

Newstead Town Board Meeting- July 24, 2017

A hearing was called to order by the Newstead Town Board on Monday, July 24, 2017 at 8:05pm 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
Ted Donner- Wendel/Town Engineer
Dawn Izydorczak- Town Clerk

Roll Call was taken with all board members present.

The Supervisor called the **hearing** on the unsafe building located at 11895 Buckwheat Rd (SBL#85.00-2-31) owned by Tim Kowalak to order.

The Supervisor explained the need for this hearing and the history of the building located at 11895 Buckwheat Rd. The home had a fire several years ago that destroyed the rear of the home and has been left vacant and in disrepair ever since. The property is non-livable and the Code Enforcement Officer has compiled a case file on the property including photographic evidence of the condition of the building and provided copies of all the documentation to the owner, as well as the Town Board members. The Supervisor has personally visited the owner and spoke to him about this action and he has stated he is not interested in anything to do with the building and is ok with the town demolishing the building.

Neither the owner Tim Kowalak, or any representative for the owner were present at the hearing.

There being no further comments, a motion was made by Councilman Dugan seconded by Councilwoman Morlacci to close the hearing at 8:10pm. Carried Unanimously

The **regular meeting** of the Town Board was called to order at 8:10pm with the same members present as listed above.

Councilman Burke led the pledge to the flag.

Minutes from the regular meeting held on July 10, 2017 were presented for approval. A motion was made by Councilman Jendrowski, 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: remove items A & B due to no response on the proposed laws from Erie County yet
Carried Unanimously

Communications – The Town Clerk presented the following correspondence:

Letters from Charter Communications regarding changes in their channel lineup effective July 20th and 2 pricing increases effective July 23rd.

The 2017 Annual Report of the Department of Real Property Tax Services was received.

A letter of determination was received from Erie County DPW Traffic Engineers on the towns request for a 4-way stop sign at Davison Rd and Howe roads. The department has determined that a 4-way stop is not warranted at the intersection.

The July 2017 report was received from the Town Historian.

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

Supervisor Cummings stated that as a private citizen he has responded to Erie County in disagreement on their decision not to put a 4-way stop sign at the Davison Rd and Howe Rd intersection. He has asked them to reconsider their decision as he feels their thought process and reason for their decision is flawed. He encouraged the rest of the Board members to do the same.

Work Session: The Supervisor reported that at the work session held last week the following items were discussed: a presentation was given by the Village on the Akron sewer plant, buildings projects, water & sewer projects on Cedar St & Lewis Rd and MPR for Indian Falls, Knapp & Kirby, planning items- solar, know box, junk yards, house demo, grants updates, IT services, contracts- NFC/SR & refuse, airport noise complaints and any other matters brought before the Board.

The Supervisor reminded everyone of the upcoming Master Plan public meeting on August 8th at 6pm.

Agenda Items Question Period: no one spoke

Budget transfers: none

Approval of Bills – Councilman Jendrowski reported that the Abstract(s) from Batch(es) #1731 & 1734 with bond payment has been reviewed with the previously un-audited vouchers and everything was found in order. He presented Abstract Batch(es) #1737 and 2016 BAN payoff wire for payment. Vouchers on this abstract(s) numbered from 750- 798, totaling \$1,808,657.63. Councilwoman Morlacci seconded to approve payment as follows:

Abstract Batch(es) #1737 and 2016 BAN payoff wire:
General Fund (A) -\$20,021.99, General Fund- Outside Village (B) \$57.92, Highway (DA) -\$0, Highway: Outside Village (DB) \$59,384.60, CAP- Water-Scotland- (HS) \$273,000.00, CAP-Sewer Dist. 3(HNL) \$0, CAP- Trail Grant (HTG)- \$0, CAP- Water Improvement (HW)- \$1,242,186.00, CAP Water-Downey (HW01)- \$180,000.00, CAP- Water- Cedar (HW02)- \$0, Drainage (SD)- \$0, Fire Protection (SF) \$0, Refuse (SR) \$0, Sewer #1 Fund (SS) \$29.03, Sewer District #2 (SS02)- \$75.79, Trust & Agency(TA)- \$0 and Water Districts: Consolidated (SW00) \$33,902.30, (SW1) \$0, (SW2) \$0, (SW3) \$0, (SW4) \$0, (SW5) \$0, (SW6) \$0, (SW7) \$0, (SW7A) \$0, (SW8) \$0, (SW9) \$0, (SW10) \$0;
Total: \$1,808,657.63

Carried Unanimously

COMMITTEE AND DEPARTMENT HEAD REPORTS:

Highway – Mike reported they hauled clean Is for the waterline project, did field ditch mowing and boom mowing, cleaned the pipe on McNeeley Rd, helped the Town of Pembroke, Town of Alden and Town of Clarence with projects, did 920’ of field ditching on Sescil’s property and made repairs to the open cab tractor.

Assessor – no report presented.

