

## Newstead Town Board Meeting- March 26, 2018

The Board entered executive session at 7:33pm to discuss personnel -CEO position 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 Councilwoman Morlacci at 7:51pm, having taken no action. Carried Unanimously

A public hearing was called to order by the Newstead Town Board on Monday, March 26, 2018 at 7:52pm 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  
Dawn Izydorzak- Town Clerk

Roll Call was taken with all board members present.

The Supervisor called the **public hearing** on proposed **Local Law #1 of 2018** regarding amendments to the Subdivision Law to order.

The Town Clerk read the proof of publication. The Supervisor stated these changes have been reviewed by the Planning Board, Building Department and Town Board for several months, all of which recommend approval.

Comments: Town Attorney Nathan Neill stated he had a conversation with Councilman Jendrowski regarding an issue that the language in this proposed law is not consistent with the Zoning Law language and should be. He referred to the Zoning Law language that currently states lots need to be “contiguous”, whereas in the new proposed subdivision changes it states lots should have “continuous AND contiguous frontage”, with no lots in between. He feels we need to make the language in both laws match. Everyone agreed.

Carl Klingenschmitt, Chairman of the Conservation Advisory Council and resident of Howe Rd, stated he as the CAC Chairman and a Newstead resident wishes to address the proposed code change because he feels it is incomplete and it fails to address the code shortcomings in the areas of drainage plan submissions, septic systems design/location and major project public involvement. He gave each of the Board members a copy of some proposed new language for consideration.

Supervisor Cummings stated work session time would be spent on the local laws next week and invited the CAC members to attend. Their comments will be taken into consideration.

Councilman Burke stated he supports the comments brought up by Town Attorney Neill and Councilman Jendrowski.

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

The Supervisor called the **public hearing** on proposed **Local Law #2 of 2018** regarding amendments to the Zoning Law to order.

The Town Clerk read the proof of publication. The Supervisor stated these changes have been reviewed by the Planning Board, Building Department and Town Board for several months, all of which recommend approval.

Comments: Carl Klingenschmitt, Chairman of the Conservation Advisory Council and resident of Howe Rd, made the following comments regarding the proposed zoning law changes:

Section 450-15-E(1): the CAC feels the language should be changed to 65 feet from the edge of the Right of Way not the edge of the pavement of the road. They feel this allows houses to be closer to the road and the edge of the pavement moves over time, whereas the right of way is fixed by deed.

Section 450-15-f-2(b) which refers to 450-27: the CAC feels requiring accessory buildings to be in line with or behind the front of the primary residence (currently 75 feet away from any public street) is overly restrictive. If a residence is far back off the road do we really care about the location of accessory buildings? They questioned driveway clearances around things relative to this also. They do not feel this should be changed. A large portion of the town has wetlands, which require most homes to use a sand filter system. This could reduce the amount of room for the sand filter systems to be installed.

Section 450-21-D-2: the CAC recommends 200 feet in frontage for C-2 zoning lots. Their position is wide parcels preserve rural look, narrow lots look like strip mall.

Carl stated he personally feels it is extremely important the public be informed and involved early in the design of large projects such as major subdivisions and type 1 SEQRA actions. The present code section 360-12 provides guidance for a preliminary plat public hearing for major subdivisions with public improvements. He proposes this be changed to allow the same procedure be used for all major subdivisions and type 1 SEQRA actions, with the inclusion of written notification of property owners within 1,000 feet of the project.

He added to the comments on Section 450-15 F (2)(b) that he would like the 75 foot requirement maintained but be defined as measured from the Right of Way and the exception for garages be made 50 feet from the Right of Way and also consider an exception for agricultural or agri-business buildings. Section 450-21 E (2)(a) he suggests adding the words “measured from the Right of Way”. And in Section 450-21 E (2)(b) he feels the 30 foot side lot line requirement seems large. He suggested maybe it should be 15 feet.

Carl presented a packet of these proposed changes to each of the board members which included a copy of the US Army Corps of Engineers laws on building near wetlands and a map of the regulatory districts.

Supervisor Cummings stated again that all of the comments will be discussed at the work session next week and invited the CAC members to attend.

