 7:30pm to receive public comments on the proposed Community Center.

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

**Approval- Cancel optional Work Session for November 4th:**

A motion was made by Councilman Mutter, seconded by Councilman Dugan approving the cancellation of the optional work session scheduled for November 4, 2024.

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

**Privilege of the Floor/Question Period:** owner of 11428 Main Road appeared to ask if he is able to sell shipping containers from his property. He was advised to call the Code Enforcement Officer.

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 8:09pm.

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

Respectfully Submitted,  
Jennifer L. DiChristina, Town Clerk