

Newstead Town Board Meeting- October 24, 2016

A public hearing was called to order by the Newstead Town Board on Monday, October 24, 2016 at 7:50pm at the Newstead Town Hall.

Present: David Cummings- Supervisor
John Jendrowski- Councilman
Joseph Dugan- Councilman
Edmund Burke- Councilman
Mike Bassanello- Highway Supt
Dawn Izydorczak- Town Clerk

Roll Call was taken with all board members present except Councilman York.

The Supervisor called the **public hearing** to order on the proposed Town Budget for 2017.

The Clerk read the proof of publication. The Supervisor read his budget message for 2017, which can be found on the Supervisor's page on the town website.

Comments: Keith Hochreiter, President of the Akron Fire Company, spoke regarding Supervisor Cummings part of the budget message on unfunded state mandates. He asked the Town Board members, as they continue negotiations with both fire companies for a new contract, to remember that the fire companies face unfunded state mandates just like the town does. The state now mandates to fire companies at what age certain fire equipment needs to be replaced. For example, in 2017 Akron Fire Co. will be required by state mandates to replace 15 full sets of turn out gear at a cost of approximately \$34,000 and they will need to replace breathing apparatus equipment at a cost of \$172,800. If they fail to replace that equipment they face heavy fines from the state. The fire companies are facing many of the same problems as the town with its budgets. Supervisor Cummings thanked him for the information.

There being no further comments, a motion was made by Councilman Jendrowski, seconded by Councilman Burke to close the public hearing at 8:05pm. Carried

The Supervisor called the **public hearing** to order on the proposed site plan for a 2,020 sq ft storage building at 11478 Main Rd by Faith Fellowship Church at 8:05pm.

The Clerk read the proof of publication. The Supervisor stated this has been recommended for approval by the Planning Board and comments were received today from Erie County Planning with no major issues. No SEQR is required on the project.

Comments: No one spoke

Cliff Albrecht of Brackett Rd and a member of the church inquired if the Board approves the project tonight what is the next step.

Supervisor Cummings told him to call or stop into the Building Department tomorrow to file the required permit.

There being no further comments, a motion was made by Councilman Dugan, seconded by Councilman Jendrowski to close the public hearing at 8:09pm. Carried

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

Highway Supt. Bassanello led the pledge to the flag.

Minutes from the previous regular meeting held on October 11, 2016 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 Supervisor Cummings, seconded by Councilman Dugan to make the following agenda changes: remove item B. as it is not ready to move forward and add F. to cancel the work session on 10/31/16
Carried

Communications – The Town Clerk presented the following correspondence:

A letter was received from Charter Communications notifying the town of the programmers and service providers they are currently in negotiations with for service.

A letter from the NYS Department of Public Service regarding hearings on proposed increases for National Fuel Gas delivery rates effective April 1, 2017. A hearing will be held October 26th at the Buffalo Library at 3:00pm and 6:00pm.

A letter from Erie County Commissioner of Public Works John Loffredo regarding his concerns over the lack of progress on a new Town/County snow plowing agreement and offering each of the towns an interim snow plowing agreement until a collective final agreement can be reached.

The information packet was received from the Association of Towns on its 2017 School/Conference February 19-22 at the New York Marriot Marquis. Anyone interested in attending should see the Clerk to make arrangements.

Supervisor Cummings commented on the letter from Erie County on the snow plow contracts and stated that since the letter was received a new offer has been presented that everyone seems to be in agreement on. He explained that some roads are Town owned, some County owned and some State owned. This agreement between the Towns and County allows the Towns to plow the majority of County owned roads because the Towns can generally do it in a more timely manner and more efficiently than the County in the remote areas.

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

Work Session: The Supervisor reported that at the last work session held the following items were discussed: buildings projects at town buildings, planning items- solar, electric, cedar st, wind turbine application; grant items; water/sewer projects-Lewis Rd & Cedar St; IT & AM services, change in numbering of local law and any other matters brought before the Board.