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

Doreen Wentz	7884 Fletcher	Generator
Bruce Serena	7895 Maple	Permit renewal
Margaret Colf	7160 Sandhill	Roof
Sarah Kyre	8055 Greenbush	Roof
LV & L Resort (Sleepy Hollow)	13800 Siehl	Permit renewal
Tim Blood	12802 Swift Mills	Roof

The Town Board accepted the report as presented.

Town Clerk- the 2nd Quarter Dog control officers report was received. DCO DeYoung reported the town's annual state inspection has been done and everything was found to be in order. He and his deputy attended the annual training seminar at GCC and have been attempting to get a handle on unlicensed dogs in the town. Also, Dawn will be out of town from August 10th – 14th so Jennifer will be attending the next meeting and in charge.

Attorney for the Town – nothing at this time

COUNCILPERSONS:

Jendrowski- he met with Christine & Julie on building department issues, checked the work log for the CEO and checked with the Village to see how the arrangement is working, spoke with Modern on the tire invoice and worked with Colleen & Mike on the issue, spoke with a local businessman on a driveway issue, met with Dawn on the Cintas contract and getting quotes on the library masonry wall.

Dugan – nothing at this time

Burke – nothing at this time

Morlacci- nothing at this time

Supervisor- he presented the tentative 2018 Budget timetable, he attended a Supervisors meeting in Elma, had discussions with companies on the cell tower on Buell St, spoke with ECWA on issues, met with the Town Attorney and reps from Modern on the contract renewal, and spoke with residents in Quarry Hills Estates with concerns over the upcoming benefit concert for the Newstead Fire Co. to be held at Braun's Concert Cove on Main Rd. He also has been in constant contact with the grant writers on the filing of the parks grant and monitoring several other grants.

UNFINISHED BUSINESS:

Buildings- nothing new to report

Planning- nothing new to report

Water/Sewer- Cedar St waterline project is starting tomorrow. SD#3 is still waiting on highway permits, and the Map, Plan & Report for Knapp, Indian Falls & Kirby is ready for the Board to review.

Grants- nothing new to report

NEW BUSINESS:

Order After Hearing- Unsafe Building at 11895 Buckwheat Rd:

A motion was made by Councilman Burke, seconded by Councilman Jendrowski approving the Order After Hearing directing the demolition of the unsafe building located at 11895 Buckwheat Rd (SBL#85.00-2-31) in the Town of Newstead owned by Tim Kowalak and ordering a copy of the resolution and order for demolition be delivered directly to Mr. Kowalak and posted on the building at the property.

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

Approval- Clarence Central School Tax Collection contract:

A motion was made by Councilman Dugan, seconded by Councilwoman Morlacci approving the contract with Clarence Central School District for tax collection services for the 2017-18 tax cycle, subject to the terms set forth in the contract.

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

Lead Agency- 8-lot Subdivision- Barnum & Howe Rd:

A motion was made by Councilman Burke, seconded by Councilman Jendrowski declaring lead agency status on the proposed 8-lot subdivision at Barnum & Howe roads owned by CMK Builders of WNY and authorizing the building department to conduct a coordinated review on the project. (Resolution Attached Cummings-Aye, Dugan -Aye, Burke-Aye, Jendrowski- Aye, Morlacci-Aye Carried Unanimously

Public Hearing- 8-lot Subdivision- Barnum & Howe Rd:

A motion was made by Councilman Jendrowski, seconded by Councilman Dugan approving the calling of a public hearing on the proposed 8-lot subdivision at Barnum & Howe roads owned by CMK Builders of WNY to be held on August 14, 2017 at 7:50pm at the Town Hall and authorizing the Clerk to publish notice of the hearing. (Resolution Attached Cummings-Aye, Dugan -Aye, Burke-Aye, Jendrowski- Aye, Morlacci-Aye Carried Unanimously

Approval- Cintas Contract Renewal:

A motion was made by Councilwoman Morlacci, seconded by Councilman Jendrowski approving the new 36 month contract with Cintas for rug service at the Town Hall, subject to the terms set forth in the contract. (Resolution Attached) Cummings-Aye, Dugan -Aye, Burke-Aye, Jendrowski- Aye, Morlacci-Aye Carried Unanimously

Approval- Lateral Restriction Request- 11373 Miland Rd:

A motion was made by Councilman Jendrowski, seconded by Councilman Burke approving the request for a lateral restriction hardship exception to connect to the waterline in Water District #10 for the new build located at 11373 Miland Rd owned by Scott & Sarah Monkelbaan. Cummings-Aye, Dugan -Aye, Burke-Aye, Jendrowski- Aye, Morlacci-Aye Carried Unanimously

Approval- Cancel Work Session for July 31st:

A motion was made by Councilman Jendrowski, seconded by Councilman Burke approving the cancellation of the work session for next week, July 31st. Cummings-Aye, Dugan -Aye, Burke-Aye, Jendrowski- Aye, Morlacci-Aye Carried Unanimously

Privilege of the Floor/Question Period: no one spoke

There being no further business to come before the board for the regular meeting a motion was made by Councilman Dugan, seconded by Councilman Burke to adjourn the regular meeting at 8:40pm. Carried Unanimously

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