

Newstead Town Board Meeting- February 12, 2018

The Board entered executive session at 7:38pm to discuss a contractual matter on a motion from Supervisor Cummings, seconded by Councilman Burke. Carried

The Board exited executive session at 7:55pm on a motion by Councilman Dugan, seconded by Councilman Jendrowski, having taken no action. Carried

A **public hearing** was called to order by the Newstead Town Board on Monday, February 12, 2018 at 7:56pm at the Newstead Town Hall.

Present: David Cummings- Supervisor
John Jendrowski- Councilman
Joseph Dugan- Councilman
Edmund Burke- Councilman
Nathan Neill- Town Attorney
Brendan Neill- Deputy Town Attorney
Scott Rybarczyk- Wendel/Town Engineer
Dawn Izydorzak- Town Clerk

Roll Call was taken with all board members present except Councilwoman Morlacci.

The Supervisor called the public hearing on the request for a home based business on McNeeley Rd by owner Tom Pacenzia to order.

The Clerk read proof of publication. The Supervisor explained the reason for holding this second public hearing is the legality of the prior hearing was questioned because not enough neighboring parcels were notified of the previous public hearing. He feels most of the questions were addressed at the last hearing and Mr. Pacenzia has agreed to the condition of no spray paint booth being allowed as part of the business.

Comments: Martin Stengel of 6489 Dye Rd stated he lives right next door to the property in question and his only concern is where the drainage from the property will go once the buildings are built. He requested that most of the drainage be sent to the front road ditch.

James Macrae of 6382 Dye Rd asked about the project as this is the first he has heard of it. Mr. Pacenzia, the owner, explained the scope of the proposed home based business and Mr. Macrae was satisfied.

Town Engineer Rybarczyk stated the plan for the parcel has been reviewed regarding the federal wetlands and as long as rules governing the wetlands are followed there should be no drainage issues.

There being no further comments, Councilman Dugan motioned to close the public hearing, seconded by Councilman Jendrowski at 8:07pm. Carried

The **regular meeting** of the Town Board was called to order at 8:00pm 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 January 22, 2018 were presented for approval. A motion was made by Councilman Jendrowski, seconded by Councilman Dugan to approve as presented. 3-Ayes, 1-No Carried

Agenda Changes – none

Communications – The Clerk presented the following correspondence:

A request by Betty Klauer for a beer/wine permit at Veterans Park, July 21st for a reunion.

A request by Peggy Kidder for a beer/wine permit at Veterans Park, July 22nd for a reunion.

A copy of an “After Action Plan” was received from Disaster Coordinator Dan Kowalik regarding flooding of local roadways.

A letter was received from Erie County Water Authority from new Municipal Liaison Keith Dash, introducing himself to the Board.

A letter was received from Erie County Executive Mark Poloncarz informing the Town that they have been awarded CDBG funding of \$270,000 for the Rural Transit Van Service and \$25, 684 for kitchen equipment for the Newstead Senior Center.

A certified resolution was received from the Town of Alden regarding a local law to approve the extension of the Cold War Veterans exemption.

A letter was received from Akron Sports Inc seeking community support for their baseball program.

An application for renewal of a liquor license with 30-day municipal notice was received from Arrowhead Links LLC for their golf course operations at 12292 Clarence Center Rd.

A letter from the Association of Towns announcing a New York Municipal Energy Program that is available to local municipalities.

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

Work Session: The Supervisor reported that at the work session held last week the following items were discussed: building projects, water & sewer projects, planning items, grants, highway items, contracts, court, terms & conditions and evaluations for employees, ZBA alternate appointment, park use requests, joint meeting topics for 2/26 and any other items brought before the Board.

Agenda Items Question Period: no one spoke

Budget transfers: none

Approval of Bills – Councilman Jendrowski reported that the Abstract(s) from Batch(es) #1791 for 2017 and #1792 and transfer for postage for 2018 have been reviewed with the previously un-audited vouchers and everything was found in order. He presented Abstract Batch(es) #1797 and #1801 for payment. Vouchers on this abstract(s) numbered from 45-47 and 68-132, totaling \$153,040.61. Councilman Dugan seconded to approve payment as follows:

Abstract Batch(es) #1797 and #1801:
General Fund (A) -\$37,455.65, General Fund- Outside Village (B) \$64.79, Highway (DA) -\$0, Highway: Outside Village (DB) \$81,611.65, 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)- \$347.50, Drainage (SD)- \$0, Fire Protection (SF) \$0, Refuse (SR) \$23,977.21, Sewer #1 Fund (SS) \$9,254.31, 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) \$0, (SW7A) \$0, (SW8) \$0, (SW9) \$0, (SW10) \$0; Total: \$153,040.61 Carried

COMMITTEE AND DEPARTMENT HEAD REPORTS:

Highway – not present

Assessor – Tina submitted reports regarding updates being made to the agricultural file and mailing of commercial property data mailers this month.

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

T & T Tire & Auto	11720 Main	Temp Special Use Permit renewal
Muddy Paws Farm LLC	11570 Clarence Ctr	Temp Special Use Permit renewal

Andy Kelkenberg	12607 Stage	Accessory structure
W.A. Peronne	6500 Draper	Temp Special Use Permit renewal
Thomas Wilson	11011 Stage	Pole barn
Chris Romessar	5914 Cummings	Special event
Paul Nufer	13620 Steiner	Solar panels

The Town Board accepted the report as presented.

Town Clerk- County/Town tax bills have been mailed and payments are already being processed.