There being no further comments, a motion was made by Councilman Jendrowski, seconded by Councilwoman Morlacci to close the public hearing at 8:14pm. Carried Unanimously

The **regular meeting** of the Newstead Town Board was called to order at 8:15pm with the same members present as listed above.

Councilman Burke led the pledge to the flag.

Minutes from the regular meeting held on March 12, 2018 were presented for approval. A motion was made by Councilman Burke, seconded by Councilman Dugan to approve as presented. Carried Unanimously

**Agenda Changes** – none

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

Pictures & a message were received from an anonymous resident regarding damage to the soccer fields on March 3<sup>rd</sup> & 4<sup>th</sup>.

A request for a beer/wine permit was received from Peggy Kidder for a family reunion on Sunday, July 15<sup>th</sup> at Veteran’s Park.

The annual Dog control Officers Inspection Report and Municipal Shelter Inspection Report were received from NYS Ag & Markets with a satisfactory rating being given on both reports.

A notice was received of Elder Law Day events happening at the Adam's Mark Hotel on Monday, June 18<sup>th</sup> beginning at 8:00am.

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

**Work Session:** The Supervisor reported that no work session was held last week but the following items were discussed prior to tonight's meeting: planning items, Highway sale of equipment, water & sewer projects, building projects, grants, Park buildings use policy amendments, Historical Society map renovation, contracts and 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) #1807 have been reviewed with the previously un-audited vouchers and everything was found in order. He presented Abstract Batch(es) #1813 for payment. Vouchers on this abstract(s) numbered from 263-305, totaling \$111,677.58. Councilwoman Morlacci seconded to approve payment as follows:

Abstract Batch(es) #1813:

General Fund (A) -\$15,224.02, General Fund- Outside Village (B) \$372.72, Highway (DA) -\$0, Highway: Outside Village (DB) \$3,631.98, 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, CAP- Water-Knapp- (HW03) \$0, Drainage (SD)- \$0, Fire Protection (SF) \$0, Refuse (SR) \$0, Sewer #1 Fund (SS) \$29.59, Sewer District #2 (SS02)- \$92.92, Trust & Agency(TA)- \$0 and Water Districts: Consolidated (SW00) \$43.35, (SW1) \$0, (SW2) \$0, (SW3) \$0, (SW4) \$0, (SW5) \$92,283.00, (SW6) \$0, (SW7) \$0, (SW7A) \$0, (SW8) \$0, (SW9) \$0, (SW10) \$0;

Total:\$111,677.58

Carried Unanimously

**COMMITTEE AND DEPARTMENT HEAD REPORTS:**

**Highway** – Mike reported the annual tire drop-off will be held April 28<sup>th</sup> from 9:00am-12:00pm and the white goods pickup will be held April 30<sup>th</sup> – May 1<sup>st</sup>. The crews have taken the sander out of #5 and oiled the chain, made repairs to the open cab tractor and serviced the cab tractor, checked town roads for garbage, pot holes, etc., plowed the Hunts Corners cemetery & Evergreen cemetery, trimmed trees with the pole saw and fixed mailboxes, plowed and pushed back drifted areas, washed cleaned and service trucks and replaced the cut edge on #10 and replaced the gear box on #8.

Councilman Jendrowski questioned the repairs made to the truck that was hit and damaged by a driver. He also asked about the values of the surplus equipment and how the current salt inventory is.

Highway Supt. Bassanello stated the insurance carrier on the truck claim doesn't want to cover the whole cost so it is currently being investigated through our insurance carrier. He gave the current blue book values on the equipment. As for he salt, he said he will be putting in a final order for salt under this year's contract and the order numbers for next year's salt contract need to be in by next week.

**Assessor** – Tina presented a report that she & Julie have been working together on cleaning up loose ends in the office. The issue with the Ball properties appears to be resolved. All new construction have been inspected, entered and valued. She is working to update photos for the files. Commerical data mailers are still coming in but at a slower pace.

Councilman Burke thanked Tina for the reports and keeping the Board informed.

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

6325 Utley Rd LLC/G Phillies	6325 Utley	Remodel
LC Strategic Realty	7840 Fletcher	Renovations
CMK Builders	5045 Havenwood	One Family Home
CMK Builders	5566 Barnum	One Family Home

Justin Brackett	12663 McNeeley	Foundation repair
Randy & Linda Cole	6629 Hake	Roof
Barbara Ford	4762 Ayers	Fire re-build

The Town Board accepted the report as presented. The Board questioned the Barnum Rd permit and if it is on one of the unbuildable lots in the subdivision or is this a valid lot.

