

## Newstead Town Board Meeting- February 25, 2019

A public hearing was called to order by the Newstead Town Board on Monday, February 25, 2019 at 6:50pm at the Newstead Town Hall.

Present: David Cummings- Supervisor  
John Jendrowski- Councilman  
Joseph Dugan- Councilman  
Edmund Burke- 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 amendments to the Newstead Fire Company fire and emergency services contract.

The Clerk read proof of publication.

The Supervisor started by saying this is a hearing for changes to the Newstead Fire contract and we will not discuss any other contract or service area. This is regarding a change to cost of compensation and area of service and the Akron Fire contract is not part of this hearing.

Comments: Jason Ladd, 13453 Bloomingdale Rd. – even though he is a past member of the Akron Fire Co, his comments are based as a taxpayer, not a firefighter. He believes the extra \$50,000 payment proposed to Newstead is for redundant services. The waste of funds concerns him. Having 3 entities respond to a single call is ridiculous and redundant. Newstead Fire Co, Akron Fire Co and Twin City all respond on EMS calls now. He stated if the town wishes to increase funding it would be better spent on training.

Josh Haist, Chief of Akron Fire Co – he questioned the town boards power to dictate who takes control of a scene and asked does that mean the town is taking responsibility for legal issues that may apply or arise out of a scene? He quoted a section of the proposed new contract that states to that effect. Town Attorney Neill stated that verbiage has been removed from the latest proposed version of the contract. Josh looked at the latest version with Brendan which showed that verbiage has been removed.

Bill Murray, 14 Shepard – asked what experts, studies or statistics were used to make this decision. Supervisor Cummings stated that no one was hired to do studies. This was negotiated with Newstead Fire Co based on input and comments from several entities.

Derek DeYoung, 14 Sylvan Pkwy – asked if the changes were solely based on the board's decision. Supervisor Cummings responded with yes the Board, Newstead Fire Co and several community comments and concerns.

There being no further comments, a motion was made to close the hearing by Councilwoman Morlacci, seconded by Councilman Burke at 7:04pm. Carried Unanimously

The Supervisor called the **public hearing** to order at 7:04pm on the proposed site plan for a 1,920 sq ft addition and request for a home based business located at 12509 Stage Rd to be operated as Tonawanda General Concrete owned by Samuel & Lisa Torrelli.

The Clerk read proof of publication. Supervisor Cummings outlined the past actions at this location: October 25, 2018 ZBA area variance was granted. January 28, 2019 PB recommended approval. Engineering review has been done with CEO.

Comments: no one spoke

There being no further comments, a motion was made to close the hearing by Councilman Burke, seconded by Councilman Jendrowski at 7:08pm. Carried Unanimously

The **regular meeting** of the Town Board was called to order at 7:08pm with the same members present as listed above.

Supervisor Cummings led the pledge to the flag.

Minutes from the regular meeting held on February 11, 2019 were presented for approval. A motion was made by Councilman Dugan, seconded by Councilman Burke to approve as presented.

Carried Unanimously

**Agenda Changes** – a motion was made by Councilman Jendrowski, seconded by Councilman Burke to make the following agenda changes: add motion to approve letter from Town Attorney to Town of Alabama regarding water contract

Carried Unanimously

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

A letter from Charter Communications notifying the town of the launch of a new channel called the Cheddar HD as of March 18, 2019.

A request for use of Veteran’s Park was received from Akron Little League Football Inc. for their 2019 football season from July 29-November 15, 2019.

A request for a beer/wine permit was received from Kim Hawes for a graduation party at Veteran’s Park on June 30, 2019.

A letter was received from County Executive Mark Poloncarz extending an opportunity for town officials to schedule training on the Counties latest version of DLAN emergency management software.

A letter was received from Commissioner Thomas Hersey of the Erie County Environmental Management Council notifying the town that Lewis Tandy’s term on the Council will expire on May 31, 2019. The town needs to reappoint a member to serve for another 2 year term.

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

Carried Unanimously

**Work Session:** The Supervisor reported that no work session was held last week due to the holiday but the following items were discussed prior to tonight’s meeting: planning items updates, water & sewer project updates, building issues updates, grant updates, fire company issues, highway loader purchase, meeting times, eagle scout project request, work session on March 4th plus 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) #1906 plus postage transfer have been reviewed with the previously un-audited vouchers and everything was found in order. He presented Abstract Batch(es) #1912 for payment. Vouchers on this abstract(s) numbered from 127-170, totaling \$57,695.85. Councilwoman Morlacci seconded to approve payment as follows:

Abstract Batch(es) #1912:

General Fund (A) -\$15,059.93, General Fund- Outside Village (B) \$672.04, Highway (DA) -\$0, Highway: Outside Village (DB) \$37,808.53, CAP- Trail Grant (HTG)- \$0, CAP-Generator (HTI)- \$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) \$3,991.00, Refuse (SR) \$0, Sewer #1 Fund (SS) \$28.24, Sewer District #2 (SS02)- \$93.61, Sewer District #3 (SS03)- \$0, Trust & Agency(TA)- \$0 and Water Districts: Consolidated (SW00) \$42.50, (SW1) \$0, (SW2) \$0, (SW3) \$0, (SW4) \$0, (SW5) \$0, (SW6) \$0, (SW7) \$0, (SW7A) \$0, (SW8) \$0, (SW9) \$0, (SW10) \$0; Total:\$57,695.85 Carried Unanimously

**COMMITTEE AND DEPARTMENT HEAD REPORTS:**

**Highway** – Mike was not present but a report was read by the Supervisor stating the crews pushed back snow with loader throughout the town’s parking lots and roads, repaired #3 hyd. hose, #10 rear lights, stump grinder, #8 front slide post and #8 was repaired by Frey to fix in the spring. They put up road flooded signs, checked roads for limbs and flooding, fixed mailboxes, made new road closed signs, barricade bucks were painted and repaired, and plowed roads, parking lots and turnarounds as needed.

