

Newstead Town Board Meeting- June 27, 2016

A public hearing was called to order by the Newstead Town Board on Monday, June 27, 2016 at 7:50pm at the Newstead Town Hall.

Present: David Cummings- Supervisor
James Mayrose- Councilman
John Jendrowski- Councilman
Joseph Dugan- Councilman
Nathan Neill- Attorney for the Town
Mike Bassanello- Highway Supt
Scott Rybarczyk- Town Engineer
Dawn Izydorzak- Town Clerk
Jennifer Heberling- Deputy Clerk

Roll Call was taken with all board members present except Councilman York who is out on medical leave.

The **public hearing** was called to order on the proposed placement of a wind turbine at 8268 Fletcher Rd owned by Darren Kanehl.

The Clerk read the proof of publication. Supervisor Cummings stated the Planning Board has recommended approval and the Erie County Planning Dept. had no comments. SEQR has been reviewed.

Comments: no one spoke

There being no further comments, a motion was made by Councilman Mayrose, seconded by Councilman Dugan to close the public hearing at 7:53pm. Carried

The **public hearing** was called to order at 7:53pm on the proposed Local Law #1 of 2016 which would place a 6 month moratorium on solar farms within the Town of Newstead.

The Clerk read the proof of publication. The Supervisor explained that so far no applications for a solar farm have been received but the Town would like to be proactive and review what other communities are doing to address these type of projects and see what is best for the community regarding these projects.

Comments: Phil Whitman of Meahl Rd asked about the impacts these projects have on other communities that currently have them. Supervisor Cummings stated they do not know and that is part of the reason for the moratorium and looking at possible laws to govern them. They have reached out to other communities in the area that do have them and govern them for guidance. Mr. Whitman questioned their effect on property values, would neighboring parcels of a solar farm benefit from the solar power and would public hearings be required for any projects such as these. Supervisor Cummings stated they will look at all of those questions and more as they research the topic but added that a public hearing would always be required on a project such as this. Councilman Jendrowski added that he plans to do a lot of research on the long term impacts of solar farms. He stated a wind turbine can be taken down and scrapped after its useful life span but questioned what is the procedure for a solar farm after its useful life span.

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

The **regular meeting** of the Town Board was called to order at 8:00pm with the same members present as listed above.

Highway Supt. Mike Bassanello led the pledge to the flag.

Minutes from the previous regular meeting held on June 13, 2016 were presented for approval. A motion was made by Councilman Mayrose, seconded by Councilman Jendrowski to approve as presented. Carried

Agenda Changes – a motion was made by Councilman Mayrose seconded by Councilman Dugan to make the following agenda changes: add 2 resolutions for park grant application Carried

Communications – The Town Clerk presented the following correspondence:

Letters were received from Charter Communications notifying the town of the programmers and service providers they are currently in negotiations with for service as part of the transition.

A signed petition was received from several concerned residents on Hiller and Billo Roads requesting a speed reduction and signage on Hiller Rd.

A request for a beer/wine permit for a surprise birthday party at Skyline Park on July 9th.

Information regarding National Grid's 10,000 trees and growing program was received.

A letter from resident Marty Dugan, located at 13595 Stage Rd, complaining about the house and yard located at 13546 Stage Rd, which has numerous unlicensed vehicles as well as 3 tractor trailers located on the property. He is asking the town to enforce the law and have him remove all unlicensed vehicles off of the property as well as finishing the renovations started on the house.

A letter and brochure from the Office of the Attorney General regarding the States support of solar power and encouraging residents to become familiar with this power option.

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

Work Session: The Supervisor reported that the work session held last week was cancelled due to lack of a quorum, but the following items were discussed prior to tonight's meeting: buildings projects at town buildings, water/sewer projects, planning items- recycling, master plan, national grid, celebrations & solar, grant items, IT & AM services, the next property demolition, park requests, personnel & contract issues and any other matters brought before the Board. The joint meeting with the Village Board was also cancelled due to lack of a quorum.