Agenda Items Question Period: no one spoke

Budget transfers: a motion was made by Councilman Dugan, seconded by Councilman Jendrowski to approve the budget transfers as presented in a memo from Bookkeeper Colleen Salmon dated 10/24/16.
Carried

Approval of Bills – Councilman Jendrowski reported that the Abstract(s) from Batch(es) #1660 has been reviewed with the previously un-audited vouchers and everything was found in order. He presented Abstract Batch(es) #1663 & 1665 for payment. Vouchers on this abstract(s) numbered from 1131- 1174 & 1195, totaling \$62,815.54. Councilman Burke seconded to approve payment as follows:

Abstract Batch(es) #1663 & 1665:

General Fund (A) -\$23,847.67, General Fund- Outside Village (B) \$1,909.87, Highway (DA) -\$0, Highway: Outside Village (DB) \$9,243.38, CAP- Scotland Rd (HS)- \$0, CAP- Water Improvement (HW)- \$0, CAP Water-Downey (HW01)- \$0, CAP- Water- Cedar (HW02)- \$86.36, Drainage (SD)- \$93.00, Fire Protection (SF) \$0, Refuse (SR) \$26,320.89, Sewer Fund (SS) \$26.17, Sewer District #2 (SS02)- \$1,134.15, Trust & Agency(TA)- \$0 and Water Districts: Consolidated (SW00) \$154.05, (SW1) \$0, (SW2) \$0, (SW3) \$0, (SW4) \$0, (SW5) \$0, (SW6) \$0, (SW7) \$0, (SW7A) \$0, (SW8) \$0, (SW9) \$0, (SW10) \$0

Total: \$62,815.54

Carried

COMMITTEE AND DEPARTMENT HEAD REPORTS:

Highway – Mike reported they helped the Village with more paving, did 636’ of road ditching on Billo, did 180’ of road ditching and piping on McNeeley & Draper Roads, were grinding stumps on

Siehl Rd, did filling of holes on the bike path, mowed road sides & boom mowed, and Mike attended the Highway Supt meeting this month and was ok with the new presented snow plow contract and hopes the Supervisors Association will approve it as well.

Assessor – no report presented.

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

Kathy DeRose	v/l Utley	Pavilion
Paul Jurek	11976 Buckwheat	Porch & siding
Dana Copland	12137 Nice	Roof
Dana Copland	12137 Nice	Siding
Adam Stoltman	v/l Dye	One Family Home
Adam Stoltman	v/l Dye	Driveway
CMK Builders	11599 Howe	One Family Home
CMK Builders	11599 Howe	Driveway
Lisa Lamont	13407 Martin	Interior drainage
Michelle Borth	7495 Scotland	Roof
Robert Eberhard	13450 Main	Siding
Robert Eberhard	13450 Main	Shed
Joseph Burg	11109 Rapids	Permit renewal
Tammy Fox	6910 Cedar	In-ground Pool
Danyette Schlabach	6739 Dye	Ditch fill
Kim Light	13869 Bloomingdale	Siding
E. Peter Forrestel	16 Stoneridge	Barn addition & Roof
Harold Thomas	6713 Maple	Roof
Aleksandr Matskevich	7500 Greenbush	Permit renewal
Charles McConnaughey	13008 Main	Sign

The Town Board accepted the report as presented.

Town Clerk- nothing at this time

Attorney for the Town – nothing at this time

COUNCILPERSONS:

Burke – he spoke with Trustee Forrestel on the sewer project, assisted in getting GIS data to Wendel, investigated the wind turbine proposed on Cedar St, and thanked Supervisor Cummings for returning from his vacation and all the Board members and town hall staff for their help in getting things done while the Supervisor was gone.

York – not present

Jendrowski- he attended the Akron-Newstead coalition meeting which had a full table turnout and some good work and ideas were generated. They are working on by-laws with Don Shonn and planning a Sunday movie day in November. He also met with Kristine at the Library, which will be hosting a Community Fair on November 2nd and their annual book sale at the same time.

