

Newstead Town Board Meeting- April 12, 2021

The Board entered executive session at 7:17pm to discuss a personnel matter on a motion from Councilman Burke, seconded by Councilman Jendrowski. Carried

The Board exited executive session on a motion by Councilwoman Pope, seconded by Councilman Dugan at 7:21pm, having taken no action. Carried

A public hearing was called to order by the Newstead Town Board on Monday, April 12, 2021 at 7:22pm at the Newstead Town Hall.

Present: Edmund Burke- Deputy Supervisor/Councilman
John Jendrowski- Councilman
Joseph Dugan- Councilman
Patricia Pope- Councilwoman
Brendan Neill- Town Attorney
Emily Janicz- Assistant Town Attorney
Scott Rybarczyk- Town Engineer
Michael Bassanello- Highway Supt.
Dawn Izydorzak- Town Clerk

Roll Call was taken with all board members present except Supervisor Cummings who is on vacation.

The Deputy Supervisor called the **public hearing** to order on the proposed Local Law #1 of 2021 placing a moratorium for a 6-month period on the installation and use of intermodal freight transports, and similar vessels, within the town at 7:22pm.

The Clerk read proof of publication. The Deputy Supervisor stated this local law has been reviewed and recommended for approval by the Planning Board, Wendel, the CEO and then was submitted to the Town Board for final consideration. Some minor updates have been made in the verbiage since it was first introduced.

Comments: no one spoke

There being no further comments, a motion was made by Councilman Jendrowski, seconded by Councilman Dugan to close the public hearing at 7:26pm Carried

The **regular meeting** of the Newstead Town Board was called to order at 7:27pm with the same members present as listed above.

Councilman Jendrowski led the pledge to the flag.

Minutes from the regular meeting held on March 22, 2021 were presented for approval. A motion was made by Councilman Dugan, seconded by Councilman Jendrowski to approve as presented. Carried

Agenda Changes – a motion was made by Councilwoman Pope, seconded by Councilman Dugan to make the following agenda changes: add a motion to approve a beer/wine permits for a family reunion at Skyline Park Carried

Communications – The Clerk presented the following correspondence:

A letter was received from Charter Communications regarding changes in programming and services beginning on April 15th.

A request for a beer/wine permit was received from Peggy Kidder for Skyline Park on July 24th & 25, 2021 for two family reunions.

A notice was received from Heritage Wind, LLC regarding draft permit and public comment periods for their project in the Town of Barre.

The 2020 Annual Report was received from the Erie County Clerk's office.

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

Work Session: The Deputy Supervisor reported that at work session held last week the following items were discussed: water and sewer project updates, planning item updates, building issue updates, grant updates, gas well purchase update, highway equipment updates, plus any other items brought before the Board.

Agenda Items Question Period: no one spoke

Budget transfers: none

Approval of Bills – Councilman Jendrowski reported that the Abstract(s) from Batch(es) #2126 have been reviewed with the previously un-audited vouchers and everything was found in order. Abstract Batch(es) #2128 were presented for payment. Vouchers on this abstract(s) numbered 263 - 323, totaling \$522,816.96. Councilwoman Pope seconded to approve payment as follows:

Abstract Batch(es) #2128:
General Fund (A)-\$21,039.73, General Fund- Outside Village (B)-\$0, Highway (DA) -\$0, Highway: Outside Village (DB)-\$29,732.45, Drainage (SD)-\$0, Fire Protection (SF)-\$302,175.00, Refuse (SR)-\$26,141.53, Sewer #1 Fund (SS)-\$516.75, Sewer District #2 (SS02)-\$232.50, Sewer District #3 (SS03)-\$600.50, Trust & Agency(TA)-\$0 and Consolidated Water (SW00)-\$4.50, 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)- \$142,374.00;
Total: \$522,816.96 Carried

COMMITTEE AND DEPARTMENT HEAD REPORTS:

Highway – a report was presented from the Highway Supt as follows: the crew helped National Grid with cutting trees, cut trees at Vet's Park, put guard rails back up on the bike path, chipped brush at the JMF, took the sander out of #10 and took #7 to D+W Diesel, shaved the shoulders on town roads, rolled the fields at the town parks and changed the 284 agreement to do road repair on Skyline Drive instead of Pohl Rd.

Assessor –no report

Building Office – the following building report was presented by Christine Falkowski of the Planning & Building Department:

Niagara Specialty Metals	Hake Rd	Commercial Addition
Scott Monkelbaan	11373 Milan	Addition
Tiffanie Amerine	13819 Knapp	Deck w/roof
Joseph Olaf	12261 Rapids	Replace porch
Gen-Tech Power Systems	10971 Keller	Generator
Jurgen Arndt	12831 Dorsch	Pool house

The Town Board accepted the building report as presented.