Agenda Items Question Period: no one spoke

Budget transfers: a motion was made by Councilman Mayrose, seconded by Councilman Dugan to approve the budget transfers as presented in a memo dated 6/27/16 by Bookkeeper Colleen Salmon. Carried

Approval of Bills – Councilman Jendrowski reported that the Abstract(s) from Batch(es) #1623 & 1625 have been reviewed with the previously un-audited vouchers and everything was found in order. He presented Abstract Batch(es) #1626 & 1630 for payment. Vouchers on this abstract(s) numbered from 590 – 591 & 612-666, totaling \$230,698.40. Councilman Mayrose seconded to approve payment as follows:

Abstract Batch(es) #1626 & 1630:

General Fund (A) -\$36,118.42, General Fund- Outside Village (B) \$2,758.36, Highway (DA) -\$0, Highway: Outside Village (DB) \$144,964.34, CAP-Murder Creek (HM) \$0, CAP- Scotland Rd (HS)- \$0, CAP- Water Improvement (HW)- \$0, CAP Water-Downey (HW01)- \$0, Drainage (SD)- \$27,416.08, Fire Protection (SF) \$16,427.61, Refuse (SR) \$488.06, Sewer Fund (SS) \$27.79, Sewer District #2 (SS02)- \$69.63, Trust & Agency(TA)- \$0 and Water Districts: Consolidated (SW00) \$569.11, (SW1) \$0, (SW2) \$0, (SW3) \$0, (SW4) \$0, (SW5) \$0, (SW6) \$0, (SW7) \$0, (SW7A) \$0, (SW8) \$0, (SW9) \$0, (SW10) \$1,859.00

Total: \$230,698.40

Carried

COMMITTEE AND DEPARTMENT HEAD REPORTS:

Highway – Mike reported the crews have been mowing field ditches and road sides, done field ditching on Dye Rd, broomed the roads for the Ride for Roswell event, hauled materials and assisted the Village with the Hoag Ave project, painted and fixed park benches and the fence at Skyline Park, and helped Clarence haul blacktop.

Assessor – no report presented.

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

Curt & Beth Mohr	11831 Clarence Center	In-grout pool
Pete Hennessey	8013 Greenbush	Porch/siding
Clifford Albrecht	11672 Main	Certificate of Compliance
Darryl Cieslak	11340 Crego	Roof
Ann Chalmers	12740 Swift Mills	Pole structure
Mark Sivecz	8040 Cedar	One family home
Mark Sivecz	8040 Cedar	Barn
Whiting Door Mfg Co	113 Cedar	Pole barn
CMK Builders	5065 Havenwood	One family home
Curt & Beth Mohr	11831 Clarence Center	Pool house
Sharon Dobkin	11572 Hiller	Bathroom remodel
Linda Fisher	12385 Clarence Center	Porch
Julie Metz	6409 Utley	Mudroom & garage
Dan Wetzler	12543 Clarence Center	Lean-to

The Town Board accepted the report as presented.

Town Clerk- the cemetery software is set to be installed Wednesday this week and then the staff will start transferring data into the system.

Attorney for the Town – nothing at this time

COUNCILPERSONS:

Mayrose – he met with Joe Hawes on Disaster/Emergency Management needs, spoke with several people regarding the concerts at Mooney’s and the need for a light at North Millgrove & Main intersection and addressed issues with the highway contracts negotiations.

York – not present

Jendrowski- he met with Kristine at the library and discussed the rear retaining wall, attended the Village Board meeting last week, attended the recreation board meeting, attended the coalition meeting where it was announced that Joan will be resigning, met with Mike Borth on CEO issues, spoke to National Grid regarding an LED lighting analysis for the Town, reported that summer recreation starts next Tuesday.

Dugan – nothing at this time

Supervisor- The May Supervisor’s Report is on file with the Clerk. He welcomed Councilman Dugan back after his surgery. He attended the Village Board meeting last week, had a meeting with the grant writers, attended the AOECG meeting, attended snow plow contract negotiation meeting at the County, spoke with several people regarding the concerts at Mooney’s and the Main Rd & North Millgrove Rd intersection issues, and is planning to attend a meeting at the County on the Swift Mills Rd bridge reconstruction project this Wed., June 29th.

UNFINISHED BUSINESS:

Buildings- town hall overhang work is being scheduled for August, library walkway work should be starting in July and the new cameras at the Joint Facility should be installed soon.

Planning- continuing work on the bike path project design, solar issues, EAB tree inventory, and CDBG will have extra money this year for Master Plan updating projects.

Water/Sewer- sewer project is continuing with permitting process and obtaining permission from the Village on accepting the waste by the Village sewer system. Cedar St N is moving forward with wetland delineation and Cedar St S will have a meeting with ECWA on the water pump station this week.

Grants- getting ready to submit park grant

NEW BUSINESS:

Approval- Wind Turbine- 8268 Fletcher Rd:

A motion was made by Councilman Mayrose, seconded by Councilman Jendrowski approving the installation of a wind turbine to be erected at 8268 Fletcher Rd by Darren Kanehl, subject to the terms set forth in the resolution.

(Resolution Attached) Cummings-Aye, Dugan -Aye, Mayrose-Aye, York-Absent, Jendrowski- Aye
Carried

SEQR & Adoption- Local Law 1 of 2016:

A motion was made by Councilman Jendrowski, seconded by Councilman Mayrose issuing a determination of non-significance of local law regarding the proposed Local Law #1 of 2016 placing a 6 month moratorium on solar farms in the Town.

