

Newstead Town Board Meeting- May 10, 2021

A public hearing was called to order by the Newstead Town Board on Monday, May 10, 2021 at 7:25pm at the Newstead Town Hall.

Present: David Cummings- Supervisor
Edmund Burke- 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 Izydorczak- Town Clerk

Roll Call was taken with all board members present.

The Supervisor called the **public hearing** on the proposed 27.6kW ground mount solar array at 12292 Clarence Center Rd to order.

The Town Clerk read proof of publication. The Supervisor explained this project has been reviewed and recommended for approval by the Planning Board. Erie County Planning supplied comments today and had no recommendations.

Comments: Mark of Buffalo Solar stated it should be 27.6kW, not 127.6kW, as was listed in the legal notice read. No other comments were received.

There being no further comments, a motion was made by Councilman Dugan, seconded by Councilman Jendrowski to close the public hearing at 7:30pm. Carried Unanimously

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

Councilman Burke led the pledge to the flag.

Minutes from the regular meeting held on April 26, 2021 were presented for approval. A motion was made by Councilwoman Pope, seconded by Councilman Burke to approve as presented. Carried Unanimously

Agenda Changes – a motion was made by Councilwoman Pope, seconded by Councilman Dugan to make the following agenda changes: add a resolution approving the site plan for 12292 Clarence Center Rd. Carried Unanimously

Communications – The Clerk presented the following correspondence:

3 notices were received from Charter Communications notifying the town of programming changes taking place in June as well as TV broadcast surcharges and fees that will be increasing after June 2, 2021.

A letter was received from the Village of Akron notifying the Town Board of the per hour rate increase for police services in court that will take effect June 1, 2021. The rate will increase to \$35.00/hour.

A notice was received from the Town of Pembroke notifying the Board about a public hearing on a subdivision that will border the County and town lines on Akron Rd, if they wish to comment.

A letter was received from the NYS Department of Taxation & Finance notifying the town that the equalization rate for 2021 is at 100% valuation.

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

Work Session: The Supervisor reported that at work session held last week the following items were discussed: water and sewer project updates, planning items and code change updates, building issue updates, grant updates, highway purchases, July 4th and the bicentennial celebrations, gas well, plus any other items brought before the Board. The Board entered an executive session at 7:30pm to discuss personnel and town contracts/policies on a motion from Councilman Burke, seconded by Councilwoman Pope. The Board exited executive session on a motion by Councilwoman Pope, seconded by Councilman Burke at 8:45pm, having taken no action.

Agenda Items Question Period: no one spoke

Budget transfers: a motion was made by Councilman Dugan, seconded by Councilwoman Pope to approve the budget transfer(s) as presented in a memo from Bookkeeper Colleen Salmon dated 5/10/21. Carried Unanimously

Approval of Bills – Councilman Jendrowski reported that the Abstract(s) from Batch(es) #2130 have been reviewed with the previously un-audited vouchers and everything was found in order. Abstract Batch(es) #2137 were presented for payment. Vouchers on this abstract(s) numbered 403 – 448, totaling \$100,482.87. Councilman Dugan seconded to approve payment as follows:

Abstract Batch(es) #2137:
 General Fund (A)-\$19,662.62, General Fund- Outside Village (B)-\$1,587.52, Highway (DA) -\$0, Highway: Outside Village (DB)-\$49,846.92, Drainage (SD)-\$0, Fire Protection (SF)-\$0, Refuse (SR)-\$27,618.52, Sewer #1 Fund (SS)-\$653.79, Sewer District #2 (SS02)-\$288.50, Sewer District #3 (SS03)-\$600.50, Trust & Agency(TA)-\$0 and Consolidated Water (SW00)-\$224.50, 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)- \$0;
 Total:\$100,482.87 Carried Unanimously

COMMITTEE AND DEPARTMENT HEAD REPORTS:

Highway – a report was presented from the Highway Supt as follows: the crews paved Skyline Dr & Knapp Rd., had a demonstration of the Clarence highway sweeper, mowed the parks, etc. and prepared for the soccer tournament, worked the tire drop off and white goods pickup, chipped brush at the JMF, patched holes at the Newstead Fire Hall, started putting siding on shelter at Vets Park and hauled clean #2 stone to the park for the Martin Rd. project.

Assessor – Tina reported change of assessment notices were mailed and she will hold informal hearings up until Grievance Day. She does not expect to have a lot of issues.

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

William Peronne	6500 Draper	One Family Home
Niagara Specialty Metals	12600 Clarence Center	Manufacturing addition
Michael Sutton	12424 Nice	One Family Home
Michael Bochniarz	6253 Dye	IG Pool
Clifton Chadwell	11234 Crego	Pole barn
Waddell Family Trust	12872 Carney	Roof
Justin McNaughton	11513 Stage	Pole barn addition
MPR 12089, LLC	12089 Clarence Center	Tent
Violet Savage	238 Golden Pond	Garage addition

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 2 residents regarding drainage issues, spoke with Kristine at the library regarding quotes for new carpeting, with the cost being covered under a construction grant. He will find out more on Wednesday at the library board meeting. He talked to the building department regarding code changes and clarification of language.

