

Newstead Town Board Meeting- May 14, 2018

The Board entered executive session at 6:45pm to discuss personnel issues concerning the CEO position on a motion from Councilman Burke, seconded by Councilman Jendrowski. Carried

The Board exited executive session on a motion by Councilman Jendrowski, seconded by Councilman Dugan at 7:05pm, having taken no action. Carried

A public hearing was called to order by the Newstead Town Board on Monday, May 14, 2018 at 7:45pm at the Newstead Town Hall.

Present: David Cummings- Supervisor
John Jendrowski- Councilman
Joseph Dugan- Councilman
Edmund Burke- Councilman
Mike Bassanello- Highway Supt
Nathan Neill- Town Attorney
Brendan Neill- Deputy Town Attorney
Scott Rybarczyk- Wendel/Town Engineer
Dawn Izydorczak- Town Clerk

Roll Call was taken with all board members present except Councilwoman Morlacci.

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

The Clerk read the Proof of Publication. The Supervisor outlined what revisions have been made to Chapter 360 since the last version was introduced. A fax was received from Erie County Planning this evening stating they offer no comments on the Local Law.

Comments: no one spoke

There being no further comments, a motion was made by Councilman Jendrowski, seconded by Councilman Burke to close the public hearing at 7:51pm. Carried

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

The Clerk read the Proof of Publication. The Supervisor outlined what revisions have been made to Chapter 450 since the last version was introduced. A fax was received from Erie County Planning this evening stating they offer no comments on the Local Law.

Comments: no one spoke

There being no further comments, a motion was made by Councilman Jendrowski, seconded by Councilman Burke to close the public hearing at 7:59pm. Carried

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

Supervisor Cummings led the pledge to the flag.

Minutes from the regular meeting held on April 23, 2018 were presented for approval. A motion was made by Councilman Dugan, seconded by Councilman Burke to approve as presented. Carried

Agenda Changes – a motion was made by Councilman Burke, seconded by Councilman Dugan to make the following agenda changes: add a motion to increase the cost of 96 gal recycling totes, a resolutions approving Local Law #1 & #2, add motion on Right of 1st Refusal on Cowan property Carried

Communications – The Town Clerk presented the following correspondence:

A notice from Erie County Department of Senior Services about Elder Law Day events happening on Monday, June 18th from 8:30am-1:30pm at the Adams Mark Hotel in Buffalo.

A notice of 2018 Local Government Training Wed., May 30th from 5:30pm-8:30pm at the Buffalo History Museum. Agenda items include Inter-municipal Planning and Affordable Housing.

A notice from the Town of Clarence on their Adoption of a Main St Strategy Plan and requesting comments from neighboring communities. This information has been shared with the Planning Board.

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

Work Session: The Supervisor reported that at work session held last week the following items were discussed: met with the Highway Supt. & Deputy Supt. on highway items, met with the Town Clerk on disabled parking permits, tire permit and safety issues at town buildings, building projects, water & sewer projects, planning items, grants, dog control, security training for employees 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) #1823 have been reviewed with the previously un-audited vouchers and everything was found in order. He presented Abstract Batch(es) #1828 & 1829 for payment. Vouchers on this abstract(s) numbered from 442- 508, totaling \$156,403.54. Councilman Burke seconded to approve payment as follows:

Abstract Batch(es) #1828 & 1829:

General Fund (A) -\$31,064.26, General Fund- Outside Village (B) \$440.74, Highway (DA) -\$0, Highway: Outside Village (DB) \$4,958.87, 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) \$90,224.54, Refuse (SR) \$28,618.75, Sewer #1 Fund (SS) \$621.88, Sewer District #2 (SS02)- \$250.00, 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:\$156,403.54 Carried

COMMITTEE AND DEPARTMENT HEAD REPORTS:

Highway – Mike reported the crews did 140’ of road ditch piping on Dye Rd and 703’ on Martin Rd, took the sander & hitches off the trucks, helped the Town of Clarence, worked the tire drop-off and took tires to Buffalo, worked the white goods pick up, mowed the parks in preparation for the soccer tournament, repaired #3 brake, clutch & hook-up for trailer and Mike thanked Alden for the use of their Gradall for two weeks.