Dugan – nothing at this time

Supervisor- The September Supervisor's Report is on file with the Town Clerk. He attended the presentation by the County of the new Going Places Van at Clarence. The old van was replaced after having approximately 150,000 miles on it. He also spoke with Legislator Ed Rath on drainage issues on County Roads in the Town and spoke with Wendel for updates on the water & sewer projects.

UNFINISHED BUSINESS:

Buildings- Town Hall overhang project is completed and paid for. The Joint Facility cameras are still in progress. The library sidewalk is poured and we are just waiting on the heat exchanger to be installed.

Planning- the Cedar St wind turbine is still waiting for other approvals.

Water/Sewer- No new movement on the Cedar St N project. Niagara Label has reached an agreement with the Village and the paperwork for the agreement between the Village and Town is in process by the Village Attorney.

Grants- the Town received notice that the DEC recycling tote reimbursement grant has been approved and the town will receive approximately \$3,100 back in reimbursements.

NEW BUSINESS:

Approve- Renumbering of Local Law #3 of 2016:

A motion was made by Councilman Burke, seconded by Councilman Jendrowski approving the renumbering of Local Law #3 of 2016 overriding the 2% tax cap to Local Law #2 of 2016 overriding the 2% tax cap, due to a numbering error.

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

Approval- Site Plan- 11478 Main Rd:

A motion was made by Councilman Dugan, seconded by Councilman Jendrowski approving the proposed site plan for a 2,020 sq. ft. storage shed at 11478 Main Rd owned by Faith Fellowship Church, subject to the terms set forth in the resolution.

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

Approval- Recreation Dept. staff list & pay rates:

A motion was made by Councilman Burke, seconded by Councilman Jendrowski approving the proposed list of staff hires and pay rates for the fall-winter recreation program attached hereto.

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

Approval- Snow Removal Rates for Town Buildings:

A motion was made by Councilman Jendrowski, seconded by Councilman Dugan approving the proposed contractual rates for snow removal for the winter for town buildings as presented by Golden Dome Property Services.

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

Approval- Cancel 10/31/16 Work Session:

A motion was made by Councilman Burke, seconded by Councilman Jendrowski approving the cancellation of the optional work session for October 31, 2016.

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

The Supervisor announced:

- A joint meeting of the Town and Village Boards on November 21st at the Village Hall.
- A seminar on solar codes and state regulations at the Town Hall November 7th at 6:30pm for staff.

Privilege of the Floor/Question Period:

Teresa Flynn and Richard Maybach of 13570 Stage Rd spoke regarding their concerns over the deplorable conditions at 13546 Stage Rd owned by the towns temporary Code Enforcement Officer Michael Borth. There are many code violations and many people in the neighborhood are tired of it but will not complain for fear of retaliation. It looks like a junk yard. There are 2 semi-trucks behind the barn that cannot be seen from the road and many pick-up trucks, tractors, and even a couple school buses. It degrades the whole neighborhood. They put up with another neighbor like this years ago and they do not want to do this again. Mr. Maybach expressed his concerns over oil & gas leaking into the ground from the vehicles as many people in the area still have functional wells.

Councilman Jendrowski informed them that the Board has met with Mr. Borth on this and he has been given 30 days to remedy several items. He has about a week left on that time and then they will be meeting with him again. He asked Terry & Richard if they have seen any improvement or work being done over the past 3 weeks. They responded that some mowing and moving of vehicles has been done. He told them once the 30 days is up the Board will decide what to do next, if necessary.

Dale Cheavacci of John St asked for an update on changes to the airport runway and assessments. He has not heard anything new since May when he brought it to the Boards attention. The Town Attorney addressed a couple issues for him and the Supervisor will make sure a visit is scheduled to go up and look at the runway to see if there have been any changes. He apologized for letting this fall through the cracks.

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

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