

Newstead Town Board Meeting- January 8, 2018

The Town Board entered an executive session to discuss a personnel matter regarding the CEO position at 7:20pm on a motion by Councilman Burke, seconded by Councilman Dugan. The Board exited executive session having taken no action at 7:30pm on a motion by Councilman Jendrowski, seconded by Councilwoman Morlacci. Carried Unanimously

A **public hearing** was called to order by the Newstead Town Board on Monday, January 8, 2018 at 8:00pm 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- Deputy Town Attorney
Scott Rybarczyk- Wendel/Town Engineer
Jennifer Herberger- Deputy Town Clerk

Roll Call was taken with all board members present.

The Supervisor called the **public hearing** to order on the proposed special use permit/site plan application for a 1,900 sq. ft. custom woodworking shop home-based business in the RA zone on McNeeley Road.

The Deputy Clerk read the proof of publication. The Supervisor stated this project has been recommended for approval by the Planning Board and we have received no comments from Erie County Planning Dept. on the project.

Eugene Dziekan, 12134 McNeeley Rd asked if the woodworking shop would be within the residence. Will he occupy the residence and where will it be built. He would like to make sure there is a buffer of trees left.

Thomas Pacenzia from WNY Woodworks explained that the house will be built closer to the left side of the property near Dye Road. It will be a post frame home and they will live on the 2nd floor with his woodworking shop on the 1st floor and he does want to keep the property wooded. He owns a small cabinet shop and he is the only employee. There will be no deliveries made and no customers will be coming to the shop. Although he does have a sign on the site plan, one will not be needed.

William Perrone, 6500 Draper Rd – wants to know if Mr. Pacenzia will be able to live up to the standards laid out and why does someone have to go through this at all. How will the town be able to enforce this or will it go by the wayside like other home based businesses. The Supervisor responded that the CEO has the right to cite the owner if necessary.

Martin Stengel, 6489 Dye Rd wants to know what will be done with drainage and water problems on that property.

Town Engineer Scott Rybarczyk responded that the building is being placed in the corner away from the wetlands. A wetland delineation has been done as well as engineering review.

There being no further comments, a motion was made by Councilwoman Morlacci, seconded by Councilman Jendrowski to close the public hearing at 8:11pm. Carried Unanimously

A **regular meeting** was called to order by the Newstead Town Board on Monday, January 8, 2018 at 8:11pm with the same board members present as above.

Minutes from the special meeting held on December 18, 2017 were presented for approval. A motion was made by Councilman Burke, seconded by Councilman Dugan to approve as presented. Carried Unanimously

Minutes from the regular meeting held on December 28, 2017 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 Jendrowski, seconded by Councilman Dugan to make the following agenda changes: remove resolution regarding the 2018 fee schedule. A motion was made by Councilman Jendrowski, seconded by Councilman Burke to add a motion to approve Anthony Brandl’s Eagle Scout project.
Carried Unanimously

Communications – The Town Clerk presented the following correspondence:
2 letters from Charter Communications regarding changes in pricing and services planned for 2018.

A letter from NYS Parks, Recreation & Historic Preservation notifying the town that the town did not receive the Skyline Park Enhancement grant.

A copy of a letter from NYSDOT to Senator Mike Ranzenhofer regarding a culver issue that is being addressed at 12715 Lewis Rd.

A copy of a SEQRA Type 1 Action filed by the Town of Clarence for a new zoning classification for “Lifestyle Center Zoning Districts” along Transit Rd. It has been forwarded to the Planning Board.

A notice from the Association of Towns was received regarding the annual Training School and meetings in NYC from February 18th-21st. Also a reminder was sent for the Newly Elected Training sessions in Rochester on January 17th -19th.

A request from the Akron Soccer League to use the Skyline and Veterans Parks for their annual Kick-it First Soccer Tournament on May 4th – 6th and their soccer season from April 1st – August 11th..

