

Newstead Town Board Meeting- November 12, 2019

The Board entered executive session at 6:22pm to discuss contractual issues and personnel issues on a motion from Councilman Jendrowski, seconded by Councilwoman Morlacci.

Carried Unanimously

The Board exited executive session on a motion by Councilman Burke, seconded by Councilman Dugan at 6:28pm, having taken no action.

Carried Unanimously

A public hearing was called to order by the Newstead Town Board on Tuesday, November 12, 2019 at 6:30pm 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
Scott Rybarczyk- Town Engineer
Dawn Izydorczak- Town Clerk

Roll Call was taken with all board members present.

Supervisor Cummings called the **public hearing** to order on the proposed Scotland Rd Craft Distillery project at 7010 Scotland Rd owned by Dean & Deborah Hyder.

The Clerk read proof of publication. Supervisor Cummings stated the Planning Board has recommended the project for approval. Wendel has conducted 3 reviews of the project and recommends approval. Comments have been received from Erie County Planning on the project. Other agencies still have time to respond with comments. A written comment in favor of the project was received from adjacent property owner Peter Forrestel.

Comments: Dean Hyder, 8 Buell Street thanked the board considering the project and the building department for all their assistance throughout the planning stages of the project. They hope to create history for the town being the first legal distillery to operate in the community. They want this to be a successful, reputable business for the area.

Darryl, son-in-law of Andre Klapa, owner of 7029 Scotland Road expressed concerned about the potential for drunk drivers leaving the establishment.

Dean explained it will be just a tasting room, not a bar, with a 15-person capacity and he is planning on being open noon – 5pm on Saturdays to start. He was also asked if the process would produce any smells and the answer was no.

There being no further comments, a motion was made by Councilman Dugan, seconded by Councilman Jendrowski to close the public hearing at 6:33pm.

Carried Unanimously

Supervisor Cummings called the **public hearing** to order on the proposed 3-year fire contract with Newstead Fire Co at 6:33pm.

The Clerk read proof of publication. Supervisor Cummings thanked Councilman Jendrowski & Councilman Dugan for all their work on this contract. There have been several months of negotiation and this contract will cover a portion of the town only at this time. It is not for the entire town. The budget is not increased by this contract. He stated only comments relative to this contract will be entertained.

Comments: Jason Ladd of 13453 Bloomingdale Rd asked the Board if with proposed changes to the district area covered by the Newstead Fire Co, has it been analyzed for changes in insurance rates which would be based on response times or by ISO? These could be changed for homeowners based on district changes & response time changes. He also asked if a study was done analyzing how changes will affect the residents in the affected areas?

Supervisor Cummings responded no to the first question. He stated the Town Board and fire committee members have spent several months looking at data provided from Amherst Fire Control and the fire company data to reach the conclusions used to formulate this contract.

There being no further comments, a motion was made by Councilman Jendrowski, seconded by Councilwoman Morlacci to close the public hearing at 6:43pm. Carried Unanimously

Supervisor Cummings called the **public hearing** to order on the proposed new Bedford's Nursery Facility to be located at Buell St & Main Rd at 6:46pm.

The Clerk read proof of publication. Supervisor Cummings stated the Zoning Board of Appeals granted a Use Variance on the property and the Planning Board has recommended this project for approval with several suggestions and comments. The Town Engineer has reviewed the project several times. Other agencies such as ECWA have commented and made suggestions for the project. It was noted that this project supports the towns overall Master Plan goals. A written comment was received from Sister Ruth of St. Theresa's Church, a neighboring parcel, asking specific questions regarding the project. Supervisor Cummings stated next week is the end of the comment period.

Comments: Valerie Collopy, 5680 Buell St. asked where the driveway will be located and will there be any type of buffer for the lighting and noise coming from the site? Her home and driveway are directly across from the proposed site for the driveway and her kids have to cross the street to get on the bus on that side of the street. Jason Burford from Greenman Peterson Engineers representing Mr. Bedford stated that the DOT will review the project and recommend placement of the driveways and screening & landscaping will be placed across the front to act as a buffer for the lighting and noise.

Supervisor Cummings stated no action will be taken until after the agency response time has expired.

