

**Newstead Town Board Meeting- November 9, 2020**

A public hearing was called to order by the Newstead Town Board on Monday, November 9, 2020 at 7:00pm at the Newstead Town Hall.

Present: David Cummings- Supervisor  
Edmund Burke- Councilman  
John Jendrowski- Councilman  
Joseph Dugan- Councilman  
Brendan Neill- Town Attorney  
Emily Janicz- Assistant Town Attorney  
Michael Bassanello- Highway Supt.  
Scott Rybarczyk- Town Engineer  
Dawn Izydorczak- Town Clerk

Roll Call was taken with all board members present.

The Supervisor called the **public hearing** to order on the proposed fire contract with Newstead Fire Co. for the northeastern portion of the Town at 7:00pm.

The Clerk read proof of publication. The Supervisor stated the town first met with the Akron Fire Co representatives & Village of Akron Trustees on this contract, who were both asked to provide the town with information and documentation requested. Since that meeting there has been no communication back from either the Village Trustees or the Akron Fire Co representatives and none of the requested information was ever provided to the town. Therefore, at that point the Town approached Newstead Fire Co. and offered them the exact same contract, which was accepted by Newstead's representatives.

Comments: no one spoke

There being no further comments, a motion was made by Councilman Burke, seconded by Councilman Dugan to close the public hearing at 7:05pm Carried

The Supervisor called the **public hearing** to order on the proposed fire alarm contract with the Town of Amherst at 7:05pm.

The Clerk read proof of publication. The Supervisor stated the towns have maintained this contract for decades and this is just a renewal process.

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 7:08pm Carried

The Supervisor called the **public hearing** to order on the proposed Local Law #3 of 2020 regarding amendments to the Uniform Construction Code relevant to parking garages at 7:09pm.

The Clerk read proof of publication. The Supervisor stated these changes are merely to clean up language in the code that is no longer relevant. These changes have been discussed by the Planning Board and Code Enforcement Officer who recommended approval to the Town Board. Currently there are no parking garages located in the town that this law would affect.

Comments: no one spoke

There being no further comments, a motion was made by Councilman Dugan, seconded by Councilman Jendrowski to close the public hearing at 7:12pm Carried

The Supervisor called the **public hearing** to order on the proposed Local Law #4 of 2020 regarding amendments to the Unsafe Buildings Law of the Town at 7:13pm.

The Clerk read proof of publication. The Supervisor stated these amendments are changes recommended by the Planning Board and the Code Enforcement Officer and submitted to the Town Board for approval.

Comments: no one spoke

There being no further comments, a motion was made by Councilman Burke, seconded by Councilman Jendrowski to close the public hearing at 7:15pm Carried

The Supervisor called the **public hearing** to order on the proposed Local Law #5 of 2020 regarding the Short Term Rentals Law at 7:16pm.

The Clerk read proof of publication. The Supervisor stated this is a new chapter being added to the code and was recommended by the Planning Board and Code Enforcement Officer and submitted to the Town Board for approval.

Comments: no one spoke

There being no further comments, a motion was made by Councilman Dugan, seconded by Councilman Burke to close the public hearing at 7:19pm Carried

*The Board paused for a moment for the swearing in of new Councilwoman Patricia Pope. Once the swearing in was completed Patty took her seat on the bench with the Town Board.*

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

Highway Superintendent Bassanello led the pledge to the flag.

Minutes from the regular meeting held on October 26, 2020 were presented for approval. A motion was made by Councilman Burke, seconded by Councilman Jendrowski to approve with the change of the word “pipeline” in 2 places to “powerline”. Carried Unanimously

**Agenda Changes** –none

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

Two letters were received from Charter Communications regarding changes in programming effective December 7<sup>th</sup> and an increase in pricing for 2 of the TV tiers.

A thank you note was received from The Akron-Newstead Food Pantry committee thanking the town for their participation in the recent food drive.

A letter was received from the Northern Erie Sno-seekers club requesting use of portions of the west shore bike path, which it has used for the past 20 years. They are requesting use from Dec. 15<sup>th</sup> thru April 1<sup>st</sup>. An insurance certificate was provided.

A letter with a supply of cloth face masks for town employees was received from Comp Alliance.

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

**Work Session:** The Supervisor reported a work session was held last week where the following items were discussed: water project updates, planning item updates, building issue updates, grant updates, plus any other items brought before the Board.