Assessor – Tina presented a report stating she has had 1 meeting with a resident so far on the change of assessment notices that went out and they came to an agreement on a stipulated amount. Data mailers are in the process of going out by June 1st. The tentative assessment roll has been filed with the County and advertised in the paper. She was able to address 2 STAR exemption issues satisfactorily for residents.

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

| | | |
|--------------------------|--------------------|--------------------|
| Arrowhead Links LLC | 12292 Clarence Ctr | Cert. of Occupancy |
| Lester & Janice Cummings | 12308 Swift Mills | Sunroom |
| Thomas D’Avanzato | 11720 Stage | Pole barn |

| | | |
|--------------------|--------------------|----------------------------------|
| Kim Light | 13869 Bloomingdale | Windows & siding |
| Chris Lukowski | 11756 Nice | Roof |
| Brain Chinni | 4393 N Millgrove | Fill |
| Brian Chinni | 4393 N Millgrove | Pole barn |
| Tom Hart | 4979 S Newstead | Generator |
| Town of Newstead | Veteran's Park | Special Event- Soccer Tournament |
| Jamie Spagnuolo | 12122 Clarence Ctr | Roof |
| Tom Evans | 7440 Maple | Roof |
| Thomas Dan Carroll | 4999 S Newstead | Solar panels |
| Mark Kloss | 12400 Buckwheat | Generator |
| Brian & Lynn Owen | 7588 Cedar | A.G. Pool |
| William Engle | 13189 Dorsch | Roof |

The Town Board accepted the report as presented.

Town Clerk- nothing at this time.

Town Attorney's – nothing at this time

COUNCILPERSONS:

Jendrowski- he attended the Historical Board meeting and Harold Finger will be stopping by to meet with the Town Board on the tombstone cleaning project for Maple Lawn cemetery. He attended the Library Board meeting and building issues were discussed and he reported the Erie County Service program has now ended for the summer.

Dugan – he thanked everyone for their condolences on the passing of his father. It meant a lot.

Burke – he attended a Joint Facility committee meeting with the Supervisor, Mayor and Trustee Forrestel where several issues were discussed. He also attended the preconstruction meeting with the NYSDOT, Cold Spring Construction and local reps on the impending bridge/road closure on Rt. 93 over Murder Creek. He attended the ECIDA public hearing on the proposed PILOT for Niagara Label, where he spoke in favor of the project.

Morlacci- not present

Supervisor- he had meetings with the CEO candidate, grant writers, and Mayor Patterson, Trustee Forrestel & Councilman Burke on Joint Facility issues. He also attended a preconstruction kick-off meeting on the bike path project with construction slated to begin the 2nd or 3rd week of June. A representative from the construction firm will be using the GIS office during that time as an office. He also addressed several highway issues.

UNFINISHED BUSINESS:

Buildings- the ongoing issues at the library are being addressed.

Planning- the engineers are still updating the Master Plan

Water/Sewer- Scott reported the new applications for waterline grants are not out yet but they are ready to move forward as soon as the applications are released. He has been working with Paul Nesper on the easement/transfer papers for Sewer District #3. He corresponded with Russ Stoll of ECWA on the water expansion into Genesee County.

Councilman Jendrowski expressed potential concern over the cost for residents in the Knapp & Indian Falls Rd area to run the waterline from their home to the road. Scott can look into some cost estimates for the Board.

Grants- a new avenue for parks may be available, CDBG- kitchen equipment quotes are all in, DASNY- paperwork is on its way so we can move forward once received.

NEW BUSINESS:

Approval- Change in Accessible Permits from 3 years to 5 years of Validity:

A motion was made by Councilman Dugan, seconded by Councilman Burke approving the change in time period of validity for permanent blue Accessible Parking Permits from 3 years to 5 years effective with new permits being issued after today's date.

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

Approval- Municipal Solutions Contract Renewals:

A motion was made by Councilman Jendrowski, seconded by Councilman Burke authorizing the renewal of a financial services contract with Municipal Solutions commencing on May 1, 2018 and continuing until April 30, 2020 and approving an agreement for continuing Disclosure Filings with Municipal Solutions commencing on May 1, 2018 and continuing until April 30, 2020 and authorizing the supervisor to execute said agreements on behalf of the town.

