

Newstead Town Board Meeting- May 13, 2019

A public hearing was called to order by the Newstead Town Board on Monday, May 13, 2019 at 6:40pm at the Newstead Town Hall.

Present: David Cummings- Supervisor
John Jendrowski- Councilman
Edmund Burke- Councilman
Joseph Dugan- Councilman
Jeannine Morlacci- Councilwoman
Brendan Neill- Town Attorney
Emily Janicz- Assistant Town Attorney
Scott Rybarczyk- Town Engineer
Dawn Izydorczak- Town Clerk

Roll Call was taken with all board members present.

The Supervisor called the **public meeting** on the unsafe building located at 13599 Bloomingdale Rd owned by Kevin Benteen (deceased) to order at 6:40pm.

The Supervisor explained the property in question has been deteriorating for many years and the owner has been deceased for a few years. No siblings or family are interested in the property.

Comments: No one spoke

There being no further comments a motion was made by Councilman Burke, seconded by Councilman Dugan to close the public meeting at 6:48pm. Carried Unanimously

The Supervisor called the **public hearing** on the proposed Site Plan for 4515 Crittenden Rd owned by County Line Stone Co Inc to order at 6:48pm.

The Clerk read the proof of publication. The Supervisor explained the request by County Line Stone to build a 2,400 sq ft storage building at 4515 Crittenden Rd. The Planning Board has recommended this project for approval.

Comments: Engineer Andrew Scheider was present to answer questions. No one spoke.

There being no further comments a motion was made by Councilman Dugan, seconded by Councilman Jendrowski to close the public hearing at 6:51pm. Carried Unanimously

The Supervisor called the **public hearing** on the proposed Local Law #2 of 2019 that would amend the Planned Unit Development Law to order at 6:51pm.

The Clerk read the proof of publication. The Supervisor explained the reasoning for updating the Planned Unit Development Law based on recommendations by the Planning Board.

Comments: No one spoke

There being no further comments a motion was made by Councilman Burke, seconded by Councilman Dugan to close the public hearing at 6:54pm. Carried Unanimously

The Supervisor called the **public hearing** on the proposed Site Plan for 13661 Main Rd owned by Fancher Properties to order at 6:54pm.

The Clerk read the proof of publication. The Supervisor explained the request by Fancher Properties to build a 11,776 sq ft storage building at 13661 Main Rd. The Planning Board has recommended this project for approval. No other agency made any comments. We received one letter from Mr. Alfieri, a neighbor, who is in favor of the project.

Comments: Randy Fancher was present for any questions. No one spoke.

There being no further comments a motion was made by Councilman Dugan, seconded by Councilman Jendrowski to close the public hearing at 6:56pm. Carried Unanimously

The **regular meeting** of the Town Board was called to order at 6:57pm with the same members present as listed above.

Councilman Dugan led the pledge to the flag.

Minutes from the regular meeting held on April 22, 2019 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 Burke, seconded by Councilwoman Morlacci to make the following agenda changes: add motion to approve the Newstead Historical Society gravestone project request Carried Unanimously

Communications – The Town Clerk presented the following correspondence:

A letter was received from Charter Communications notifying the town of upcoming programming changes that will take effect on in the near future.

A notice of public comment period and acceptance of draft EIS was received from the NYSDEC regarding the County Line Stone expansion project. The public comment hearing will be held May 22nd at 6:00pm at the Village of Corfu Community Center, 116 East Main St in Corfu.

The 2018 Annual Report for the County Clerk's office was received from Erie County Clerk Michael Kearns.

A notice of Elder Law Day activities was received with activities taking place at the Millennium Hotel on June 6th from 8am-1:30pm.

2019 Local Government Training sessions will be held May 30th from 5pm-9pm at the Orchard Park Public Library. Session 1 is "Hot Button Land Issues" and session 2 is "Revising Zoning".

A letter was received from Erie County Legislator Ed Rath regarding a recent accident at the intersection of Cedar St & Carney Rd. He is advocating for a 4-way stop at that corner.

A thank you card was received from Julie Brady & family for condolences on the death of her mom.

A letter was received from the Newstead Historical Society requesting permission to do a gravestone restoration and cleaning project in the Maple Law cemetery.

A report on the tire drop-off event was supplied by the Highway Superintendent.