There being no further comments, a motion was made by Councilwoman Morlacci, seconded by Councilman Jendrowski to close the public hearing at 6:58pm. Carried Unanimously

The **regular meeting** of the Newstead Town Board was called to order at 7:00pm with the same members present as listed above.

Councilman Burke led the pledge to the flag.

Minutes from the regular meeting held on October 28, 2019 were presented for approval. A motion was made by Councilman Dugan, seconded by Councilman Jendrowski to approve as presented. Carried Unanimously

Agenda Changes – none

Communications – The Clerk presented the following correspondence:

The packet of information was received from the Association of Towns regarding the newly elected officials schooling and the annual conference in NYC in February. It has been distributed to the town officials.

A notice of a public hearing by the Town of Alden to hear comments regarding decreasing the size of their Planning Board from 7 members to 5 members.

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

Work Session: The Supervisor reported that at the work session held last the following items were discussed: water & sewer project updates, planning item updates, building issues updates, grant updates, gas well inquiry, Limerick Hall, court bailiffs, annual applications ad, drainage policies, 2020 Budget, property purchases, contracts and personnel items, plus any other items brought before the Board. The Board also went into executive session at 7:44pm and exited at 8:27pm to discuss contracts & personnel issues.

Agenda Items Question Period: no one spoke

Budget transfers: a motion was made by Councilman Burke, seconded by Councilwoman Morlacci to approve the budget transfer(s) as presented in a memo from Bookkeeper Colleen Salmon dated 11/12/19. Carried Unanimously

Approval of Bills – Councilman Jendrowski reported that the Abstract(s) from Batch(es) #1976 have been reviewed with the previously un-audited vouchers and everything was found in order. He presented Abstract Batch(es) #1981 for payment. Vouchers on this abstract(s) numbered from 1196-1247, totaling \$53,459.47. Councilwoman Morlacci seconded to approve payment as follows:

Abstract Batch(es) #1981:
 General Fund (A) -\$15,982.24, General Fund- Outside Village (B) \$648.63, Highway (DA) -\$0, Highway: Outside Village (DB) \$4,236.87, CAP- Trail Grant (HTG)- \$0, CAP-ADESA Rehab (HAR)-\$5,314.21, 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) \$0, Refuse (SR) \$25,365.80, Sewer #1 Fund (SS) \$1,086.38, Sewer District #2 (SS02)- \$251.75, Sewer District #3 (SS03)- \$560.50, Trust & Agency(TA)- \$0 and Water Districts: Consolidated (SW00) \$13.09, (SW1) \$0, (SW2) \$0, (SW3) \$0, (SW4) \$0, (SW5) \$0, (SW6) \$0, (SW7) \$0, (SW7A) \$0, (SW8) \$0, (SW9) \$0, (SW10) \$0; Total:\$53,459.47
 Carried Unanimously

COMMITTEE AND DEPARTMENT HEAD REPORTS:

Highway – not present and no report given

Assessor – Tina presented a report read by the Supervisor stating she and Julie are still working on the valuation of residential properties. They are also collecting and approving exemptions being returned. Tina is investigating Solar PILOTS for the Board and will share her findings shortly. She provided sales data for the month of October.

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

Jeffrey Meyers	26 Quarry Hill Est	Addition
Richard Avalos	5045 Havenwood	Shed
Stephen Carlson	6837 Sandhill	Generator
Ron Boswell	13430 Steiner	Shed
Quarry Hill Est	Lot#3	Mobile Home
Andy Kelkenberg	12600 Stage	One Family Home
Colleen Scotch	11174 Hunts Corners	Roof mount solar
Julie Marwin	11230 Hiller	One Family Home

The Town Board accepted the building report as presented.

Town Clerk- nothing at this time

Town Attorney(s) – nothing at this time

COUNCILPERSONS:

Jendrowski- he spoke with Louis Henley from Newstead Fire Co regarding the contract, spoke with Mike Middaugh regarding setting a meeting date for the AFC contract. He confirmed there have been no discussions with the Village Board and Akron Fire Co yet. Judge Campbell is to meet with he and Councilman Dugan about the court bailiff’s issue.