Town Clerk- Nothing at this time

Town Attorney(s) – Nothing at this time

COUNCILPERSONS:

Jendrowski- he spoke with the CEO regarding the code changes, spoke with 2 residents on fence codes, spoke with Peter Forrestel on the Limerick Hall issues, and spoke with the Fosters on Stage Rd regarding their ongoing drainage issues.

Dugan – he commended Senior Coordinator Sarah Young for her first successful vaccine clinic on Friday, where 250 doses were given to local residents. The next clinic is tomorrow.

Burke – he met with CAC Chairman Carl Klingenschmitt to do more work on the drainage map updates. He spoke with the Highway Superintendent about a drainage issue on Cedar St and learned the County has been in the area doing some drainage work.

Pope- she reported some road flooding she observed by the new builds on Barnum Rd. Mike B. will report it to the County as that is a County road.

Supervisor- not present

UNFINISHED BUSINESS:

Buildings- nothing new to report

Planning- nothing new to report

Water- there is a pre-construction meeting tomorrow on the Havens Rd waterline extension with DigCo & Dave Miller. Drainage maps were delivered to Carl tonight. Scott will be working with Dawn and Rob to get bid packets out this week.

Grants- nothing new to report

NEW BUSINESS:

Determination of Non-Significance- Local Law #1:

A motion was made by Councilman Dugan, seconded by Councilman Jendrowski adopting a determination of non-significance of Local Law relative to Local Law #1 of 2021 and listing this as a type II action under SEQRA.

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

Adoption- Local Law #1 of 2021:

A motion was made by Councilman Dugan, seconded by Councilman Jendrowski adopting Local Law #1 of 2021 placing a 6-month moratorium on the installation and use of intermodal freight transports and similar vessels within the town, subject to the terms set forth in the resolution.

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

Approval- Site Plan for 13311 Main Rd Addition:

A motion was made by Councilman Jendrowski, seconded by Councilman Dugan approving the site plan dated January 19, 2021 for a 36,000 sq. ft. warehouse addition at 13311 Main Rd owned by Newstead Properties, LLC (MGA Research), subject to the terms set forth in the resolution.

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

Approval- Purchase Highway Truck:

A motion was made by Councilwoman Pope, seconded by Councilman Jendrowski authorizing the purchase of a 2021 Ford F-150 XLT SuperCrew 4x4 with a 5.5' Box for the highway department, with award going to the lowest bidder Van Bortl Ford in the amount of \$36,741.21.

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

Approval- Award Lighting Project at Senior Center:

A motion was made by Councilman Dugan, seconded by Councilwoman Pope authorizing the award of the lighting contract for the Senior Center to the lowest bidder Precision Electric.

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

Approval- New BankonBuffalo account:

A motion was made by Councilman Jendrowski, seconded by Councilman Dugan authorizing the Supervisor to open a new account with BankonBuffalo on behalf of the Town.

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

Approval- Bid proposals for Waterline Project:

A motion was made by Councilwoman Pope, seconded by Councilman Dugan authorizing the Town Clerk to advertise for bids for water system improvements on Indian Falls Rd, Knapp Rd, and Kirby Rd under Contract No. 20-1, with bid books available on April 19, 2021 and bid submissions due on May 18, 2021.

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

Public Hearing- Local Law #2 of 2021- Amendment to the Zoning Law:

A motion was made by Councilman Dugan, seconded by Councilwoman Pope approving the calling of a public hearing on the proposed Local Law #2 of 2021 entitled amendments to the Zoning Law, with the hearing to be held on May 24, 2021 at 7:25pm at the Town Hall and authorizing the Clerk to publish notice in the Akron Bugle.

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

Approval- Beer/Wine Permit for Skyline Park:

A motion was made by Councilman Jendrowski, seconded by Councilwoman Pope approving the request for a beer/wine permit on July 24th & 25th at Skyline Park for a family party.

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

Privilege of the Floor/Question Period: James & Julie Foster of 12834 Stage Rd were present to get an update from the board regarding their ongoing drainage issues. He requested the ditch to be covered and capped to prevent more erosion from happening. He accused the town of draining water from someone else's private property onto his property. He threatened to hire an attorney and sue the town if he has too but would prefer to figure this out and not go that route.

Much discussion was held and the board will continue the conversation at next weeks work session.

There being no further business to come before the board for the regular meeting, a motion was made by Councilwoman Pope, seconded by Councilman Dugan to adjourn the regular meeting at 8:14pm.
Carried

Respectfully Submitted,
Dawn D. Izydorczak, RMC, Town Clerk