(Resolution Attached) Cummings-Aye, Dugan -Aye, Mayrose-Aye, York-Absent, Jendrowski- Aye
Carried

A motion was made by Councilman Jendrowski, seconded by Councilman Mayrose adopting the proposed Local Law #1 of 2016 placing a 6 month moratorium on solar farms in the Town.

(Resolution Attached) Cummings-Aye, Dugan -Aye, Mayrose-Aye, York-Absent, Jendrowski- Aye
Carried

Approval- Engineering Services- Cedar St Waterline:

A motion was made by Councilman Dugan, seconded by Councilman Mayrose approving the proposal dated 6/24/16 with Wendel to provide engineering services on a waterline project to be constructed on Cedar St north of Kirby Rd and authorizing the Supervisor to execute the agreement.

(Resolution Attached) Cummings-Aye, Dugan -Aye, Mayrose-Aye, York-Absent, Jendrowski- Aye
Carried

Approval- Yellow Dot Community:

A motion was made by Councilman Mayrose, seconded by Councilman Dugan approving the declaration of the Town of Newstead as a Yellow Dot Community and recognizing the live-saving potential of the program in our community.

(Resolution Attached) Cummings-Aye, Dugan -Aye, Mayrose-Aye, York-Absent, Jendrowski- Aye
Carried

Approval- Transfer between Funds:

A motion was made by Councilman Jendrowski, seconded by Councilman Mayrose approving the payment of \$39,688.44 from the Town Drainage District to the Murder Creek Stabilization Project to cover the Town's share of the cost of the project. With said payment made, the project shall be deemed complete and closed out

(Resolution Attached) Cummings-Aye, Dugan -Aye, Mayrose-Aye, York-Absent, Jendrowski- Aye
Carried

Approval- JF Camera System Amendment:

A motion was made by Councilman Dugan, seconded by Councilman Mayrose approving the amendment to the contract with Amherst Alarm to install additional cameras at the Joint Municipal Facility at an additional cost of \$4,559, which will be shared by the Village of Akron.

(Resolution Attached) Cummings-Aye, Dugan -Aye, Mayrose-Aye, York-Absent, Jendrowski- Aye
Carried

Approval- Beer & Wine Permit Requests:

A motion was made by Councilman Mayrose, seconded by Councilman Jendrowski approving the requests for Park Use/ Beer & Wine as follows: birthday party July 9th at Skyline Park

Cummings-Aye, Dugan -Aye, Mayrose-Aye, York-Absent, Jendrowski- Aye
Carried

Approval- Speed Reduction Request:

A motion was made by Councilman Mayrose, seconded by Councilman Dugan approving sending the petition request for a speed reduction on Hiller Rd to Erie County to conduct a speed study. Cummings-Aye, Dugan -Aye, Mayrose-Aye, York-Absent, Jendrowski- Aye Carried

Approval- NYSOPRHP Grant Planning:

A motion was made by Councilman Mayrose, seconded by Councilman Dugan authorizing the Supervisor to accept funds from NYS Office of Parks, Recreation & Historic Preservation in accordance with provisions of Title 9 of the Environmental Protection Act of 1993 in an amount no less than 50% of a grant award and to execute a project agreement with the State for financial assistance for the Skyline Park Enhancement Project.

(Resolution Attached) Cummings-Aye, Dugan -Aye, Mayrose-Aye, York-Absent, Jendrowski- Aye Carried

Approval- NYSOPRHP Grant Authorizing:

A motion was made by Councilman Mayrose, seconded by Councilman Jendrowski authorizing the Supervisor to accept funds from NYS Office of Parks, Recreation & Historic Preservation in accordance with provisions of Title 9 of the Environmental Protection Act of 1993 in an amount no less than 50% of a grant award and to execute a project agreement with the State for financial assistance for the Skyline Park Enhancement Project and if appropriate grant a conservation easement/preservation covenant to the deed of the assisted property.

(Resolution Attached) Cummings-Aye, Dugan -Aye, Mayrose-Aye, York-Absent, Jendrowski- Aye Carried

Privilege of the Floor/Question Period:

Phil Whitman questioned if there is any update on the bike path extension project and if it will include a bridge or not.

Supervisor Cummings replied currently the design has no bridge included. They are looking at alternatives to the bridge due to expense.

There will be no work session next week due to the holiday.

There being no further business to come before the board for the regular meeting a motion was made by Councilman Mayrose, seconded by Councilman Dugan to adjourn the regular meeting at 8:32pm. Carried

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