A request from Akron Little League Football to use the Veteran’s Park for their annual football season from July 30th – November 16th.

The December 2017 Operations Report was received from Amherst Central Alarm Office reporting 39 calls for Akron Fire Co and 37 calls for Newstead Fire Co.

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: resolutions & motions, planning, water/sewer districts, water on Cedar Street, library issues, grants, services, highway and any other issues brought before the board.

Agenda Items Question Period: Anthony Brandl from Boy Scout Troop #559 appeared to speak to the board regarding his Eagle Scout Project. He has proposed to refurbish the kick walls at the soccer complex on Skyline Drive. He is estimating the cost to be \$2,000 and will begin fund raising once he receives the board approval. Councilman Dugan asked how he will go about raising the money and Anthony explained once the board gives approval he needs to have the Boy Scout group give their approval. Once that happens he will solicit funds from friends, family and local businesses. He would like to begin his project in early spring and believes it will be completed by June. Although he will take the lead in the project, he will have help with the actual construction.

Budget transfers: a motion was made by Councilman Jendrowski, seconded by Councilwoman Morlacci to approve the budget transfers as presented in a memo from Bookkeeper Colleen Salmon dated 1/8/18.
Carried Unanimously

Approval of Bills – Councilman Jendrowski reported that the Abstract(s) from Batch(es) #1782 plus bond payoff have been reviewed with the previously un-audited vouchers and everything was found in order. He presented Abstract Batch(es) #1786 for 2017 and #1787 and wire for bond payment for

2018 for payment. Vouchers on this abstract(s) numbered from 1458 - 1472 for 2017 and 1-14 for 2018, totaling \$186,820.22. Councilwoman Morlacci seconded to approve payment as follows:

Abstract Batch(es) #1786 for 2017 and #1787 and wire for bond payment for 2018:
General Fund (A) -\$43,442.49, General Fund- Outside Village (B) \$260.00, Highway (DA) -\$0,
Highway: Outside Village (DB) \$342.58, 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)- \$141.00, Drainage (SD)- \$0, Fire Protection (SF) \$0,
Refuse (SR) \$26,440.47, Sewer #1 Fund (SS) \$0, Sewer District #2 (SS02)- \$0, Trust &
Agency(TA)- \$0 and Water Districts: Consolidated (SW00) \$52.68, (SW1) \$0, (SW2) \$0, (SW3) \$0,
(SW4) \$0, (SW5) \$116,141.00, (SW6) \$0, (SW7) \$0, (SW7A) \$0, (SW8) \$0, (SW9) \$0, (SW10) \$0;
Total: \$186,820.22 Carried Unanimously

COMMITTEE AND DEPARTMENT HEAD REPORTS:

Highway – Mike reported the crews have been very busy plowing and salting, they plowed the turn arounds, Bloomingdale Cemetery & parking lots, they pushed back Scotland Hill, Cedar Street and other areas that needed to be pushed back with the loader, they fixed several broken mail boxes, repairs were made to the cable on truck #7, replaced cut edge & glider show on truck #3 and Mike ordered 2,000 tons of salt.

Assessor – a report was received outlining the December sales for local properties.

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

Kreher's Poultry Farm	5411 Davison Rd	Office addition
Michael Shields Used Auto Sales	12690 Main Rd	Temporary Special Use

The Town Board accepted the report as presented.

Town Clerk- the Dog Control Officers 4th quarter report was received and given to the board members as was the Town Clerk's annual report.

Attorney for the Town – received the draft agreement for sewer district #2 from the Village.

COUNCILPERSONS:

Jendrowski- he took care of several issues at the library including a frozen drainage pipe and the sidewalk seems to be working fine. He also met with the building department several times.

Dugan – nothing at this time

Burke – nothing at this time

Morlacci- nothing at this time

Supervisor- He attended several meetings, has been getting contracts in order and has met with Councilman Jendrowski regarding the CEO and Fire Company contracts.