**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 11/9/20. Carried Unanimously

**Approval of Bills** – Councilman Jendrowski reported that the Abstract(s) from Batch(es) #2078 have been reviewed with the previously un-audited vouchers and everything was found in order. He presented Abstract Batch(es) #2084 for payment. Vouchers on this abstract(s) numbered 1155-1194, totaling \$220,098.39. Councilman Dugan seconded to approve payment as follows:

Abstract Batch(es) #2084:

General Fund (A)-\$21,134.82, General Fund- Outside Village (B)-\$, Highway (DA) -\$0, Highway: Outside Village (DB)-\$10,262.61, CAP-ADESA PS(HAR)-\$0, CAP- Scotland Rd (HS)-\$0, CAP-Koepsel Rd (HW)-\$0, CAP Water-Downey Rd (HW01)-\$0, CAP- Water Cedar (HW02)-\$0, CAP-Water Knapp (HW03)-\$0, CAP- Bike Path (HTG)-\$0, Drainage (SD)-\$93,000.00, Fire Protection (SF)-\$2,025.00, Refuse (SR)-\$27,195.71, Sewer #1 Fund (SS)-\$768.75, Sewer District #2 (SS02)-\$148.50, Sewer District #3 (SS03)-\$558.50, Trust & Agency(TA)-\$65,000.00 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)- \$0; Total:\$220,098.39 Carried Unanimously

**COMMITTEE AND DEPARTMENT HEAD REPORTS:**

**Highway** – a report was presented from the Highway Supt as follows: the crews have completed road piping on Dye Rd, helped Erie County Highway Dept. on Cedar St cross culvert, field ditched Rapids Rd and cleaned trees that fell in field ditches, serviced the trucks getting them ready for plow season, picked up leaves in the parks, cemetery and other town properties and ran for parts & took #7 to Frey the Wheelman. He also stated he has requested our payment on the CHIP’s money and the 1sy payment on the snowplow contract with the County.

**Assessor** – a report was presented from Tina as follows: she is processing the senior exemptions as they come in and also inspecting and valuing new construction as it is closed out by the building department. She has just completed the review and valuation of Village building permits. She will be out of the office following surgery from December 8<sup>th</sup>-16<sup>th</sup>. *Councilman Burke wished her well with her surgery.*

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

|                      |                     |                     |
|----------------------|---------------------|---------------------|
| Deborah Diggs        | 6173 Dye            | Pole barn           |
| Solar Liberty Energy | 4878 Schutt         | Roof mounted solar  |
| Larry Herlan         | 4449 N Millgrove    | Pavilion            |
| John Nunn            | 12402 Swift Mills   | Generator           |
| Daniel Kaczmarek     | 7426 Maple          | Windows             |
| David Freeman        | 13865 Bloomingdale  | Shed                |
| Joseph Caprio        | 11416 Hunts Corners | Windows             |
| Paul Jurek           | 11268 Crego         | Pole barn w/lean-to |
| Paul Jurek           | 11268 Crego         | Fill- driveway      |
| Robert Andrycha      | 6915 Cedar          | One Family Home     |
| William Peronne      | 6500 Draper         | Pole barn w/lean-to |

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 CEO Dave Miller on the proposed code changes, worked on the Maple Lawn Cemetery headstone restoration project and thanked Brian for all his hard work, and spoke with Brad Rehwaldt on both the Denio project where they picked out the paint color which will be completed soon and then Brad will move on to the leak problem at the Library.

**Dugan** – he attended the annual employee virtual training with Comp Alliance and commented that the training platform used was very nicely done. He also spoke with Newstead Fire Co representatives, Supervisor Cummings and the Town Attorney regarding the 2<sup>nd</sup> area fire contract.

**Burke** – nothing at this time

**Pope**- she spoke with a resident of Quarry Hill Estates that had several questions regarding road issues and signage issues. He also questioned notice to veterans regarding services they were entitled to. The Highway Supt. and Supervisor tried to answer some of the questions such as: roads with no speed limits posted are always 55mph under state law. Town roads have no center/shoulder line marks, only County & State roads do. That is how you know if you are on a town road or County/State road. That again is by state law. Streetlights are reported by the town to Nation Grid if they are out. The Highway Supt. & Supervisor do a semi-annual drive throughout the town to report lighting outages. There was also an issue with a sign covered by tree branches that the Highway Supt. will check out.