**Town Clerk-** The main portion of tax collection is complete and all monies turned over to the Town and County.

**Town Attorney's** – nothing at this time

**COUNCILPERSONS:**

**Jendrowski-** he attended the Library Board meeting where they discussed the sidewalk issues, the end of the Senior Services program in May, training for staff and the request for a panic button to be installed. A meeting will be held on April 10<sup>th</sup> to discuss the Unity in the Community program. He attended a Celebration Committee meeting where they are making plans for July 4<sup>th</sup> events. He attended the Zoning Board meeting on the Niagara Label variance request and spoke with several residents and the building department staff about the Code Enforcement position.

**Dugan** – he received a call from a perspective Code Enforcement Officer applicant and referred him to contacting the Supervisor.

**Burke** – nothing at this time

**Morlacci-** nothing at this time

**Supervisor-** the Supervisor's Report for February is on file with the Town Clerk. He met with Nick on computer backup changes, spoke with Wendel on the Master Plan update and inquired about updates on grants. The tree grant has been extended for 1 year.

**UNFINISHED BUSINESS:**

**Buildings-** nothing new

**Planning-** CEO applications are due by the 28<sup>th</sup>. 5 interested applicants so far. Next work session will review applications and set up interviews.

**Water/Sewer-** Scott sent a report stating the EFC Intended Use application is done and drafts of reports are ready. They have reviewed a plan for Niagara Label.

**Grants-** tree inventory grant has been extended.

**NEW BUSINESS:**

**Approval- Sewer District #2 Rate Change:**

A motion was made by Councilman Dugan, seconded by Councilman Jendrowski approving the reduction of the Sewer District #2 billing rate down to \$12.75 per thousand gallons effective with the 2/15/18-3/15/18 billing cycle.

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

**Award of Bid- Trailway's Expansion-TEP Project Construction:**

A motion was made by Councilman Burke, seconded by Councilman Dugan approving the award for the Trailway's Expansion Project(under the Transportation Enhancement Program) construction based on recommendation by C&S Engineers to the lowest responsible bidder, Visone Construction at a cost of \$438,897.94 and authorizing the Town Supervisor to execute a contract with Visone Construction Inc. in accordance with the bid submitted, subject to review and approval by the Town Attorney.

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

Supervisor Cummings explained the Alternate B cost is for caution lighting/signage on the Cummings Road crossing part of the project.

**Award of “Alternate B” Bid- Trailway’s Expansion-TEP Project Construction:**

A motion was made by Councilman Jendrowski, seconded by Councilwoman Morlacci approving the award for the “Alternate B” bid of the Trailway’s Expansion Project (under the Transportation Enhancement Program) construction based on recommendation by C&S Engineers to the lowest responsible bidder, Visone Construction at a cost of \$10,000.00 and authorizing the Town Supervisor to execute a contract with Visone Construction Inc. in accordance with the bid submitted, subject to review and approval by the Town Attorney.

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

**Approval- Speed Study Request:**

A motion was made by Councilwoman Morlacci, seconded by Councilman Jendrowski approving sending a TE9 request for a speed study on South Newstead Rd to Erie County and the NYSDOT based on several request from residents of that road.

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

**Approval- Beer/Wine Permit Request- :**

A motion was made by Councilman Burke, seconded by Councilman Dugan approving the request by Peggy Kidder for a beer/wine permit at Veteran’s Park for a family reunion on July 15th.

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

**Approval- Surplus Highway Equipment:**

A motion was made by Councilman Jendrowski, seconded by Councilwoman Morlacci approving moving the following Highway Department pieces of equipment to surplus status and authorizing the Highway Superintendent to list them for sale on Auctions International: 2012 F250 4-door pickup, 2012 Ford Escape, 2007 PJ Trailer, 2014 Zero-turn mower, air compressor from old shop, 47’18” steel casing pipe.

(Resolution Attached) 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 Burke, seconded by Councilwoman Morlacci to adjourn the regular meeting at 8:45pm.  
Carried Unanimously

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