UNFINISHED BUSINESS:

Buildings- library already discussed

Planning- last Master Plan meeting will be held 1/24/2018 at 7:00pm at the Town Hall

Water/Sewer- nothing new. Looking into grant opportunities for new water lines.

Grants- Fire Hall kitchen equipment grant needs to be signed.

NEW BUSINESS:

Resolution - Legal Contract Renewal:

A motion was made by Councilman Dugan, seconded by Councilman Burke approving the proposed contract renewal with Nathan Neill, Esq. for legal services for the town in 2018, 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 - Agreement to Expend Highway Funds for 2018:

A motion was made by Councilwoman Morlacci, seconded by Councilman Jendrowski approving the proposed agreement to expend highway funds for 2018 in the sum of \$200,000.00 for repair and/or replacement of culverts, sign replacement, maintenance of (including chipping and sealing of) various roads throughout the Town including but not limited to chipping Martin Road (1 mile) from Scotland Road to the Genesee County line, 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 Councilman Dugan approving the proposed contract renewal with Wendel WD Architecture, Engineering, Survey & Landscape Architecture, PC for engineering services for 2018, 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
Carried Unanimously

Resolution - Bond Counsel Contact Renewal:

A motion was made by Councilman Burke, seconded by Councilman Jendrowski approving the proposed contract renewal with Hawkins Delafield & Wood LLP for bond counsel services for 2018, 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 - Town of Clarence Contact Renewal:

A motion was made by Councilman Dugan, seconded by Councilman Burke approving the proposed contract renewal with the Town of Clarence for the Going Places Senior Van service for 2018, 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 – Grant Writing Contact Renewal:

A motion was made by Councilman Jendrowski, seconded by Councilman Dugan approving the proposed contract renewal with Rotella Grant Management for grant writing services for 2018, 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 – Accounting/Audit Contact Renewal:

A motion was made by Councilwoman Morlacci, seconded by Councilman Jendrowski approving the proposed contract renewals with Drescher & Malecki LLP for accounting services for 2018 and auditing services for 2017 and 2018, 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 – McNeeley Road Site Plan & Special Use Permit Approval:

A motion was made by Councilman Burke, seconded by Councilman Jendrowski approving the proposed site plan application/special use permit for vacant land on McNeeley Road and owned by Thomas Pacenzia.

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

Approval - Park Use- Akron Soccer League:

A motion was made by Councilman Burke, seconded by Councilman Jendrowski approving the use of both the Skyline Park and Veteran’s Park for the Akron Soccer Leagues annual tournament May 4, 5 & 6 and for their 2018 soccer season.

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

Approval - Park Use- Akron Little League Football:

A motion was made by Councilman Jendrowski, seconded by Councilman Dugan approving the use of Veteran’s Park for Akron Little League Football from July 30th – November 16th, 2018.

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

Approval – Eagle Scout Project:

A motion was made by Councilman Burke, seconded by Councilman Jendrowski to approve the Eagle Scout Project presented by Anthony Brandl to rebuild the kick walls at the Skyline Park soccer complex.

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

Privilege of the Floor/Question Period:

Peter Henley, 266 Golden Pond Estates asked a question regarding the approved budget and the fact the board members received a 3% raise. He wanted to know who took the raise and who didn’t. Supervisor Cummings explained that hourly employees received \$.75 per hour raises and salaried employees received 3% raises. All board members took the raise except for Councilman Jendrowski.

The Board entered executive session at 8:35pm to discuss a personnel matter regarding a particular person on a motion from Councilman Dugan, seconded by Councilman Burke.

Carried Unanimously

The Board exited executive session on a motion by Councilman Burke, seconded by Councilman Dugan at 9:45pm, 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 Jendrowski to adjourn the regular meeting at 9:45pm.

Carried Unanimously

Respectfully Submitted,
Jennifer L. Herberger, Deputy Town Clerk