

Newstead Town Board Meeting- August 14, 2017

A public hearing was called to order by the Newstead Town Board on Monday, August 14, 2017 at 8:02pm at the Newstead Town Hall.

Present: David Cummings- Supervisor
John Jendrowski- Councilman
Joseph Dugan- Councilman
Edmund Burke- Councilman
Jeannine Morlacci- Councilwoman
Mike Bassanello- Highway Supt
Nathan Neill- Town Attorney
Brendan Neill- Assistant Town Attorney
Scott Rybarczyk- Wendel/Town Engineer
Jennifer Heberling- Deputy Town Clerk

Roll Call was taken with all board members present.

The Supervisor called the **public hearing** on the proposed 8-lot major subdivision located at Barnum and Howe roads owned by CMK Builders of WNY to order.

The Supervisor outlined the details of this subdivision project for those present. The Planning Board has recommended the project for approval and we are still inside the 30 day comment period with Erie County Planning Department. Supervisor Cummings read the minutes from the planning board with details on lot sizes, setbacks, driveway widths, etc. It appears the contractor is already building with different dimensions than the site plan shows. The Supervisor then read a letter that was received today from Scott & Lynn Henningham voicing their concerns regarding the subdivision.

Comments: Carl Klingenschmitt, 11520 Howe Rd – passed out a written statement that addressed 3 concerns with the proposed subdivision with his main issue being drainage. Supervisor Cummings read the statement aloud.

Jeffrey Sage, 11446 Howe Rd – agrees with Carl’s drainage concerns. He stated that there is already erosion of Howe Road on the north side. He hasn’t been able to get in during the day to look at the site plan so Scott offered to email him a copy.

Robert Vacanti, 5498 Barnum Rd – owns a 49 acre deer farm and has seen an increase in significant flooding in the back of his property all the way back to the bike path in the last 9–10 months.

Martha Martin, 11406 Howe Rd – has owned her property since 1982. Has a pond on her property that has been ruined with silt since the property around her has been disturbed. There is a stream that runs through her property and through the pond and she is wondering if it were cleaned out if it could help alleviate some of the water problems.

Mr. Vacanti stated the same stream runs through his property and he feels it isn’t adequate to handle as much water as they have.

The town board is going to address these concerns and take a look at the site.

There being no further comments, a motion was made by Councilman Jendrowski seconded by Councilwoman Morlacci to close the hearing at 8:30pm. Carried Unanimously

The **regular meeting** of the Town Board was called to order at 8:30pm with the same members present as listed above.

Supervisor Cummings led the pledge to the flag.

Minutes from the regular meeting held on July 24, 2017 were presented for approval. A motion was made by Councilman Jendrowski, seconded by Councilman Dugan to approve as presented.

Carried Unanimously

Agenda Changes – none

Communications – The Deputy Clerk presented the following correspondence:

Letters were received from Charter Communications updating the town on programming changes that will be taking place this month.

A thank you letter was received from the Akron-Newstead Food Pantry to the Recreation Department thanking them for their donation of over 220 food items collected during the Recreation “A Can A Kid” drive.

The July Operations Report was received from Amherst Central Fire Alarm office reporting 52 calls for Akron Fire Co and 26 calls for Newstead Fire Co.

A letter from the Northern Erie Sno-Seekers was received asking permission from the town to utilize the West Shore Bike Path for the 2017-2018 snowmobiling season.

A letter from the Village of Akron was received notifying the town that as of March 1, 2018 the yearly maintenance fee for Sanitary Sewer District #1 will be \$4,700.

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

Work Session: The Supervisor reported that at the work session held last week the following items were discussed: buildings projects, water & sewer projects, planning items, grants updates, IT services, contracts with Modern and NFC/SR CTR and any other matters brought before the Board.

Agenda Items Question Period: none

Budget transfers: a motion was made by Councilman Dugan, seconded by Councilman Burke to approve the budget transfers as presented in a memo from Bookkeeper Colleen Salmon dated 8/14/17. Carried Unanimously

Approval of Bills – Councilman Jendrowski reported that the Abstract(s) from Batch(es) #1737 and 2016 BAN payoff wire has been reviewed with the previously un-audited vouchers and everything was found in order. He presented Abstract Batch(es) #1740 & 1743 for payment. Vouchers on this abstract(s) numbered from 819 - 895, totaling \$71,298.71. Councilman Burke seconded to approve payment as follows:

Abstract Batch(es) #1740 & 1743:

General Fund (A) -\$28,472.73, General Fund- Outside Village (B) \$86.46, Highway (DA) -\$0, Highway: Outside Village (DB) \$2,043.47, CAP- Water-Scotland- (HS) \$0, CAP-Sewer Dist. 3(HNL) \$0, CAP- Trail Grant (HTG)- \$0, CAP- Water Improvement (HW)- \$0, CAP Water-Downey (HW01)- \$0, CAP- Water- Cedar (HW02)- \$11,401.08, Drainage (SD)- \$0, Fire Protection (SF) \$0, Refuse (SR) \$26,112.77, Sewer #1 Fund (SS) \$1,931.58, Sewer District #2 (SS02)- \$327.35, Trust & Agency(TA)- \$0 and Water Districts: Consolidated (SW00) \$64.96, (SW1) \$0, (SW2) \$0, (SW3) \$0, (SW4) \$0, (SW5) \$0, (SW6) \$0, (SW7) \$0, (SW7A) \$0, (SW8) \$0, (SW9) \$0, (SW10) \$858.31;

Total: \$71,298.71

Carried Unanimously

COMMITTEE AND DEPARTMENT HEAD REPORTS:

Highway – Mike worked at the Shred-It event and thanked Councilman Burke for helping. They have been working on the water line and he thanked Jon Cumming & Fred Bedford from the Village for their help. They helped the Village pick up yard waste, had the open cab tractor repaired, were called out to take care of a downed tree on Moore Road, helped the Town of Darien with a job and took truck #7 to Caledonia Diesel for painting.

