

Newstead Town Board Meeting- December 11, 2017

A motion was made by Councilman Dugan, seconded by Councilman Burke to enter an executive session at 6:45pm to discuss a personnel matter regarding a particular person. The Board exited executive session at 7:12pm on a motion by Councilman Burke, seconded by Councilman Jendrowski, having taken no action.

A public hearing was called to order by the Newstead Town Board on Monday, December 11, 2017 at 7:30pm 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
Dawn Izydorczak- Town Clerk

Roll Call was taken with all board members present.

The Supervisor called to order the **public hearing** on the proposed **Twin City Ambulance contract** renewal thru 12/31/2020.

The Clerk read the proof of publication. The Supervisor explained that this is an existing contract we have had for the past 3 years and have been very happy with the existing service.

Comments: no one was present to speak

There being no further comments, a motion was made by Councilman Jendrowski, seconded by Councilwoman Morlacci to close the public hearing at 7:35pm. Carried Unanimously

The Supervisor called to order the **public hearing** on the proposed **site plan** for a 40,800 sq ft testing facility at 13311 Main Rd by MGA Research (Newstead Properties LLC) at 7:35pm.

The Clerk read the proof of publication. The Supervisor explained that on October 30th the Planning Board recommended the project for approval. On December 6th NYS Ag & Markets sent no objections to the project merely stating the project was within the Ag District and today the Erie County Planning Dept. responded with no comments on the project. The SEQRA deadline does not run out until December 14th for comments so no action can be taken tonight.

Comments: Representatives from MGA Research and the contractor were present. No one spoke.

There being no further comments, a motion was made by Councilman Jendrowski, seconded by Councilwoman Morlacci to close the public hearing at 7:41pm. Carried Unanimously

The Supervisor called to order the **public hearing** on the proposed **Local Law #7 of 2017** repealing Local Law #6 of 2017 to override the tax cap at 7:41pm.

The Clerk read the proof of publication. The Supervisor explained that the town did not go over the 2% tax cap again this year so it is necessary to repeal the law enabling our residents to receive their annual rebate checks from the state.

Comments: no one was present to speak

There being no further comments, a motion was made by Councilman Burke, seconded by Councilman Dugan to close the public hearing at 7:43pm. Carried Unanimously

The Supervisor called to order the **public hearing** on the proposed **Local Law #8 of 2017** which would extend the time period for the Cold War Veterans exemption for town residents at 7:43pm.

The Clerk read the proof of publication. The Supervisor explained this exemption expired after a 10 year period and the town has to make a decision to extend it beyond the ten year period originally authorized to allow it to continue as long as they remain qualifying owners of qualifying real property.

Comments: no one was present to speak

There being no further comments, a motion was made by Councilman Jendrowski, seconded by Councilwoman Morlacci to close the public hearing at 7:46pm. Carried Unanimously

The Supervisor called to order the **public hearing** on the proposed **Local Law #9 of 2017** expanding the residency requirements for the Code Enforcement Officer position.

The Clerk read the proof of publication. The Supervisor explained that to date the town has had a residency preference but with this position it has become necessary to better outline and establish the residency requirements for the position. This should have been done a long time ago.

Comments: no one was present to speak

There being no further comments, a motion was made by Councilman Burke, seconded by Councilman Dugan to close the public hearing at 7:49pm. Carried Unanimously

The Supervisor called to order the **public hearing** on the proposed **Local Law #10 of 2017** establishing the positions of Town Attorney, Deputy Town Attorney and Town Prosecutor with expanded residency requirements at 7:49pm.

The Clerk read the proof of publication. The Supervisor explained that to date the town has had a residency preference but with these positions it has become necessary to better outline and establish the residency requirements for the positions as several have lived outside the community over the years. Again, this should have been done a long time ago too.

Comments: no one was present to speak

There being no further comments, a motion was made by Councilman Jendrowski, seconded by Councilwoman Morlacci to close the public hearing at 7:52pm. Carried Unanimously

The **regular meeting** of the Newstead Town Board was called to order at 7:53pm with the same members present as listed above.

Deputy Town Attorney Neill led the pledge to the flag.

Minutes from the regular meeting held on November 27, 2017 were presented for approval. A motion was made by Councilman Burke, seconded by Councilman Dugan to approve as presented. Carried Unanimously

Agenda Changes – none

Communications – The Town Clerk presented the following correspondence:

A letter from Charter Communications regarding upcoming changes to the lineup beginning on January 9th.