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 but the following items were discussed prior to tonight's meeting: planning items- AirBnB, building issues updates, grant updates, water & sewer project updates, Mattioli property purchase, IT policy update, thruway toll-barrier letter, EAB treatment, Erie Co. bicentennial committee, AMP, NFC plus any other items brought before the Board. The Board entered into executive session on a motion from Councilman Burke, seconded by Councilman Dugan at 8:00pm regarding a personnel issue. The Board came out of executive session at 8:41pm on a motion by Councilwoman Morlacci, seconded by Councilman Jendrowski having taken no action.

Agenda Items Question Period: No one spoke

Budget transfers: a motion was made by Councilman Dugan, seconded by Councilwoman Morlacci to approve the budget transfer as presented in a memo from Bookkeeper Colleen Salmon dated 5/13/19. Carried Unanimously

Approval of Bills – Councilman Jendrowski reported that the Abstract(s) from Batch(es) #1929 & 1930 have been reviewed with the previously un-audited vouchers and everything was found in order. He presented Abstract Batch(es) #1934 & 1935 plus transfer for postage for payment. Vouchers on this abstract(s) numbered from 441- 518, totaling \$206,362.70. Councilwoman Morlacci seconded to approve payment as follows:

Abstract Batch(es) #1934 & 1935 plus transfer for postage:
 General Fund (A) -\$38,432.18, General Fund- Outside Village (B) \$91.50, Highway (DA) -\$0, Highway: Outside Village (DB) \$2,940.34, CAP- Trail Grant (HTG)- \$0, CAP-Generator (HTI)-\$0, CAP-Water-Scotland (HS)- \$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) \$137,367.74, Refuse (SR) \$25,504.96, Sewer #1 Fund (SS) \$924.98, Sewer District #2 (SS02)- \$308.25, Sewer District #3 (SS03)- \$568.25, Trust & Agency(TA)- \$0 and Water Districts: Consolidated (SW00) \$224.50, (SW1) \$0, (SW2) \$0, (SW3) \$0, (SW4) \$0, (SW5) \$0, (SW6) \$0, (SW7) \$0, (SW7A) \$0, (SW8) \$0, (SW9) \$0, (SW10) \$0; Total:\$206,362.70
 Carried Unanimously

COMMITTEE AND DEPARTMENT HEAD REPORTS:

Highway – Not present and no report presented

Assessor – Tina presented a report read by the Supervisor stating the change of assessment notices have been mailed and she has met with a few individuals regarding their notices. She is now sending letters to the B.A.R. members to remind them of the date and times for Grievance Day. She provided a report on the April sales received so far.

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

Jim Slowinski	11300 Hiller	In ground pool
Larry Kopera	4955 Schutt	Garage addition
Sam Torrelli	12509 Stage	Addition
John Suckow	7081 Maple	Porch
John Wideman	v/l Hunts Corners	Zoning compliance
Kevin Frost	12251 McNeeley	Dormer
Joseph Burg	11109 Rapids	Permit renewal
Paul Meerboth	5639 Cummings	Permit renewal
Scott Bopp	5080 Havens	Addition
Lorraine Nelson	208 Quarry Hill	Roof
Thomas Owen	12859 Main	Roof
Ken Frey	8619 Maple	Roof

The Town Board accepted the building report as presented. Councilman Burke questioned the fire inspections progress.

Town Clerk- nothing at this time

Town Attorney – nothing at this time

COUNCILPERSONS:

Jendrowski – he reported there are some cracks in the interior walls at the Denio that he is going to have looked at, he met with two HVAC companies regarding issues at the library, he attended the Historical Society Murder Creek presentation, he attended the library board meeting where the upcoming movie and library access were discussed and attended the Historical Society meeting regarding the cemetery gravestone project.

Dugan – he spoke with several residents regarding the Carney Road, Cedar Street intersection and is doing some research on the Mobile Home Park laws for New York State before the joint meeting.

Burke – he attended the Joint Facility meeting on the 23rd and the public meeting at the Village Hall regarding the upcoming movie. Access to Main St in the village will be affected the middle two weeks in July. Monica, from the production crew, is supposed to be reaching out to the town. He also took part in a conference call with Wendel, ECWA & ECDOH. He was very pleased with the results.

