

Newstead Town Board Meeting- July 10, 2017

A public hearing was called to order by the Newstead Town Board on Monday, July 10, 2017 at 7:50pm 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
Scott Rybarczyk- Wendel/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 Local Law #4 creating a Solar Energy Law for the town.

The Clerk read proof of publication. The Supervisor explained the need for this law to govern any large solar farms that might come into the area. A letter with comments on the proposed law was received from Cypress Creek Renewables. Their comments reflected mostly corrections in terminology to correctly state industry standard terms.

Comments: Dale Cheavacci, 114 John St, questioned if this law applies to the Village. The Supervisor responded no, it would not. Dale also stated he has heard that fire companies will not go into a building that has solar attached to the building and questioned if that is true. The Supervisor stated he has heard the same information but cannot verify if it is true or not. It is factual that the solar panels have a live electrical feed and if water were sprayed on the structure with a live feed it would endanger anyone in the area.

The Supervisor stated that due to the 30 day comment period for the County Departments this will not be voted on to night.

There being no further comments, a motion was made by Councilman Jendrowski seconded by Councilwoman Morlacci to close the public hearing at 8:00pm. Carried Unanimously

The Supervisor called the **public hearing** to order on the proposed Local Law #5 making amendments to the previously adopted Avoidable Alarm & Knox Box Law for the town at 8:00pm.

The Clerk read proof of publication. The Supervisor explained the reasons for the amendments to this law are concerns that have been expressed by businesses in existence prior to the 2010 policy. That input has led to the proposal for exemptions to be granted in the law.

Comments: Pam Domon, 5271 Crittenden Rd, questioned the 2010 policy for new construction. She thought this was a newer issue not an older one.

Town Attorney Neill stated the policy in 2010 was triggered by a change in the State Codes requiring Knox Boxes on all new construction. Then over the past couple years the town received complaints from the Newstead Fire Co. that they were addressing a lot of repeat offender alarms in business locations and situations where it was hard to get ahold of the business owners when the alarms went off. These 2 factors led to the newer Avoidable Alarm and Knox Box Law changes.

Supervisor Cummings again stated that due to the 30 day comment period for the County Departments this will not be voted on to night.

There being no further comments, a motion was made by Councilman Burke, seconded by Councilman Jendrowski to close the public hearing at 8:07pm Carried Unanimously

The **regular meeting** of the Town Board was called to order at 8:07pm with the same members present as listed above.

Supervisor Cummings led the pledge to the flag.

Minutes from the regular meeting held on June 26, 2017 were presented for approval. A motion was made by Councilwoman Morlacci, seconded by Councilman Jendrowski to approve as presented.
Carried Unanimously

Agenda Changes – a motion was made by Councilman Jendrowski, seconded by Councilwoman Morlacci to make the following agenda changes: remove 2 resolutions for local laws from agenda
Carried Unanimously

Communications – The Town Clerk presented the following correspondence:
A letter from Charter Communications regarding changes in their channel lineup effective July 14th.

A letter from the NYS Department of Public Service notifying the town of requested increases in rates by Niagara Mohawk Power Corp DBA National Grid that would take effect in April 2018.

The June Operations Report was received from Amherst Central Fire Alarm office reporting 38 calls for Akron Fire co and 30 calls for Newstead Fire Co.

A copy of a proposed local law was received from the Town of Lancaster regarding governing Solar Energy Facilities.

A report on refuse/recycling complaints was received from the Building Dept.

A notice was received from County Executive Mark Poloncarz with dates & times for 3 public hearings on the NYS Shared Services Property Tax Savings Plan proposed by the County. Public hearings will be held July 17th at 5:30pm at ECC North Campus-Lecture Hall B207, July 18th at 12:00pm at ECC City Campus- Lecture Hall 420 and July 19th at 5:30pm at ECC South Campus-Lecture Hall 5101.

A motion was made by Councilman Burke, seconded by Councilman Jendrowski 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 items, water & sewer projects on Cedar St & Lewis Rd, buildings projects, grants updates, IT & assessment services, NYS Shared Services, contracts and any other matters brought before the Board. A brief executive session was held to discuss contracts.