The November 2017 Operations Report was received from Amherst Central Fire Alarm office reporting 31 calls for Akron Fire Co and 33 calls for Newstead Fire Co.

The December 2017 Semi-annual Report was received from Town Historian Don Holmes.

A copy of the Town of Clarence's proposed Small Wireless Facility Code was received for comments.

A letter of resignation for NYS retirement purposes was received from Town Attorney Nathan Neill effective December 29, 2017. He has asked for reappointment for 2018.

A letter of resignation for NYS retirement purposes was received from Town Highway Superintendent Michael Bassanello effective December 26, 2017. He will return to work on December 28, 2017 to serve his new 4 year elected term.

Councilman Burke commended Town Historian Don Holmes for the great work he is doing with the town's historical documents.

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

Work Session: The Supervisor reported that no work session was held last week but the following items were discussed prior to tonight's meeting: resolutions & motions, buildings projects- town park, water & sewer projects updates, planning items, grants updates, cleaning personnel, and any other items brought before the Board.

Agenda Items Question Period: no one spoke

Budget transfers: a motion was made by Councilman Jendrowski, seconded by Councilman Burke to approve the budget transfers as presented in a memo from Bookkeeper Colleen Salmon dated 12/11/17. Carried Unanimously

Approval of Bills – Councilman Jendrowski reported that the Abstract(s) from Batch(es) #1774 has been reviewed with the previously un-audited vouchers and everything was found in order. He presented Abstract Batch(es) #1777 prepays & 1778 + epayment for USDA for payment. Vouchers on this abstract(s) numbered from 1309-1310 and 1311-1363, totaling \$68,971.15. Councilman Dugan seconded to approve payment as follows:

Abstract Batch(es) #1777 prepays & 1778 + epayment for USDA:
General Fund (A) -\$32,908.34, General Fund- Outside Village (B) \$320.96, Highway (DA) -\$0, Highway: Outside Village (DB) \$1,770.77, 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)- \$59.62, Drainage (SD)- \$0, Fire Protection (SF) \$4,636.00, Refuse (SR) \$25,976.40, Sewer #1 Fund (SS) \$1,443.75, Sewer District #2 (SS02)- \$325.00, Trust & Agency(TA)- \$0 and Water Districts: Consolidated (SW00) \$4.50, (SW1) \$0, (SW2) \$0, (SW3) \$0, (SW4) \$0, (SW5) \$0, (SW6) \$0, (SW7) \$1,525.81, (SW7A) \$0, (SW8) \$0, (SW9) \$0, (SW10) \$0; Total: \$68,971.15 Carried Unanimously

COMMITTEE AND DEPARTMENT HEAD REPORTS:

Highway – Mike reported they put up 22 new stop signs along the bike path, shot grades on the bike path & Barnum Rd, picked up forms and insulated blankets on the new pad at the park, boom mowed the bike path and moved benches for the winter, filled holes in shoulders with cri & cold patch, covered air conditioners, unloaded the jersey barriers, one man helped the Village with leaves, they repaired the #8 sander (hydraulic line) and repaired the 550 sander, plowed Skyline Park driveway so building could be delivered and plowed and salted several times as needed.

Councilman Burke asked about the swinging gate at Skyline Park, is it open in the winter? Mike replied no they do not maintain it during winter.

Councilwoman Morlacci clarified that 22 stop signs were put up? Mike replied yes, a set on the left and right side of the path at each intersection.

Assessor – no report presented.

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

Newstead Properties LLC

12790 Main

Addition/office

Denene Larson	7877 Greenbush	Permit renewal
Robert Eberhard	13450 Main	Permit renewal
Joe Furmanek	12294 Rapids	Permit renewal
Sandy/Rita Fanale	163 Golden Pond Est	Roof
Brian Woodruff	5659 Crittenden	Permit renewal
Faith Fellowship Church	11478 Main	Permit renewal

The Town Board accepted the report as presented.

Town Clerk- all school tax collections have been finalized and all monies and reports have been forwarded to Akron Central and Clarence Central Schools.

Attorney for the Town – Nathan informed the Board that Mike Bassanello got him the large tire recycling information which has been forwarded on to Joe Hickman at Modern.