Morlacci – she received a phone call from a resident regarding tire drop off issues.

Supervisor – he has been working on the new IT policy with Nick & accountants, talked to County Line Stone regarding their expansion projects, attended the Association of Erie County Governments meeting, dealt with Sandhill Church issues, took part in some Erie County snowplow contract talks and distributed the Senior Citizens Board minutes.

UNFINISHED BUSINESS:

Buildings – cracked interior walls at the Denio and HVAC issues at the library being dealt with.

Planning – joint meeting with the Planning Board is next week where they will discuss AirBNB, Mobile Home Park issues & County Line Stone expansion. Brendan is continuing to work on Mattioli property transfer to town.

Water – Jen Delany from Erie Co. Dept. of Health & Russ Stoll from Erie Co. Water Authority have met to discuss the water grant issues. Parameters were set and design & proposals can now be done to move forward. Those should be in by next week. There is still the potential to break ground this year on the project. Scott informed the Board that Kreher's is using public water for watering their crops. Meters were supposed to be static, kept in the same 2 locations, but they (Kreher's) have been moving them around. ECWA and he will make sure that does not happen this year.

Sewer – they met with Bernie & Nathan from Rotella Grant on potential grant applications. The applications are due mid-July.

Grants – generator, parks & trail ways are all waiting for dryer weather to proceed.

NEW BUSINESS:

Adoption- Local Law #2 of 2019- Planned Unit Development Law:

A motion was made by Councilwoman Morlacci, seconded by Councilman Dugan approving the adoption of the proposed amendments to the Planned Unit Development Law.

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

Approval- Site Plan- 13661 Main Rd:

A motion was made by Councilman Dugan, seconded by Councilman Jendrowski approving the proposed site plan for a 11,776 sq. ft. storage building at 13661 Main Rd owned by Fancher Properties, subject to the terms set forth in the resolution.

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

Approval- Site Plan- 4515 Crittenden Rd:

A motion was made by Councilman Jendrowski, seconded by Councilman Burke approving the proposed site plan for a 2,400 sq. ft. storage building at 4515 Crittenden Rd owned by County Line Stone Co Inc, subject to the terms set forth in the resolution.

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

Unsafe Building- Order After Hearing- 13599 Bloomingdale Rd:

A motion was made by Councilman Burke, seconded by Councilman Dugan issuing an order for demolition for the unsafe building located at 13599 Bloomingdale Rd owned by Kevin Benteen (deceased), which violates the provisions of the unsafe building law. The Town Board orders that

demolition of the building commence within 30 days following the hearing if no remedy to the buildings condition is completed.

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

Approval- Trailway's Grant Authorizations:

A motion was made by Councilman Burke, seconded by Councilman Dugan authorizing payment of 100% of the Federal and Non-federal share of the cost of construction and PE/Design work for the Newstead Trailway Expansion project and appropriating \$610,610.00 from the town's general fund to cover cost of participation in the project and authorizing the Supervisor to execute all necessary agreements, certificates or reimbursement requests on behalf of the Town.

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

Appointment- Assistant Town Attorney:

A motion was made by Councilman Dugan, seconded by Councilman Burke authorizing the appointment of Emily Janicz as Assistant Town Attorney effective immediately for a term ending 12/31/2019.

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

Approval- Information Security Policy:

A motion was made by Councilman Dugan, seconded by Councilwoman Morlacci authorizing the adoption of the proposed Information Security Policy as presented to the Board.

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

Approval- Akron Summer Music Program:

A motion was made by Councilman Burke, seconded by Councilman Dugan authorizing the Akron Schools summer music program to be run through the Newstead Recreation Program for the 2019 summer session.

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

Approval - Newstead Historical Society Gravestone Project:

A motion was made by Councilman Jendrowski, seconded by Councilwoman Morlacci to approve the Newstead Historical Societies request to clean and reset gravestones at Maple Lawn Cemetery.

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

Privilege of the Floor/Question Period: No one spoke.

May 20th will be the next work session. Tuesday May 28th will be next regular meeting.

There being no further business to come before the Board for the regular meeting a motion was made by Councilman Dugan, seconded by Councilwoman Morlacci to adjourn the regular meeting at 7:39pm.
Carried Unanimously

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