Dugan – nothing at this time

Burke – he met with Carl regarding the town drainage maps and the CAC is working to finish the edits to the new map. He did find copies of old drainage meeting minutes that he looked at but would still like to see a copy of the 2004 drainage map. He thanked Mike for the repaving on Skyline Dr. They did a great job with no ponding of water on the new section.

Pope- nothing at this time

Supervisor- the March Supervisor’s report is on file with the Town Clerk. He attended a virtual Erie County Supervisor’s meeting, attended the preconstruction meeting for the Senior Center project, and spoke with the financial advisors on upcoming bonding along with Colleen. He spoke to Greg Brown of the Lions Club and approved flags to be placed at Veteran’s Park for 5 holidays as part of their Avenue of Flags. He went and looked at the potential highway sweeper we might purchase from the Town of Clarence. He addressed signage complaints and went over potential terms & conditions updates for employees.

UNFINISHED BUSINESS:

Buildings- the board will meet with the Limerick Hall group at the next work session.

Planning- more code changes are ready to be discussed at the next work session. The NextEra project is progressing into Alden and several drainage issues were discussed.

Water/Sewer- the bid opening will be 5/18/21 at 1:00pm and there seems to be a lot of interest. Addendum 1 has been issued with questions being addressed and the pre-bid meeting was held.

Grants- the CBDG project is progressing. Pre-construction meeting held last week with NFC rep Rick Rebmann, Sarah, Paul D’Orlando from Erie County, the Contractor and the Supervisor. All other grants are still in process.

NEW BUSINESS:

Approval- Authorize Bid for new Highway Truck:

A motion was made by Councilman Burke, seconded by Councilwoman Pope approving the proposal prepared by the Highway Superintendent to go out to bid on a new F350 highway truck and authorizing the Town Clerk to advertise for bids to be received on May 24, 2021 no later than 2:00pm.

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

Carried Unanimously

Approval- Authorize Waitlist for new Highway Vehicle:

A motion was made by Councilman Jendrowski, seconded by Councilman Dugan authorizing the Highway Superintendent to put the Town on the waitlist for a new highway truck due to extraordinary lead times to purchase said trucks, and authorizing the Supervisor to remove the town from the waitlist if he deems it is in the best interest of the town to do so.

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

Carried Unanimously

Public Hearing- Local Law #5 of 2021:

A motion was made by Councilwoman Pope, seconded by Councilman Dugan approving the calling of a public hearing on the proposed amendments to the Subdivision of Land Law to be known as Local Law #5 of 2021, with the hearing to be held on June 14, 2021 at 7:25pm at the Town Hall and authorizing the Clerk to publish notice in the Akron Bugle.

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

Carried Unanimously

Approval- Lateral Restriction Hardship Application- 11223 Hiller Rd:

A motion was made by Councilman Burke, seconded by Councilman Dugan approving the application for a lateral restriction exception hardship at 11223 Hiller Rd in water district 10 as submitted by owner Jacob Krier, based on supporting documentation provided.

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

Approval- Use of Veteran’s Park for Fireworks:

A motion was made by Councilman Dugan, seconded by Councilwoman Pope approving the request by the Akron Celebration Committee to use Veteran’s Park for fireworks on July 3rd.

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

Approval- Move Town Board meeting and Work Session:

A motion was made by Councilman Burke, seconded by Councilwoman Pope approving moving the next town board meeting to Monday, May 24th, not May 25th and cancelling the work session for May 31st.

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

Appointment- Zoning Board of Appeals Alternate:

A motion was made by Councilman Burke, seconded by Councilwoman Pope approving the appointment of Joshua Kraft to the open “alternate” position on the Zoning Board of Appeals with a term expiring on 12-31-2025.

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

Approval: Site Plan for 12292 Clarence Center Rd Solar Array:

A motion was made by Councilman Dugan, seconded by Councilman Burke approving the annexed negative SEQRA declaration and approving the site plan dated March 24, 2021 for a 27.6kW ground mount solar array to be constructed at 12292 Clarence Center Rd by owners Arrowhead Gold Club, subject to the terms set forth in the resolution.

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

Privilege of the Floor/Question Period: James Foster of 12834 Stage Rd spoke stating he sent a video to the board members via email of the rain event this past weekend. He wanted to make sure they all received it. Once again erosion of his property is occurring. He asked what the status is and what is the time frame of these types of requests. The Supervisor stated there are no set time frames, as every issue is different and takes different time frames to address.

Mr. Foster expressed his frustration with the Board and the lack of progress being made on his complaint. He gave the Town Clerk a FOIL request to be processed for information and left the meeting after an exchange of words with the Supervisor.

The Supervisor cited Public Officers Law Sections 103, 104 and 105 which lists 8 acceptable topics for executive sessions, which covers this potential topic.

The Board entered executive session at 7:58pm to discuss this issue under potential possible litigation on a motion from Councilman Jendrowski, seconded by Councilman Burke.

Carried Unanimously

The Board exited executive session on a motion by Councilman Dugan, seconded by Councilwoman Pope at 8:30pm, having taken no action.

Carried Unanimously

There being no further business to come before the board for the regular meeting, a motion was made by Councilman Jendrowski, seconded by Councilman Dugan to adjourn the regular meeting at 8:30pm.

Carried Unanimously

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