Attorney for the Town – nothing to report

COUNCILPERSONS:

Jendrowski- he is not going to address the sidewalk issues at the library anymore until the spring. He spoke with a Stage Rd resident on noise issues. He spoke with another resident on the parking issues at the Town Parks. The new building is done at Skyline Park for which he thanked the town and village highway crews that worked on the building as well as the Lions Club. All 3 worked together and saved our taxpayers money as a result. He also attended the final Comprehensive Master Plan meeting.

Dugan – he attended the final Comprehensive Master Plan meeting and the awards ceremony for Dick Beyer where he was presented with the highest honor from the Emperor of Japan.

Burke – he attended the final Comprehensive Master Plan meeting and the Conservation Advisory Council meeting.

Morlacci- not present

Supervisor- He attended the following meetings: Erie County Consortium, AOECG, Planning Board work session, met with the new CEO, grant writers on the parks grant, County Line Stone reps on the bike path project and the final Comprehensive Master Plan meeting. He also informed the board the annual audit has begun.

UNFINISHED BUSINESS:

Buildings- nothing new

Planning- nothing new, still working on code changes & fee schedule

Water/Sewer- Scott reported that the amended Sewer District 2 agreement will be addressed tonight, the Bill of Sale/Transfer for Sewer District 3 is being worked on and the public hearing for the new water district project will be set for the next meeting. Wendel has submitted their proposal for grant application services on the new waterline project, which still needs to be addressed at the next meeting.

Grants- bid opening was held on the trailways project, which are under review.

NEW BUSINESS:

Approval- Home-based Business SUP- McNeeley Rd for Pacenzia:

A motion was made by Councilman Jendrowski, seconded by Councilman Burke approving the site plan dated October 26, 2017 to construct a 1,900 sq ft custom woodworking shop on a 1.2 acre parcel on McNeeley Rd owned by Thomas Pacenzia with the condition that no spray paint booth be installed or utilized on the property and subject to the terms set forth in the resolution.

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

Councilman Jendrowski reiterated that the issue here is the home based business. Mr. Pacenzia can build his house & shop no matter what the board decides on this issue.

Approval- Amended and Restated Lease Agreement with Newstead Fire Co:

A motion was made by Councilman Dugan, seconded by Councilman Jendrowski approving the amended and restated lease agreement with Newstead Fire Co relative to the landlord/tenant agreement for the Newstead Senior Center.

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

Bond Resolution- Trailway's Project:

A motion was made by Councilman Burke, seconded by Councilman Dugan approving the issuance of \$600,000 in bonds for the construction of a bike path project subject to referendum.

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

Approval- Amendment to Sewer Use Agreement for District 2:

A motion was made by Councilman Jendrowski, seconded by Councilman Burke approving the proposed amendments to the Sewer Use Agreement between the Village of Akron and the Town relative to Sanitary District No 2 on Bloomingdale Rd.

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

Bid for Highway Vehicles:

A motion was made by Councilman Dugan, seconded by Councilman Burke authorizing the Town Clerk to advertise for bids for the purchase of two new vehicles in accordance with the bid specifications for the highway department, with bids to be due February 21st at 10:00am.

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

Approval- Kitchen Appliance Agreement with Newstead Fire Co:

A motion was made by Councilman Dugan, seconded by Councilman Jendrowski approving the proposed kitchen appliance agreement attached between the town and Newstead Fire Co for new kitchen equipment that will be installed in the fire hall kitchen and utilized by both the fire company and the Newstead Senior Center.

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

Public Hearing- Increase & Improvement of Consolidated Water District #1:

A motion was made by Councilman Burke, seconded by Councilman Jendrowski approving the calling of a public hearing on the proposed Increase & Improvement of Consolidated Water District #1 on Indian Falls Rd, Knapp Rd & Kirby Rd, to be held on February 26, 2108 at 7:50pm at the town hall and authorizing the Clerk to publish notice in the Akron Bugle.

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

Approval- 2018 Terms & Conditions:

A motion was made by Councilman Jendrowski, seconded by Councilman Dugan approving the proposed amendments to the terms & conditions of employment for town employees for 2018

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

Approval- Beer/Wine Permit:

A motion was made by Councilman Burke, seconded by Councilman Dugan approving the request for a beer/wine permit for Betty Klawer at Veterans Park on July 21st.

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

Approval- Beer/Wine Permit:

A motion was made by Councilman Jendrowski, seconded by Councilman Burke approving the request for a beer/wine permit for Peggy Kidder at Veterans Park on July 22nd.

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

Approval- Hire Code Enforcement Officer (FT):

A motion was made by Councilman Dugan, seconded by Councilman Burke approving the hire of Larry Hull as full time Code Enforcement Officer for the town effective March 1, 2018. The employment of Michael Borth will end on February 28, 2018.

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

Appointment- ZBA Alternate member:

A motion was made by Councilman Burke, seconded by Councilman Dugan approving the appointment of Nathan Witkowski to the Zoning Board of Appeals as an alternate member effective immediately with a term expiring 12/31/2021.

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

Approval- Liquor License Renewal 12292 Clarence Center Rd:

A motion was made by Councilman Dugan, seconded by Councilman Jendrowski approving the 30-day waiver and liquor license renewal for 2018 for Arrowhead Links at 12292 Clarence Center Rd .

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

Privilege of the Floor/Question Period: no one spoke

The Board entered executive session at 8:40pm to discuss personnel matters and contractual matters on a motion from Councilman Burke, seconded by Councilman Jendrowski. Carried

The Board exited executive session on a motion by Councilman Jendrowski, seconded by Councilman Dugan at 9:22pm, having taken no action. Carried

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 9:22pm. Carried

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