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

Approval- Lead Agency- 12715 Lewis Rd, LLC:

A motion was made by Councilman Burke, seconded by Councilman Dugan declaring lead agency status on the proposed project at 12715 Lewis Rd owned by 12715 Lewis Rd LLC (Niagara Label) and authorizing the building department to conduct a coordinated review of the project.

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

Public Hearing- 12715 Lewis Rd LLC- Site Plan:

A motion was made by Councilman Burke, seconded by Councilman Jendrowski approving the calling of a public hearing on the proposed construction of a 17,440 sq ft metal building at 12715 Lewis Rd owned by 12715 Lewis Rd LLC (Niagara Label) to be held on May 29th at 7:50pm at the Town Hall and authorizing the Town Clerk to publish notice in the official paper.

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

Approval- Knox Box Opt Outs:

A motion was made by Councilman Burke, seconded by Councilman Dugan approving the requests for the opt out option for the installation of Knox Box systems at the following locations:
13008 Main Rd, 5720 Cummings Rd, 11500 Clarence Center Rd, 12396 McNeeley Rd, 12072 Main Rd, 13411 Main Rd, 13415 Main Rd, 5391 Crittenden Rd, 13557 Bloomingdale Rd.

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

Approval- Advertisement for Parks Worker:

A motion was made by Councilman Dugan, seconded by Councilman Jendrowski approving the advertisement for summer time parks workers.

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

Approval- Increase Price for 96 Gal Recycling Totes:

A motion was made by Councilman Burke, seconded by Councilman Jendrowski approving the increase in pricing for the 96 gallon recycling totes from \$70 to \$75 to more accurately reflect their current cost to the town.

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

SEQR & Adoption- Local Law #1 of 2018:

A motion was made by Councilman Burke, seconded by Councilman Jendrowski issuing a negative SEQRA declaration regarding proposed Local Law #1 of 2018 amending the Subdivision Law. (Resolution Attached) Cummings-Aye, Dugan -Aye, Burke-Aye, Jendrowski- Aye, Morlacci-Absent
Carried

A motion was made by Councilman Burke, seconded by Councilman Jendrowski authorizing the adoption of the proposed Local Law #1 of 2018 regarding amendments to the Subdivision Law. (Resolution Attached) Cummings-Aye, Dugan -Aye, Burke-Aye, Jendrowski- Aye, Morlacci-Absent
Carried

SEQR & Adoption- Local Law #2 of 2018:

A motion was made by Councilman Dugan, seconded by Councilman Burke issuing a negative SEQRA declaration regarding proposed Local Law #2 of 2018 amending the Zoning Law. (Resolution Attached) Cummings-Aye, Dugan -Aye, Burke-Aye, Jendrowski- Aye, Morlacci-Absent
Carried

A motion was made by Councilman Jendrowski, seconded by Councilman Burke authorizing the adoption of the proposed Local Law #2 of 2018 regarding amendments to the Zoning Law. (Resolution Attached) Cummings-Aye, Dugan -Aye, Burke-Aye, Jendrowski- Aye, Morlacci-Absent
Carried

Approval- Opt Out- Right of 1st Refusal- Cowan Property:

A motion was made by Councilman Jendrowski, seconded by Councilman Burke authorizing the option to Opt Out of the Right of First Refusal to purchase the property located at Clarence Center Rd owned by Lorraine Cowan. The Town will not pursue purchase of the property. Cummings-Aye, Dugan -Aye, Burke-Aye, Jendrowski- Aye, Morlacci-Absent
Carried

Privilege of the Floor/Question Period:

Carl Klingenschmitt of the CAC questioned the wording in Local Law #1 as it references the Conservation Advisory Committee, not Council. It will be correct as it goes to the State.

Supervisor Cummings reminded everyone the next meeting would be on TUESDAY, May 29th due to the Memorial Day holiday.

There being no further business to come before the board for the regular meeting a motion was made by Councilman Burke, seconded by Councilman Dugan to adjourn the regular meeting at 8:31pm.
Carried

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