COUNCILPERSONS:

Jendrowski- he attended the Newstead Fire Co installation dinner, which was very nice and he thanked the firemen for their service. He attended a Celebration Committee meeting and a New Year’s Eve ball drop will be held. He met with Kelkenberg Construction and the park storage building has been delivered. He thanked Mike & the crew for their help in getting the site prepped and the building materials set. He spoke with Chris Whitmarsh about a drainage problem at Rt. 93/Hake & Lewis Rds. He believes the area is pitched the wrong way. He also rode along on some fire inspections with Brian Schollard which was very interesting.

Dugan – he attended the Newstead Fire Co installation dinner and spoke with Chief Mike Mutter on some upcoming issues.

Burke – he attended the Newstead Fire Co installation dinner. He also attended the Akron-Newstead Food Pantry’s December distribution to 125 families in need.

Morlacci- she attended the Newstead Historical Society’s candlelight tour.

Supervisor- He attended the Zoning training at the town hall, met with the CEO, met with the new Assessor candidate, spoke with a Stage Rd resident on noise and drainage concerns, spoke with the NYSDOT on the drainage problem with Chris Whitmarsh, he attended the Newstead Fire Co installation dinner and had more contract talks and attended the Christmas tree lighting ceremony in Russell Park, which was very well attended.

UNFINISHED BUSINESS:

Buildings- park building has been delivered and will be put up as weather permits.

Planning- next Master Plan committee meeting, Dec. 14th from 6-8pm.

Water/Sewer- we are close to an agreement on amendments to the Sewer District #2 contract.

Grants- no news. We should hear something soon on CDBG funding for Senior Center kitchen.

NEW BUSINESS:

Approval- Twin City Ambulance Contract:

A motion was made by Councilman Dugan, seconded by Councilman Jendrowski approving the proposed renewal of the Pre-Hospital Emergency Medical Services Agreement with Twin City Ambulance and authorizing the Supervisor to execute the contract.

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

Adoption- Local Law #7 of 2017:

A motion was made by Councilman Burke, seconded by Councilman Jendrowski authorizing the adoption of the proposed Local Law #7 of 2017 regarding repeal of Local Law #6 of 2017. (Resolution Attached) Cummings-Aye, Dugan -Aye, Burke-Aye, Jendrowski- Aye, Morlacci-Aye
Carried Unanimously

SEQR & Adoption- Local Law #8 of 2017:

A motion was made by Councilwoman Morlacci, seconded by Councilman Jendrowski authorizing the adoption of the proposed Local Law #8 of 2017 regarding the renewal of the Cold War Veteran Exemption for eligible town residents. (Resolution Attached) Cummings-Abstain, Dugan -Abstain, Burke-Aye, Jendrowski- Aye, Morlacci-Aye
Carried

Adoption- Local Law #9 of 2017:

A motion was made by Councilman Jendrowski, seconded by Councilwoman Morlacci authorizing the adoption of the proposed Local Law #9 of 2017 regarding amendments to the residency requirements for the Code Enforcement Officer position. (Resolution Attached) Cummings-Aye, Dugan -Aye, Burke-Aye, Jendrowski- Aye, Morlacci-Aye
Carried Unanimously

Adoption- Local Law #10 of 2017:

A motion was made by Councilman Dugan, seconded by Councilwoman Morlacci authorizing the adoption of the proposed Local Law #10 of 2017 regarding amendments to the residency requirements for the Town Attorney, Deputy Town Attorney and Town Prosecutor and establishing those positions. (Resolution Attached) Cummings-Aye, Dugan -Aye, Burke-Aye, Jendrowski- Aye, Morlacci-Aye
Carried Unanimously

Approval- Sewer District 1 Agreement with Village:

A motion was made by Councilman Burke, seconded by Councilman Jendrowski approving the execution of an amended sewer maintenance agreement with the Village of Akron on behalf of Sewer District #1 that would set the hourly rate charged for work at \$41.00 per hour or the actual cost paid by the Village to perform the work. (Resolution Attached) Cummings-Aye, Dugan -Aye, Burke-Aye, Jendrowski- Aye, Morlacci-Aye
Carried Unanimously

Approval- Capital Reserve Fund Creation-Park Improvements:

A motion was made by Councilwoman Morlacci, seconded by Councilman Burke approving the establishment of a capital reserve fund for Town Park Improvements in the Town subject to a permissive referendum. (Resolution Attached) Cummings-Aye, Dugan -Aye, Burke-Aye, Jendrowski- Aye, Morlacci-Aye
Carried Unanimously

