

Newstead Town Board Meeting- October 15, 2019

The Board entered executive session at 6:49pm to discuss contractual negotiations on a motion from Councilwoman Morlacci, seconded by Councilman Jendrowski. Carried Unanimously

The Board exited executive session on a motion by Councilman Dugan, seconded by Councilman Burke at 6:58pm, having taken no action. Carried Unanimously

A public hearing was called to order by the Newstead Town Board on Tuesday, October 15, 2019 at 7:00pm 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.

Supervisor Cummings called the **public hearing** to order on the proposed site plan & special use permit application for construction of a 5 MW AC Community Solar Array development at 12963 Main Rd owned by Charles McConnaughey.

The Clerk read proof of publication. Supervisor Cummings stated that on September 16th the Planning Board reviewed the project and recommended it for approval without the fire hydrant issue being resolved. The Town Engineers have also reviewed the project and it has been sent to multiple agencies for review.

Comments: Jim Owen of 12931 Main Rd stated he spoke with the project engineer & manager prior to the hearing start and they already answered several of his questions. He questioned how much traffic will be in and out? Adam Fishel, the project engineer, stated that the traffic will be very minimal once the construction is done. There will be a 7' chain fence around the whole project and 33 acres will be disturbed by the project.

Kurt Collopy who works at I Squared R but does not live in the town asked if the panels move around. Emilie Flanagan, the project developer, answered that yes, the panels will actively track the sun during the day.

Jim Owen asked how the power is purchased and Emilie answered that they tie into a line at the road.

Councilman Jendrowski asked how many homes will this power? Emilie replied about 2,500.

Councilman Dugan asked about the life cycle of the panels? Emilie replied that it is over 25 years on the equipment.

Councilman Burke asked about decommissioning the equipment once its useful life is met. Emilie stated by town law there is required to be a section in the agreement that deals with decommission of the site. The landowner lease also addresses decommission of the site.

There being no further comments, a motion was made by Councilman Dugan, seconded by Councilman Burke to close the public hearing at 7:14pm. Carried Unanimously

The **regular meeting** of the Newstead Town Board was called to order at 7:15pm with the same members present as listed above.

Town Attorney Brendan Neill led the pledge to the flag.

Minutes from the regular meeting held on September 23, 2019 were presented for approval. A motion was made by Councilman Dugan, seconded by Councilman Burke to approve as presented. Carried Unanimously

Agenda Changes – a motion was made by Councilman Dugan, seconded by Councilwoman Morlacci to make the following agenda changes: add Christian Airmen resolution.

Carried Unanimously

Communications – The Clerk presented the following correspondence:

Notifications were received from Charter Communications notifying the town of upcoming changes to their programming and costs of service.

A letter from Ride for Roswell thanking the town for the use of town roads in their last ride and their past cooperation with the event.

A copy of a letter from the Clarence-Newstead Chiefs Association to the Erie County Water Authority expressing concerns with current practices of the ECWA as related to fire protection services.

A notice announcing the launch of NYStretch Energy Code- 2020 was received from NYSERDA.

A letter from AECOM along with a SEQR packet regarding a communications backbone plan being instituted by the New York Power Authority.

A notification from Erie County regarding the application for 1 new 21.90 acre parcel in the Town of Newstead to be included into the Agricultural District on Buell St.

A letter and packet of information that was sent to the Code Enforcement Officer and Board members from resident Carisa Avalos regarding concerns of practices by a local contractor.

A notice was received from the Department of State notifying the town that Local Law #3 of 2019 was received and filed on September 26, 2019.

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 no work session was held last week but the following items were discussed prior to tonight's meeting: water & sewer project updates, planning item updates, building issues updates, grant updates, highway concerns, 2020 budget, gas well inquiry, Limerick Hall, contacts, veterans exemptions and exemption complaints plus any other items brought before the Board. An executive session was held regarding contracts.

Agenda Items Question Period: no one spoke

Budget transfers: a motion was made by Councilman Dugan, seconded by Councilman Jendrowski to approve the budget transfer as presented in a memo from Bookkeeper Colleen Salmon dated 10/15/19.

Carried Unanimously

Approval of Bills – Councilman Jendrowski reported that the Abstract(s) from Batch(es) #1968 have been reviewed with the previously un-audited vouchers and everything was found in order. He presented Abstract Batch(es) #1973, 1974 & epayment for postage for payment. Vouchers on this abstract(s) numbered from 1053-1129, totaling \$89,243.48. Councilwoman Morlacci seconded to approve payment as follows:

Abstract Batch(es) #1973, 1974 & epayment for postage:

General Fund (A) -\$29,751.42, General Fund- Outside Village (B) \$166.66, Highway (DA) -\$0, Highway: Outside Village (DB) \$7,605.95, 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) \$10,949.20, Drainage (SD)- \$0, Fire Protection (SF) \$0, Refuse (SR) \$25,678.63, Sewer #1 Fund (SS) \$14,232.10, Sewer District #2 (SS02)- \$308.07, Sewer District #3 (SS03)- \$472.75, Trust & Agency(TA)- \$0 and Water Districts: Consolidated (SW00) \$78.70, (SW1) \$0, (SW2) \$0, (SW3) \$0, (SW4) \$0, (SW5) \$0, (SW6) \$0, (SW7) \$0, (SW7A) \$0, (SW8) \$0, (SW9) \$0, (SW10) \$0; Total:\$89,243.48 Carried Unanimously

COMMITTEE AND DEPARTMENT HEAD REPORTS:

Highway – not present and no report was given.

