

Newstead Town Board Meeting- December 30, 2019

The swearing in of newly elected officials took place at 6:55pm.

A public hearing was called to order by the Newstead Town Board on Monday, December 30, 2019 at 7:05pm at the Newstead Town Hall.

Present: David Cummings- Supervisor
John Jendrowski- Councilman
Edmund Burke- Councilman
Joseph Dugan- Councilman
Jeannine Morlacci- Councilwoman
Brendan Neill- Town Attorney
Emily Janicz- Assistant Town Attorney
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 & Emergency Services 2nd added service area contract with Newstead Fire Company.

The Clerk read proof of publication. Supervisor Cummings explained this is to cover area 2 expanding a 2nd phase coverage area by Newstead Fire Company. This contract would give the remaining fire protection areas of the town to Newstead Fire Co to cover. It would not include any of the Village. The Town and Village committees met several times over a two month period and made a proposal to Akron Fire Co. to cover this portion of the town, but that proposal was refused by the Village committee and Akron Fire Co. members, which has led to the area being offered to Newstead Fire Co. The existing fire protection contract expires 12/31/19 so a contract must be put in place to cover this area tonight.

Comments: Josh Haist of 107 John St questioned 3 areas of the proposed contract that still reference Akron Fire Co. Supervisor Cummings & Town Attorney Neill reviewed that and explained it was just an oversight. Those areas of the contract will be corrected and all references to Akron Fire Co will be removed.

Dan David of 13875 Bloomingdale Rd handed the Board a petition with 22 signatures from Bloomingdale Rd and Cedar St on it as well as a letter from Pat Whiting asking them to review the changes being proposed. The Supervisor read the letter from Whiting's to those present.

Dale Cheavacci of 113 John St questioned if the town is not giving anything to Akron Fire Co, is this going to give a tax break to village residents. Supervisor Cummings explained this has nothing to do with the village's coverage, it is entirely coverage within the town so, no. He explained again, after 2 months of negotiations with the Village Board committee, the Akron Fire Co. and Village refused to sign a contract for this town area with the Town, therefore, the Town had no choice but to contract with Newstead Fire Co to cover the area, as the existing contract runs out in 2 days and that area needs to be covered.

Gary Baehr, on behalf of Akron Fire Co. at 1 Main St spoke and asked if the Town Board received a letter from the Village Board regarding their response. Supervisor Cummings responded yes and read both response letters to those present. The letter from the Village Board stated that Akron Fire Company has decided to focus on their primary objective of the Village. Gary asked the Board if any further negotiations took place? The Town Attorney & Supervisor stated no and a response was sent back to the Mayor stating they were not changing their proposal. Gary stated unfortunately he received the information from the Village after the notice for this public hearing was in the paper.

Teresa Asmus Roth read a prepared statement regarding public policy issues and the lack of implementation of findings from a Starfire Study done 26 years ago.

Jason Ladd of 13415 Bloomingdale Rd stated he has appeared before for other contract hearings and stated his position, but this new change will result in an average 3 minute travel time difference now if a call were to occur at his address under the new coverage area. He discussed the implications of mutual aid as well noting that philosophy is not always true and can cause delays until events are verified at the scene. This also impacts EMS calls, not just fire calls. He has been a proponent from day 1 with Akron Fire Co of merging the 2 fire companies and would still like to see that happen. He feels this is a result of political agenda's and not what's good for the community.

William Murray of 14 Shepard asked if this is the first time an intermediary was used in negotiating a fire contract? The Supervisor said in his recollection since 1981, yes it is. Mr. Murray noted he extended numerous emails, letters and communications offering opportunities to sit down and talk with the town and none of them were accepted.

There being no further comments, Councilwoman Morlacci motioned to close the public hearing, seconded by Councilman Dugan at 7:31pm. Carried Unanimously

The **regular meeting** of the Newstead Town Board was called to order at 7:31pm with the same members present as listed above.

Deputy Town Attorney Janicz led the pledge to the flag.

Minutes as amended from the regular meeting held on December 9, 2019 were presented for approval. A motion was made by Councilman Burke, seconded by Councilman Dugan to approve as presented. Carried Unanimously

Agenda Changes – a motion was made by Councilman Burke, seconded by Councilman Jendrowski to make the following agenda changes: add a resolution approving engineering with Wendel on the ADESA project Carried Unanimously

Communications – The Clerk presented the following correspondence:

3 notices of programming changes were received from Charter Communications.

A notice of a presentation titled “Numbers in Need” will be held Tues., January 14th from 10am-11am at the Newstead Public Library.

A notice of a seminar on disability education & awareness for municipalities will be held January 24th from 9am-4:30pm at the Amherst Police Dept training facility.

A certified resolution was received from the Erie County Legislature notifying the town of modifications to the Agricultural Districts for Erie County.

A letter was received from Town Justice Dennis Freeman notifying the Board that he will be taking his retirement effective December 29, 2019 and will be resigning his position for the required 1 day for retirement purposes.