Dugan – he attended the Masonic spaghetti dinner and the American Legion pancake breakfast which were very well done. He thanked all the Veterans in our community for their service.

Burke – he met with the Supervisor and a Field Service Inc. representative on the gas well at the Joint Facility. He attended the Celebration Committee meeting regarding the ball drop and reported the Celebration Committee supplies are currently being stored at the Cultural Center in the back room. He also attended the pancake breakfast at the Legion.

Morlacci – she stated the Rotary has not forgotten about the planting of the hill at the library and they will make sure it is done in the spring next year. She also attended the American Legion pancake breakfast. She congratulated Supervisor Cummings, Councilman Dugan, and Judge Campbell on their successful reelections and looks forward to the next 4 years.

Supervisor- he stated that he worked to finalize the 2020 budget. He attended the meeting regarding the gas well at the Joint Facility and a meeting with SBA regarding the cell tower lease. He also is working on the state parks and trail way grants and the proposal for the Solar PILOT.

UNFINISHED BUSINESS:

Buildings – the Senior Center will be closed Friday for sewer line work.

Planning – working on several site plans for projects, Rt. 5 property separation and addressing stormwater and sanitation issues with Scott.

Water/Sewer – ADESA contracts are ready for signatures after the Town Attorney reviews them. Submittals for the ADESA pump stations are already in. We have received the approval from ECWA to move forward on the Cedar Street pump station project. Submittal for DOH to be submitted this week on the waterline project.

Grants – final inspection on the trail ways project is pending. We are waiting for the ok on the money for the Park grant. CDBG tour of projects will be on November 19th.

NEW BUSINESS:

Approval- Site Plan- 12963 Main Rd- Borrego Solar Farm:

A motion was made by Councilman Burke, seconded by Councilman Dugan approving the site plan dated 9/26/2019 for the Borrego Solar Farm project to be located at 12963 Main Rd owned by Charles McConnaughey, subject to several requirements and stipulations set forth in the resolution. (Resolution Attached) Cummings-Aye, Dugan-Aye, Burke-Aye, Jendrowski-Aye, Morlacci-Aye
Carried Unanimously

Approval- 2020 Budget:

A motion was made by Councilman Jendrowski, seconded by Councilwoman Morlacci approving the proposed Town Budget for 2020 as submitted to the Town Board. (Resolution Attached) Cummings-Aye, Dugan-Aye, Burke-Aye, Jendrowski-Aye, Morlacci-Aye
Carried Unanimously

Approval- Newstead Fire Co Contract:

A motion was made by Councilman Dugan, seconded by Councilman Jendrowski approving the proposed fire contract with Newstead Fire Co for 2020-2022, and authorizing the Supervisor to execute all necessary paperwork. (Resolution Attached) Cummings-Aye, Dugan-Aye, Burke-Aye, Jendrowski-Aye, Morlacci-Aye
Carried Unanimously

Councilman Burke thanked Councilman Jendrowski & Councilman Dugan for all their months of work putting together this contract. The sentiment was echoed by the Supervisor & Councilwoman Morlacci.

Approval- Speed Study- Cummings Rd:

A motion was made by Councilwoman Morlacci, seconded by Councilman Jendrowski approving the submission for a speed study to Erie County for Cummings Rd relative to the new bike path crossing and authorizing the Town Clerk to submit all necessary forms. (Resolution Attached) Cummings-Aye, Dugan-Aye, Burke-Aye, Jendrowski-Aye, Morlacci-Aye
Carried Unanimously

Approval- Lateral Restriction Exception- 12600 Stage Rd:

A motion was made by Councilman Burke, seconded by Councilman Jendrowski approving the request for a Lateral Restriction Hardship Exception within Water District #5 for 12600 Stage Rd owned by Jacob Kelkenberg, based on supporting documentation submitted.

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

Approval- Advertise for 2020 annual appointments:

A motion was made by Councilman Burke, seconded by Councilwoman Morlacci authorizing the Town Clerk to advertise for the annual applications appointments/positions for 2020.

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 Councilman Dugan to adjourn the regular meeting at 7:25pm.

Carried Unanimously

Respectfully Submitted,

Dawn D. Izydorczak, RMC, Town Clerk