**Supervisor**- the October Supervisor’s Report is on file with the Town Clerk. He reissued the State of Emergency again through December to keep in line with the County and State. He addressed the FEMA and County funding reimbursements for COVID. He thanked Mike for working with National Grid on the Cummings Rd lighting. He addressed several drainage issues, road repairs/closing questions and addressed COVID personnel requirements for the Court.

### **UNFINISHED BUSINESS:**

**Buildings**- the Denio should be painted by next week. Once that is done Brad will work with Councilman Jendrowski on the Library leaks.

**Planning**- nothing new to report

**Water**- Scott reported that the financing for the waterline project has finally been finalized with the State and we are now waiting on getting the Dept. of Health approvals finalized. He would like to see this bid out over winter and be ready to start the project in the spring.

**Grants**- nothing new to report

### **NEW BUSINESS:**

#### **Adoption- 2021 Budget:**

A motion was made by Councilman Dugan, seconded by Councilman Jendrowski adopting the 2021 Budget as presented in its final form for the Town and issuing a letter of authorization to enforce collection of unpaid accounts.

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

Carried Unanimously

#### **Approval- Fire Controlled Burns:**

A motion was made by Councilman Jendrowski, seconded by Councilman Dugan authorizing the town attorney to negotiate a “hold-harmless” agreement with Newstead Fire Company related to 2 planned Controlled Burns and authorizing the Supervisor to execute said “hold harmless” agreement on behalf of the town.

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

Carried Unanimously

#### **Public Hearing- Local Law #6 of 2020 Repealing Local Law #2 of 2020:**

A motion was made by Councilman Burke, seconded by Councilwoman Pope approving the calling of a public hearing on the proposed Local Law # 6 of 2020 that would repeal Local Law #2 of 2020, with the hearing to be held on November 23, 2020 at 7:25 pm at the Town Hall, and authorizing the Town Clerk to publish notification in the Akron Bugle.

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

Carried Unanimously

**Approval- NextEra Agreement for Staging Locations:**

A motion was made by Councilman Dugan, seconded by Councilman Burke approving the agreement with NextEra for investigation studies at 5877 Buell St and 5706 & 5860 Crittenden Rd to see if any of the sites may be an adequate staging site for its powerline project, and authorizing the Supervisor to execute said agreement on behalf of the town.

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

Carried Unanimously

**Approval-Site Plan-12292 Clarence Center Rd Hotel Addition:**

A motion was made by Councilman Jendrowski, seconded by Councilman Dugan approving the proposed site plan for a 22,836 sq. ft. hotel addition at 12292 Clarence Center Rd owned by Arrowhead Golf Club, subject to the terms set forth in the resolution.

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

Carried Unanimously

**Approval- Bank on Buffalo signature card:**

A motion was made by Councilman Burke, seconded by Councilwoman Pope approving the board members and the Supervisor to execute a signature card with BankonBuffalo for town accounts.

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

Carried Unanimously

**Approval- Lateral Restriction Hardship- 7178 Sandhill Rd:**

A motion was made by Councilman Burke, seconded by Councilman Jendrowski approving the application for a lateral restriction exception hardship for construction of a new build home in water district #10 at 7178 Sandhill Rd as submitted by the owner, based on supporting documentation provided.

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

Carried Unanimously

**Approval- Adjust work sessions:**

A motion was made by Councilman Burke, seconded by Councilwoman Pope approving the cancellation of the November 30<sup>th</sup> work session and add back a work session on December 7<sup>th</sup>.

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

Carried Unanimously

**Approval-Northern Erie Sno-Seekers Request:**

A motion was made by Councilman Jendrowski, seconded by Councilman Dugan approving the request by the Northern Erie Sno-seekers snowmobile club to use portions of the west shore bike path, which it has used for the past 20 years, from Dec. 15<sup>th</sup> thru April 1<sup>st</sup>, subject to insurance being provided.

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

Carried Unanimously

**Privilege of the Floor/Question Period:** Don and Mary Jane Shonn of 13 Bloomingdale were present to comment on the proposed short-term rentals law. Don stated that once the town adopts this law, he is sure the Village of Akron will adopt it as well. Since they should be mirror laws they were concerned about some of the wording of the law and how it reads. They each provided the Board with numerous comments on several sections throughout the law, which have been shared with all the Board members, the Town Attorneys and the Building Department to review.

Mary Jane also thanked the Highway Department for doing such a great job on McNeeley Rd. She stated she loves riding her bike down that road now.

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 8:14pm.

Carried Unanimously

Respectfully Submitted,

Dawn D. Izydorczak, RMC, Town Clerk