A letter was received from the Bank of Akron announcing their new merger with Bank on Buffalo subject to regulatory approval, which will take place in the 3rd quarter of 2020.

A letter from the NYS Unified Court System reminding the town that the annual court audit for 2019 will be due in 2020.

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

Approval- Accept Resignation of Justice Freeman:

A motion was made by Councilman Jendrowski, seconded by Councilman Burke accepting the resignation from Dennis Freeman as Town Justice for retirement purposes effective December 29, 2019.

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

Work Session: The Supervisor reported that no work session was held last due to the holiday, but the following items were discussed prior to tonight’s meeting: water & sewer project updates, planning item updates, building issues updates, grant updates, 2020 items, contracts and personnel items, plus any other items brought before the Board. Executive Session was held from 8:18pm-8:27pm on a personnel matter.

Agenda Items Question Period: no one spoke

Budget transfers: a motion was made by Councilwoman Morlacci, seconded by Councilman Jendrowski to approve the budget transfer(s) as presented in a memo from Bookkeeper Colleen Salmon dated 12/30/19. Carried Unanimously

Approval of Bills – Councilman Jendrowski reported that the Abstract(s) from Batch(es) #1987 prepay, 1988 & WD 7 Bond payment have been reviewed with the previously un-audited vouchers and everything was found in order. He presented Abstract Batch(es) #1993 & 1994 for payment. Vouchers on this abstract(s) numbered from 1359-1417, totaling \$47,089.76. Councilman Burke seconded to approve payment as follows:

Abstract Batch(es) #1993 & 1994:
General Fund (A) -\$30,783.26, General Fund- Outside Village (B) \$92.52, Highway (DA) -\$0, Highway: Outside Village (DB) \$10,302.13, CAP- Trail Grant (HTG)- \$0, CAP-ADESA Rehab (HAR)-\$0, CAP-Water-Scotland (HS)- \$0, CAP- Water Improvement (HW)- \$0, CAP Water-Downey (HW01)- \$0, CAP- Water- Cedar (HW02)- \$0, CAP- Water-Knapp- (HW03) \$0, Drainage (SD)- \$0, Fire Protection (SF) \$0, Refuse (SR) \$0, Sewer #1 Fund (SS) \$5,775.43, Sewer District #2 (SS02)- \$94.06, Sewer District #3 (SS03)- \$0, Trust & Agency(TA)- \$0 and Water Districts: Consolidated (SW00) \$42.36, (SW1) \$0, (SW2) \$0, (SW3) \$0, (SW4) \$0, (SW5) \$0, (SW6) \$0, (SW7) \$0, (SW7A) \$0, (SW8) \$0, (SW9) \$0, (SW10) \$0; Total:\$47,089.76 Carried Unanimously

COMMITTEE AND DEPARTMENT HEAD REPORTS:

Highway – not present, no report

Assessor – Tina presented a report read by the Supervisor stating the residential portion of the reassessment project has been completed and she will be starting the commercial properties portion after the first of the year. That work should be completed by mid-February.

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

Quarry Hill Estates	36 Quarry Hill	Manufactured Home
Quarry Hill Estates	59 Quarry Hill	Manufactured Home
Quarry Hill Estates	61 Quarry Hill	Manufactured Home
Quarry Hill Estates	133 Quarry Hill	Manufactured Home
Quarry Hill Estates	157 Quarry Hill	Manufactured Home
Quarry Hill Estates	177 Quarry Hill	Manufactured Home
Quarry Hill Estates	182 Quarry Hill	Manufactured Home
Quarry Hill Estates	19 Quarry Hill	Manufactured Home
Quarry Hill Estates	34 Quarry Hill	Manufactured Home
Jamie Marquart	7652 Moore	Roof
John Pawlick	4532 Ayers	Detached garage
Matthew Ziemendorf	12800 Carney	Windows
Marlene Rosenberg	12087 McNeeley	Windows
Michael Schmidt	10965 Keller	Barn & Lean-to
Utley Acres	11149 Keller	Lean-to addition to barn
Paula Karaszewski	12250 Swift Mills	Generator
5720 Cummings Rd Inc	5720 Cummings	Roof
Darlene Nichols	21 Quarry Hill Est	Remodel/renovation

The Town Board accepted the building report as presented.

Town Clerk- the new phone systems for all town buildings will be installed this Thursday and Friday, January 2nd-3rd, hopefully with minimal interruptions in service.

Town Attorney(s) – nothing at this time

COUNCILPERSONS:

Jendrowski- he attended the library board meeting and spoke with CEO Miller regarding zoning & fire inspection issues.

Dugan – he spoke with EMS Coordinators, the Newstead Fire Co Chief and Steve Matis at Amherst Fire Control to coordinate the changes in the new fire districts.