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 7/10/17.
Carried Unanimously

Approval of Bills – Councilman Jendrowski reported that the Abstract(s) from Batch(es) #1729 plus bond payment for USDA WD7 has been reviewed with the previously un-audited vouchers and everything was found in order. He presented Abstract Batch(es) #1731 prepays & 1734 with bond payment for payment. Vouchers on this abstract(s) numbered from 679 –680 and 702-749, totaling \$307,522.19. Councilman Burke seconded to approve payment as follows:

Abstract Batch(es) #1731 & 1734 with bond payment:
General Fund (A) -\$136,242.07, General Fund- Outside Village (B) \$2,692.99, Highway (DA) -\$0, Highway: Outside Village (DB) \$97,786.32, CAP- Murder Creek- (HM) \$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)- \$0, Drainage (SD)- \$664.14, Fire Protection (SF) \$33,236.00, Refuse (SR) \$27,797.43, Sewer #1 Fund (SS) \$1,261.89, Sewer District #2 (SS02)- \$517.50, Trust & Agency(TA)- \$7,172.04 and Water Districts: Consolidated (SW00) \$151.81, (SW1) \$0, (SW2) \$0, (SW3) \$0, (SW4) \$0, (SW5) \$0, (SW6) \$0, (SW7) \$0, (SW7A) \$0, (SW8) \$0, (SW9) \$0, (SW10) \$0; Total: \$307,522.19
Carried Unanimously

COMMITTEE AND DEPARTMENT HEAD REPORTS:

Highway – Mike reported the crew helped the Town of Pembroke and Town of Clarence with projects, they did 120’ of road ditching and piping on Howe Rd, mowed the parks, made repairs to the open cab tractor (starter & hose), picked up loose stone on Hiller Rd, mowed road sides and the bike path and oil & stoned Crego, Downey & Draper roads.

Assessor – no report presented.

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

Ron Gabbey	4085 S Newstead	Pergola
Arrowhead Golf course	12292 Clarence Center	Special event
John Fox	6910 Cedar	Roof
Brian Hake	13275 Stage	Roof
John Wisniewski	6708 Utley	Roof
Julie Metz Moscicki	6409 Utley	Ditch fill
Julie Metz	6409 Utley	Permit renewal
Joseph Burg	11109 Rapids	Permit renewal
Joseph Seggio	7343 Cedar	Pole barn
Dr. Sandra Corrie	12638 Main	Roof remodel

The Town Board accepted the report as presented.

Town Clerk- nothing at this time

Attorney for the Town – nothing at this time

COUNCILPERSONS:

Jendrowski- he thanked Cathy Capan for filling in for Dottie at the parade and all those that assisted the Celebration Committee during the July 4th festivities. He reported the library upper roof section has been sealed. He spoke with the Assessor on reval issues and attended a Historical Society board meeting where they discussed potential grant funds and a seminar on restoring old cemeteries.

Dugan – nothing at this time

Burke – he congratulated John, Jeannine and the Celebration Committee on running a great July 4th. He met with Carl and Senator Ranzenhofer to discuss the parks grant.

Morlacci- nothing at this time

Supervisor- he spoke with residents on Swift Mills Rd regarding the new speed limit, addressed staffing with the Rec Director, met with John Wideman on the NFC contract, met with ECWA, met with the Town Engineer & Town Attorney on several issues, addressed janitorial issues with Dawn and attended a meeting in Brant.

UNFINISHED BUSINESS:

Buildings- library wall is sealed, a plumbing issue is being addressed at the Senior Center with NFC

Planning- next Master Plan public meeting – August 8th at 6pm

Water/Sewer- Lewis Rd approvals are complete now just waiting on Performance Bond, Cedar St highway permit is in process and could be ready by next week.

Grants- the Supervisor thanked Carl & Dr. Burke for help with Senator Ranzenhofer on parks grant

NEW BUSINESS:

Approval- Wendel Contract for Residential Observation Services:

A motion was made by Councilman Dugan, seconded by Councilman Jendrowski approving the contract with Wendel for Residential Observation Services at a maximum cost of \$29,000.00 for the construction of the Cedar St North waterline project.

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

Approval- Water Charge Reimbursement:

A motion was made by Councilman Jendrowski, seconded by Councilman Dugan approving the reimbursement of water charges over charged on the property at 8265 Cedar St.

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

Approval- Staff list & Pay Rates- Recreation:

A motion was made by Councilman Burke, seconded by Councilman Jendrowski approving the presented staff list and pay rates for the summer recreation program.

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

Supervisor Cummings stated over the past few weeks the town has seen a major increase in complaints in 2 areas. 1. Refuse and recycling pickups. This appears to be due to a new Supervisor at Modern that was put in place and the Town is working with Modern to correct this issue. 2. Complaints about airport noise at Akron Airport. The town will be sending a letter to the airport to address this issue. There have been double digit complaints just within this past week.

Privilege of the Floor/Question Period: Dale Cheavacci stated he has been getting lots of phone calls about the airport as well. Calling up to the airport is unfortunately a waste of time because the staff is sometimes very nasty. This issue is out of control and a frustration.

Councilwoman Morlacci asked a few questions regarding the airport as to what are the main complaints and if it is one plane or several.

Supervisor Cumming explained that currently it is predominantly the instructional plane and an old military plane that are very noisy. The main complaints are noise from the planes and how low they fly over the village and not staying on the agreed upon and approved flight path over the village. Once again he stated the town will be sending a letter to the airport regarding these items.

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 8:29pm.
Carried Unanimously

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