**Assessor** – Tina presented a report read by the Supervisor stating she is concerned with the number of exemptions that have not been returned as of today. She and Julie will begin calling individuals that have not returned their exemptions as a final reminder before the final due date next Friday, March 1<sup>st</sup>. She will be performing field review inspections for new construction right around March 1<sup>st</sup> in order to start preparing for tentative roll.

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

|                       |                    |                    |
|-----------------------|--------------------|--------------------|
| Judy Moore            | 91 Quarry Hill Est | Windows            |
| CMK Builders of Alden | Ayers Rd           | Driveway           |
| CMK Builders of Alden | Ayers Rd           | One Family Home    |
| K-1 Properties        | 5725 Davison       | Zoning Compliance  |
| David Penn            | 13026 Steiner      | Ground mount solar |
| Vito Destito          | 6298 Utley         | Driveway           |
| Melody Beck           | 12734 Main         | Generator          |

The Town Board accepted the building report as presented.

**Town Clerk**- County-Town tax bills continue to come in at a steady pace. Due date is March 15<sup>th</sup>.

**Town Attorney** – attended Association of Towns annual training and learned a lot. He brought a lot of good information back.

**Assistant Town Attorney** – nothing at this time

**COUNCILPERSONS:**

**Jendrowski** – senior center contract with New Pipe has been received and will be signed, spoke with Dave Miller & Dan Kowalik during windstorm and spoke to Christine regarding tonight’s Planning Board agenda items.

**Dugan** – nothing at this time

**Burke** – attended the NextEra public meeting in Alden and thought it was very informative. Downey Road residents were in attendance and spoke on health issues and concerns from the project. He will look for the public comments to be posted on the project website.

**Morlacci** – nothing at this time

**Supervisor**- the January Supervisor’s Report is on file with the Town Clerk. Attended Association of Towns training. He met with Dawn and Hearts & Hands to do a walk thru before they move out. He thanked Dan, Joe, Jim and everyone in town who helped during this latest storm and the previous one also. He, Dawn & Colleen met with the grant writers on potential projects to apply for funding for this year. He spoke to some residents regarding cable concerns and he thanked the highway crews for a great job on the roads this winter.

**UNFINISHED BUSINESS:**

**Buildings** – nothing new

**Planning** – the Code Enforcement Officer brought back ideas from Association of Towns that he will be bringing to the Boards and they are continuing to work on FEMA maps.

**Water/Sewer** – EFC required several items for the grant and Scott thanked Colleen, Dawn & Jennifer for helping them to round up those old documents. They are also working on the proposal for sewer needs in the town for the future.

**Grants** – several grants are still in process and being finished up: generator, trailways, parks, tree inventory.

**NEW BUSINESS:**

**Approval- Site Plan & Home Based Business- 12509 Stage Rd:**

A motion was made by Councilman Jendrowski, seconded by Councilman Burke approving the request for a home based business in the R-A zone (Tonawanda General Concrete) and site plan application for a 1,920 sq ft addition at 12509 Stage Rd owned by Samuel & Lisa Torrelli, subject to the terms set forth in the resolution.

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

**Approval- Renewal Town Insurance Policy:**

A motion was made by Councilman Dugan, seconded by Councilwoman Morlacci approving the proposed renewal with Trident Insurance Brokerage for insurance coverage on all town owned buildings and property, subject to the terms of the proposal, and authorizing the Supervisor to execute the necessary application forms and make payments required.

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

**Approval- Beer/Wine Permit:**

A motion was made by Councilman Burke, seconded by Councilman Dugan approving the request for a beer/wine permit at Veteran's Park on June 30, 2019 by Kim Hawes for a graduation party.

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

**Approval- Park Use Request:**

A motion was made by Councilman Jendrowski, seconded by Councilwoman Morlacci approving the request to use Veteran's Park by Akron Little League Football Inc. for their 2019 football season from July 29-November 15, 2019.

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

**Approval- New Tire Drop off Policy & Procedures:**

A motion was made by Councilman Burke, seconded by Councilman Dugan approving the proposed changes to the Town's tire drop off policy and procedures as reviewed by the Town and Village Boards.

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

**Approval – 6 Month Notice to Alabama Water District:**

A motion was made by Councilman Jendrowski, seconded by Councilman Burke to provide 6 month notice to terminate Part B of the contract for sale of water administration of water district and sharing of costs for the provision of a low cost water supply between the Town Board of the Town of Newstead and the Town Board of the Town of Alabama.

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

**Privilege of the Floor/Question Period:** no one spoke

Supervisor Cummings stated there will be a work session next Monday and it will start at 7:00pm.

The Board entered executive session at 7:30pm to discuss fire contract issues on a motion from Councilman Burke, seconded by Councilman Jendrowski. Carried Unanimously

The Board exited executive session on a motion by Councilman Dugan, seconded by Councilman Burke at 8:28pm, having taken no action. Carried Unanimously

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 8:29pm. Carried Unanimously

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