

Newstead Town Board Meeting- May 8, 2017

A regular meeting was called to order by the Newstead Town Board on Monday, May 8, 2017 at 8:00pm 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- Assistant Town Attorney
Scott Rybarczyk- Wendel/Town Engineer
Dawn Izydorczak- Town Clerk

Roll Call was taken with all board members present.

Highway Supt. Bassanello led the pledge to the flag.

Minutes from the previous regular meeting held on April 24, 2017 were presented for approval. A motion was made by Councilman Burke, seconded by Councilman Jendrowski to approve as presented. Carried

Minutes from the special meeting held on May 1, 2017 were presented for approval. A motion was made by Councilman Burke, seconded by Councilman Jendrowski to approve with the addition of the Assistant Town Attorneys name as being present. Carried

Supervisor Cummings took a moment to explain the process the board has taken over the past 4 months since Councilman York's passing to fill the Councilman seat vacancy and how they have arrived at tonight's decision.

Appointment of Council Position:

Councilman Jendrowski made a motion to appoint Jeannine Morlacci to the open Council seat on the Town Board for the remainder of 2017, seconded by Councilman Dugan. Carried Unanimously

Jeannine Morlacci came forward to take the Oath of Office for Town Councilwoman for the remainder of 2017. She then took her seat at the bench with the Board.

Agenda Changes –none

Communications – The Town Clerk presented the following correspondence:

A resolution was received from the Town of Colden regarding their support of amending the Erie county Tax Act to change the tax cycle for Towns of the Second Class.

A newsletter was received from the Lake Erie Watershed Protection Alliance.

Notices of rate increases were received from the Village of Akron for Sewer Districts 1 & 2 and the reimbursement rate for police officers for the Town Court.

A letter was received from Justices Campbell and Freeman recommending the hiring of an additional part time clerk for the court.

Beer/wine permit requests were received from Dawn Cercone for Skyline Park on July 1, 2017 and Gary Baehr for Skyline Park on June 24, 2017.

A complaint was taken from Walter Gibson regarding drainage/flooding issues at 11570 Clarence Center Rd and asking for the boards intervention to get something done.

The annual Dog Control Officers Inspection Report was received from NYS Ag & Markets giving the town a satisfactory rating on the report.

The April 2017 Operations Report was received from Amherst Central Fire Alarm office reporting 36 calls for Akron Fire Co and 35 calls for Newstead Fire Co.

A letter from the NYS Department of State notifying the town that Local Laws #1, 2 & 3 were received and filed on May 2, 2017.

An announcement was received from Erie County Dept. of Senior Services that June 22, 2017 will be Elder Law Day and seminars will be held at the Adam's Mark Hotel from 8:00am-2:00pm on the topic.

A report on the Shred-it event was distributed by Village Clerk Borchert reporting 82 participants attended with 49 from the Village and 33 from the Town.

A letter of resignation was received from Jeannine Morlacci resigning her seat as Chairperson of the Ethics Board effective May 8, 2017

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

Work Session: The Supervisor reported that at work session held last week the following items were discussed: building projects, highway excavator purchase, water & sewer projects, planning items, grants updates, contracts with fire companies, IT services, planting of the white pine tree, CEO & Council positions and any other matters brought before the Board. The Board also had a brief meeting with representatives from the Lions Club and Akron Sports regarding park development.

Agenda Items Question Period: no one spoke

Budget transfers: none

Approval of Bills – Councilman Jendrowski reported that the Abstract(s) from Batch(es) #1715 has been reviewed with the previously un-audited vouchers and everything was found in order. He presented Abstract Batch(es) #1718 for payment. Vouchers on this abstract(s) numbered from 448 – 502, totaling \$68,505.63. Councilman Dugan seconded to approve payment as follows:

Abstract Batch(es) #1718:
General Fund (A) -\$26,249.05, General Fund- Outside Village (B) \$75.00, Highway (DA) -\$0, Highway: Outside Village (DB) \$14,263.93, CAP- Murder Creek- (HM) \$0, 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, Drainage (SD)- \$0, Fire Protection (SF) \$0, Refuse (SR) \$26,088.38, Sewer #1 Fund (SS) \$1,045.64, Sewer District #2 (SS02)- \$621.00, Trust & Agency(TA)- \$0 and Water Districts: Consolidated (SW00) \$162.63, (SW1) \$0, (SW2) \$0, (SW3) \$0, (SW4) \$0, (SW5) \$0, (SW6) \$0, (SW7) \$0, (SW7A) \$0, (SW8) \$0, (SW9) \$0, (SW10) \$0;
Total: \$68,505.63 Carried Unanimously

COMMITTEE AND DEPARTMENT HEAD REPORTS:

Highway – Mike reported the crews have been working on taking the hitches off of trucks, brooming roads, mowing the town parks, making repairs to roads and washed out shoulders, rolling the baseball fields, and working at the tire drop-off and white goods pick up. They also helped the Town of Clarence mill roads, attended a demo of a sewer jet with the Village and checked roads for flooding over several days.

Assessor – no report presented.

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

12715 Lewis Rd, LLC	12715 Lewis	Public improvement permit
CMK Builders of Alden	11529 Howe	Driveway
Aleksandr Matskevich	7500 Greenbush	Permit renewal
Jason Johnson	13498 Stage	Frame out & drywall/fire rating

Joe Long	6950 Cedar	Roof
Michael Sutton	12424 Nice	Carport
Michael Cheman	12383 Stage	Roof & door
Terry Baker	12574 Hunts Corners	Deck & hot tub
Arrowhead Golf Club Links	12292 Clarence Center	Tent
LC Strategic Realty Inc	4302 Billo	Remodel
Paul Kowalski	13424 Stage	Roof
Joe Furmanek	12294 Rapids	Permit renewal
Ryan Roetzer	13421 Steiner	Patio cover
Eugene Dziekan	12134 McNeeley	One Family Home
Christopher Milhollen	11734 Meahl	Porch remodel
Melinda Claydon	5900 Buell	Shed
Ethel Cebulski	4664 Ayers	Generator
Loretta Matalone	13439 Steiner	Generator
James Cebulski	13083 Steiner	Generator

The Town Board accepted the report as presented. Supervisor Cummings reported the annual fire inspection letters went out today and the building department will begin doing inspections very soon.

Town Clerk- nothing at this time

Attorney for the Town – nothing at this time

COUNCILPERSONS:

Jendrowski- he met with CEO Borth on the fire inspections issue and he and Christine have set a goal to schedule 2-3 per week to get them up to date. He is still working with Kristine on the library bathrooms and spoke with Paul Kuznik regarding the leak issues. He spoke with Brian Tobin on Rapids Rd regarding the complaint about his ongoing construction and referred the complainant to the building department. He spoke with Harold about the potential for getting a grant to do headstone restorations in Maple Lawn cemetery as the cemetery is the resting place of most of the village and town’s founding fathers. He also reported Joe has begun putting the permanent department markings on the town vehicles and only has 3 more to do.

Dugan – he met with CEO Borth to discuss his duties and responsibilities and the future actions he is expected to meet. He also spoke with Stefan Mychajliw regarding storm assessments in our area.

Burke – he also spoke with Stefan Mychajliw regarding any storm damage and flooding in our area. He spoke with the Town Clerk regarding correction to the minutes. He spoke with the Supervisor regarding aspects of the Assistant Town Attorney position and issues addressed at the special meeting.

Morlacci- she thanked the board for appointing her to the council position and looks forward to working with everyone.

Supervisor- the April Supervisor’s Report is on file with the Town Clerk. He and the Town Attorney attended a Countywide meeting today on shared services initiative mandated by the Governor, he attended the Association of Erie County Governments in Clarence, met with the Mayor on the CEO position and other topics, spoke with the grant writers on several upcoming applications, received the shred-it event report, received new rate changes from the village for sewer & court services to the town, is working with the village to set up a presentation on village sewer expansion.

The Town Attorney questioned if we have received any new correspondence from the village regarding ADESA’s Sewer District 1 rates. The Supervisor said no but he will ask the Mayor when they meet in the next couple days.