Burke – he met with employees to handle a personnel issue and incident report and attended the Celebration Committee meeting on the New Year’s Eve celebration events. He wished everyone a Happy & Healthy New Year.

Morlacci- nothing at this time

Supervisor- the November Supervisor’s Report is on file with the Town Clerk. He spoke with some residents on drainage, addressed codes/fees issues, addressed a highway personnel incident, addressed water & ADESA project updates with Scott.

UNFINISHED BUSINESS:

Buildings- nothing new

Planning- nothing new

Water/Sewer- nothing new

Grants- nothing new

NEW BUSINESS:

Supervisor Cummings commented the fire committee has worked on this since the summer, first with the Newstead Fire Company on their territory, which led to a public hearing in November and approval with an expansion in Newstead’s territory. The fire committee then began negotiations with the Village Board’s fire committee for the remaining areas of the Town for coverage by Akron Fire Company, which ultimately the Village Board and Akron Fire Co. turned down the proposal. He stated this Board would be derelict in their duty to not adopt a contract tonight because to do so would leave a portion of the town with no fire coverage as of January 1, 2020. This is a 1 year contract, intentionally, to see how it goes. Does it work or do changes need to be made over the course of the year.

Councilman Jendrowski commented he personally reached out 4 times over the past few weeks to the Village Board fire committee members to ask where we stood on this with no response back from them. He also asked permission from them to reach out directly to the Akron Fire Company President to talk to them and was told no, this was going to be decided and handled through the Village board committee. He never heard anything from anyone until the letters refusing the initial offer were received from the Village and Fire Company attorneys. At that point it was too late to do anything.

Approval- Additional Area Fire Services Contract with Newstead Fire Co:

A motion was made by Councilman Dugan, seconded by Councilman Jendrowski approving the proposed addition of new territory area 2 in the Fire & Emergency Services contract with Newstead Fire Company for 2020 for an additional amount of \$30,000 and authorizing the Supervisor to execute the contract.

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

Resolution - Agreement to Expend Highway Funds for 2020:

A motion was made by Councilman Burke, seconded by Councilman Dugan approving the proposed agreement to expend highway funds for 2020 in the sum of \$200,000.00 for general repairs on 29.76 miles of town roads including sluices, culverts, and bridges spanning less than 5 feet and chipping

and sealing various roads where needed and shoulder rehabilitation on various roads throughout the Town. Also including mill in place on McNeeley Rd between Hake Rd & Dye Rd, a distance of 1.16 miles, subject to the terms set forth in the contract and authorizing the Highway Superintendent to execute the agreements.

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

Resolution - Engineering Contract Renewal:

A motion was made by Councilman Jendrowski, seconded by Councilwoman Morlacci approving the proposed contract renewal with Wendel WD Architecture, Engineering, Survey & Landscape Architecture, PC for engineering services for 2020, subject to the terms set forth in the resolution and authorizing the Supervisor to execute the agreements.

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

Resolution - Bond Counsel Contact Renewal:

A motion was made by Councilman Dugan, seconded by Councilman Burke approving the proposed contract renewal with Hawkins Delafield & Wood LLP for bond counsel services for 2020, subject to the terms set forth in the resolution and authorizing the Supervisor to execute the agreements.

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

Approval- 2020 Fee Schedule:

A motion was made by Councilman Dugan, seconded by Councilman Jendrowski approving the proposed 2020 Fee Schedule as presented to the Board.

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

Appointment- Town Justice:

A motion was made by Councilman Burke, seconded by Councilman Jendrowski approving the appointment of Dennis Freeman as Town Justice for a term from 1/1/2020-12/31/2020.

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

Approval- Wendel Engineering Services for ADESA project:

A motion was made by Councilman Burke, seconded by Councilman Dugan approving the proposed agreement with Wendel for additional engineering services on the ADESA pump rehabilitation project in the amount of \$11,750.00 and authorizing the Supervisor to execute the agreement.

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

Privilege of the Floor/Question Period: Dale Cheavacci apologized to the Board for the nasty comment he made earlier in the meeting, it was uncalled for and he is truly sorry. He stated he feels a merger of the two fire companies should really be looked at in the coming year.

Councilman Jendrowski stated that both the fire companies are independent organizations and neither the Town Board nor the Village Board have any say or ability to make them merge. The two organizations would need to take the initiative and decide on their own that they were going to merge.

Teresa Asmus Roth questioned if the Board plans to take the 1 year time period of this contract and do a study of the impacts? She also asked about the possibility of forming a citizens committee to assist in these matters.

Supervisor Cummings stated it has been 26 years since the last study and yes, maybe it is time but that takes getting all the parties involved on board to do it. He will look into it.

There being no further business to come before the board for the regular meeting a motion was made by Councilman Burke, seconded by Councilman Dugan to adjourn the regular meeting at 7:58pm.

Carried Unanimously

Respectfully Submitted,

Dawn D. Izydorczak, RMC, Town Clerk