Assessor – Tina presented a report read by the Supervisor stating that she and Julie continue to perform field review and valuation of residential properties. During the month of December, she will also be reviewing and valuing the commercial properties which other than the utility advisory from New York State will be the final phase of the reassessment. She also provided the Board with data for the September sales.

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

5720 Cummings Rd. Inc.	52 Sprucewood	Roof over RV
Mark Maier	12956 Carney	Pole barn
Craig Jackson	4424 Billo	I.G. Pool
5720 Cummings Rd. Inc.	70 Ashwood	Roof
Richard Borden	13899 Bloomingdale	Generator
Scott Zitzka	4594 S Newstead	Shed
Michael Lotz	12799 Swift Mills	Garage addition
Brian Cray	7939 Burdick	Fill permit-pond
David Wolf	11738 Clarence Ctr	Pole barn addition
KJP 11520 Main St, LLC	11520 Main	Temporary sign
David Wolf	11738 Clarence ctr	Generator

The Town Board accepted the building report as presented.

Town Clerk- school tax bill collection before penalties phase are completed.

Town Attorney(s) – nothing at this time

COUNCILPERSONS:

Jendrowski – he spoke with a resident on property purchases and the bike path, dealt with a drainage issue on Cummings Rd and attended the library board meeting where they received 2 applications for the maintenance position. He also attended the pancake breakfast at the Newstead Fire Company and the Rotary Club Oktoberfest. He also attended a meeting with Councilman Dugan on fire contracts.

Dugan – he and Councilman Jendrowski and Town Attorney Neill met with the Newstead Fire Company President, Chief and their attorney, to fine tune the language on the contract. Almost done.

Burke – he attended the Newstead Fire Company pancake breakfast, the Newstead Historical Society Harvest dinner and Indigenous People’s Day. He thanked the Akron Bugle for the picture of the white pine tree in the paper. He also spoke to Joan Frank who wants to donate ground cover to the town for behind the library.

Morlacci – she attended the Rotary Club Oktoberfest, which raised money for the “fill the back-pack” drive.

Supervisor – the September Supervisors report is on file with the Town Clerk. He met with ADESA and Scott Rybarczyk regarding the Sewer District #1 project, met regarding the union contract and attended the VA cemetery meeting at Pembroke Town Hall. They are currently 4-5 years behind schedule on that. He attended the ECAOT Supervisor’s meeting and attended a local government seminar with 20 WNY town & village officials present where the main topic was unfunded mandates from the State. He also attended the bid opening for the ADESA project and met with our state representatives and the grant writers.

UNFINISHED BUSINESS:

Buildings – still working on a sewer repair at the Senior Center.

Planning – nothing new

Water/Sewer - he and Dave met with Dave Fountain of ADESA on the SD1 rehab project that will include replacement of the pumps, electric & force-main cleaning. We are still waiting on ECDOH approval for the waterline project. Russ Stoll of ECWA is reviewing the Cedar St pump station request. We are waiting on a response.

Grants – trailways project is finishing up. The Buell St south side rail needs to go up before it can open. Its very steep and it needs to be addressed for safety reasons.

NEW BUSINESS:

Approval- SEQR Lead Agency- Buell & Main Rd:

A motion was made by Councilman Dugan, seconded by Councilman Jendrowski declaring lead agency status on the proposed Bedford's Nursery project at Buell & Main Rd owned by Newstead Park Associates and authorizing the building department to conduct a coordinated review of the project.

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

Public Hearing- Site Plan Buell & Main Rd:

A motion was made by Councilman Dugan, seconded by Councilwoman Morlacci approving the calling of a public hearing on the Bedford Nursery project to be located at Buell & Main Rd owned by Newstead Park Associates, with the public hearing to be held on November 12, 2019 at 6:50pm at the Town Hall and authorizing the Clerk to publish notice of hearing in the Akron Bugle.

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

Approval- Advertise for Court Bailiff's/Constables:

A motion was made by Councilwoman Morlacci, seconded by Councilman Jendrowski authorizing the Town Clerk to advertise for open positions for part time Court Bailiff's and/or Constables.

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

Approval- Reappointment to B.A.R.:

A motion was made by Councilman Jendrowski, seconded by Councilman Burke approving the reappointment of Stan Serwon to his position on the Board of Assessment Review for a term running from 10/1/2019 – 09/30/2024.

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

Approval- Lateral Restriction Exception- 11230 Hiller Rd:

A motion was made by Councilman Burke, seconded by Councilman Dugan approving the request for a Lateral Restriction Hardship Exception within Water District #10 for 11230 Hiller Rd owned by Julie Marwin, based on supporting documentation submitted.

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

Approval- Recreation Employees for Fall Session:

A motion was made by Councilman Burke, seconded by Councilwoman Morlacci authorizing the hiring of fall employees for the recreation program as submitted by Recreation Director Dan Roland.

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

Approval- Municipal Endorsement for Akron Airport:

A motion was made by Councilman Jendrowski, seconded by Councilman Dugan approving a municipal endorsement for grant application purposes only for the Akron Airport to pursue funding to conduct an environmental study for on and off airport obstruction removal in the runway 7 and 25 approach surfaces.

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

Privilege of the Floor/Question Period: no one spoke. The Supervisor addressed the Participation in Government students that were in attendance from the school.

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 7:44pm.
Carried Unanimously

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