Assessor – no report presented.

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

Dave Reid	13465 Stage	Roof
Ryan Forrestel	12391 Rapids	Roof
Robert B Cierniak	12087 Buckwheat	Shed
Brandi Stoldt	13009 Dorsch	Generator
Jeffrey M Green	5000 Havens	Deck
Lucy Eldred	5367 Crittenden	Above Ground Pool
CMK Builders	5038 Havenwood	SFH
CMK Builders	11539 Howe	SFH
Sam & Lisa Torrelli	12509 Stage	Garage Addition
Timothy & Jennifer Blood	12802 Swift Mills	Deck
Kevin & Anne Paquin	12434 Swift Mills	Concrete Floor in Barn
Dan Green	8079 Kathryn	Roof
Kreher Brothers LLC	V/L Millgrove	Shed
Kreher Brothers LLC	13226 Main	Shed, Temporary Office
Martin Dugan, Jr	13595 Stage	Roof
Scott & Sara Monkelbaan	11373 Miland	Driveway
Scott & Sara Monkelbaan	11373 Miland	SFH
CMK Builders	11855 Sheila	SFH
David Burns	13248 Martin	Shed
Al Osborne	13227 Stage	SFH
Paul Drewniak	12099 Buckwheat	Generator
Philip & Amanda Whiting	12865 Carney	SFH
Marianne V Morris	6843 Cedar	Shed

The Town Board accepted the report as presented.

Town Clerk- nothing at this time

Attorney for the Town – nothing at this time

COUNCILPERSONS:

Jendrowski- he attended a Zoning Board meeting which dealt with a set-back change and he spoke to Paul from Paintech, who is going to submit a bid to do some painting at the library and the new hand dryers have been installed. He attended the Recreation Board meeting, the comprehensive master plan meeting, the historical society dance and he was happy to see the board members there as well. He attended the hot dog roast sponsored by Ed Rath and spoke to several residents about the airport noise.

Dugan – he assisted with Ed Rath’s hot dog roast at the library.

Burke – he attended the joint highway committee meeting, helped at the Shred-It event, assisted with the hot dog roast, attended the recreation board meeting, attended the comprehensive master plan meeting and spoke to the engineers regarding the Cedar Street water line and went and observed the progress.

Morlacci- she attended the historical society event, assisted at the hot dog roast and mentioned that the left-overs from the event were donated to the food pantry.

Supervisor- the July Supervisor’s Report is on file with the Town Clerk. He attended a meeting with ECWA, the comprehensive master plan meeting, he toured the bike path regarding a Leisurewood

issue, attended a joint highway meeting, the historical society event, and has been working on sewer district #3 issues.

UNFINISHED BUSINESS:

Buildings- John previously reported on the library projects and the sewer issues at Newstead Fire Hall are being dealt with.

Planning- continuing to work on master plan.

Water/Sewer- the waterline is being installed and the sewer line permits have been received.

Grants- nothing new to report

NEW BUSINESS:

SEQR & Adoption- Local Law #4- Solar Energy Law:

A motion was made by Councilman Burke, seconded by Councilman Jendrowski issuing a negative SEQR declaration on the proposed Local Law #4 of 2017 entitled Solar Energy Law and declaring it an unlisted action.

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

A motion was made by Councilman Burke, seconded by Councilman Jendrowski approving the adoption of the proposed Local Law #4 of 2017 entitled Solar Energy Law.

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

SEQR & Adoption- Local Law #5- Amendment to Avoidable Alarm & Knox Box Law:

A motion was made by Councilman Dugan, seconded by Councilwoman Morlacci issuing a negative SEQR declaration on the proposed Local Law #5 of 2017 entitled Amendment to the Avoidable Alarm and Knox Box Law and declaring it an unlisted action..

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

A motion was made by Councilman Dugan, seconded by Councilwoman Morlacci approving the adoption of the proposed Local Law #5 of 2017 entitled Amendment to the Avoidable Alarm and Knox Box Law.

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

Approval- Refuse/Recycling Collection contract renewal:

A motion was made by Councilman Jendrowski, seconded by Councilman Dugan approving the 5 year extension contract with Modern Disposal Services Inc. for the collection, hauling, and disposal of mixed municipal solid wastes, bulky wastes, white goods, and collection, hauling and processing of recyclables, subject to approval from the Village of Akron and the terms set forth in the contract.

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

Approval- Northern Erie Sno-Seekers Request:

A motion was made by Councilwoman Morlacci, seconded by Councilman Jendrowski approving the Northern Erie Sno-Seekers request to use areas of the town bike path and town park for their 2017-18 snowmobile season, subject to the terms set forth in the resolution.

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

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 Councilwoman Morlacci to adjourn the regular meeting at 9:00pm.
Carried Unanimously

Respectfully Submitted, Jennifer Heberling, Deputy Town Clerk