UNFINISHED BUSINESS:

Buildings- nothing new

Planning- the board is reviewing several law proposals and getting ready for the Master Plan public meeting on May 16th.

Water/Sewer- Scott reported Niagara Label has received their public improvement permit for Lewis Rd and are now waiting for their highway permits from the state and a new utility pole to be installed by National Grid. On the Cedar St waterline project, they are just waiting for a stretch of good weather to start. He also reminded everyone to be kind in light of the above average rainfall affecting many drainage issues.

Grants- several are in process and we are working with the grant writers on some new applications.

NEW BUSINESS:

Approval- National Grid Street Lighting Audit:

A motion was made by Councilman Dugan, seconded by Councilman Burke approving the audit findings of Troy & Banks for the towns National Grid Street Lighting account and authorizing the Supervisor to sign off on the audit agreement with National Grid.

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

Approval-Beer/Wine Permits:

A motion was made by Councilman Burke, seconded by Councilman Jendrowski approving the request for a beer/wine permit at Skyline Park- June 24th by Gary Baehr.

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

A motion was made by Councilman Dugan, seconded by Councilman Burke approving the request for a beer/wine permit at Skyline Park- July 1st by Dawn Cercone

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

Approval- Hire PT Court Clerk:

A motion was made by Councilman Jendrowski, seconded by Councilman Dugan approving the hiring of Joyleen Wagner as part time Court Clerk at a rate of \$12.00/hour for 12-18 hours per week effective immediately.

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

Approval- Summer Park help:

A motion was made by Councilman Jendrowski, seconded by Councilman Burke approving the hire of Bob Massaro at \$13.76/hour and Dan Pawlick at \$13.18/hour for the summer park season.

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

Approval- Salary for Assistant Town Attorney:

A motion was made by Councilman Burke, seconded by Councilman Jendrowski approving setting a salary of \$150.00 per meeting attended for the Assistant Town Attorney, retroactive for any meetings since January 1, 2017.

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

Supervisor Cummings stated an advertisement will be placed for the open seat on the Ethics Board.

Privilege of the Floor/Question Period:

Bill Goral of 12229 McNeeley Rd spoke regarding his visit to the town hall earlier in the afternoon. He had stopped to see Mike Borth but he was not here so he spoke to the Supervisor instead. They had a heated words and he asked the Supervisor to come to his home to look at a drainage situation with his neighbor. Supervisor Cummings went to Mr. Goral's property where another heated exchange took place. Mr. Goral asked that the board make Supervisor Cummings write a letter of apology to his wife for his behavior and go to an anger management class.

Councilman Burke asked Mr. Goral to put his request in writing and give it to the Clerk for distribution to the Board members and to also include his interpretation of the facts of the conversation that took place with the Supervisor.

Mr. Goral stated the Supervisor told him to call the Town Attorney and he did, but was told by the Town Attorney there was nothing he could do.

Supervisor Cummings was also asked to write down his interpretation of the facts of the conversation that took place with Mr. Goral. Once that is done the Board will review all the interpretations and statements.

Councilman Burke questioned Mr. Goral on his visit to the Board 2 weeks ago and suggested calling ahead to see if the Code Enforcement Officer is on the premises before he comes in.

Frank Daddario of Pearl Place asked about having restroom facilities put on the bike path as other towns have.

Supervisor Cummings responded that actually a port-a-john was just put up last Monday at the “Y” junction of the bike path and will be there from May 1st-October 15th. At the end of this year’s period the town will see how that worked out and make decisions for next year.

Mr. Daddario also questioned if the town has any influence over Erie County. He is very concerned about the Erie County Akron Falls Park where massive erosion has taken place on the wall along the main park roadway from the baseball diamond to the falls. It is in perilous condition and he called the County Parks to express his concerns about it. They stated they are aware of it. He fears it will fall into the ravine.

Scott Rybarczyk from Wendel stated the County is in the middle of doing a parks master plan right now and that is probably part of the study so he doesn’t foresee the County doing anything to address it immediately.

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 8:45pm.
Carried Unanimously

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