Approval- Capital Reserve Fund Creation- Town Hall Improvements:

A motion was made by Councilman Jendrowski, seconded by Councilwoman Morlacci approving the establishment of a capital reserve fund for Town Hall Improvements subject to a permissive referendum. (Resolution Attached) Cummings-Aye, Dugan -Aye, Burke-Aye, Jendrowski- Aye, Morlacci-Aye
Carried Unanimously

Approval- Transfer of Funds into Capital Reserve Accounts:

A motion was made by Councilman Dugan, seconded by Councilman Burke approving the transfer of \$45,000 from the Capital Reserve Fund for the Police Garage to the Capital Reserve Fund for Town Hall Improvements and the transfer of \$40,000 from the Capital Reserve Fund for the Police Garage to the Capital Reserve Fund for Town Park Improvements, subject to a permissive referendum. Upon transfer of all funds out of the Police Garage Capital Reserve Fund, that fund shall be terminated. (Resolution Attached) Cummings-Aye, Dugan -Aye, Burke-Aye, Jendrowski- Aye, Morlacci-Aye
Carried Unanimously

Approval- Recycling Project Grant Application:

A motion was made by Councilman Burke, seconded by Councilman Dugan approving the application for a State Assistance Grant for a Municipal Waste Reduction and/or Recycling project and authorizing the Supervisor to execute the necessary paperwork for the grant application, with the Town agreeing to fund its portion of the cost of the project.

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

Approval- Assessor PT Position:

A motion was made by Councilman Jendrowski, seconded by Councilman Burke approving the hiring of Tina M. McQuillen, SCA as a part time Assessor for the Town effective 12/18/2017 at a salary of \$10/parcel each year to include the cost of performing a revaluation project.

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

Approval- Temporary Special Use Permits for 2018:

A motion was made by Councilman Jendrowski, seconded by Councilwoman Morlacci approving the following temporary Special Use Permits for 2018: Champion Auto Locators at 11678 Main Rd, T & T Tire & Auto at 11720 Main Rd, Dealer’s Choice at 12474 Main Rd, Smith Auto Sales & Service at 11372 Main Rd and Michael Shields at 12690 Main Rd.

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

Approval- Temporary Home Based Business SUP for 2018

A motion was made by Councilman Dugan, seconded by Councilwoman Morlacci approving the following temporary Home-based Business Special Use Permits for 2018: Triple G Small Engine Repair at 12506 Buckwheat Rd, Outdoor Pleasures at 7463 Maple Rd, Earthworks-Jason Schlabach at 6453 Utley Rd, James Marfurt at 4870 N Millgrove Rd, W.A. Peronne at 6500 Draper Rd, Wm. Lorenz Construction at 4231 Billo Rd, Gary’s Turf Care at 6505 Draper Rd, Muddy Paws Farm LLC at 11570 Clarence Center Rd.

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

Approval- Change of Status for Use Permits for 2018

A motion was made by Councilman Burke, seconded by Councilman Dugan authorizing the change in classification from temporary to Permanent Special Use Permits for the following businesses: Lewistraum Kennels at 12472 Stage Rd, Bed ‘n Biscuit Harbor at 12390 Hunts Corners Rd, Destroyer Park Golf at 7033 Sandhill Rd.

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

Approval- Special Meeting of Town Board

A motion was made by Councilman Burke, seconded by Councilman Dugan authorizing the calling of a special meeting of the Town Board on Monday, December 18th at 7:30pm to address the site plan approval for MGA Research at 13311 Main Rd and possible personnel matters.

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

Privilege of the Floor/Question Period: Marilyn Kasperek of the Akron Bugle asked what would have happened if one more of the board members had been an eligible vet on the cold war vet exemption vote? Would it have passed?

Nathan replied as long as it did not affect the vote, for those receiving the benefit it is better to abstain from voting. Had that happened where a majority of the voting members received the benefit, they could have still legally voted and passed the law for the benefit of other residents.

The Supervisor reminded everyone that the Town offices are closed on December 25th & 26th for Christmas. The swearing in ceremony for officials will be held December 28th at 7:00pm.

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 8:37pm.
Carried Unanimously

Respectfully Submitted,

Dawn D. Izydorczak, RMC, Town Clerk