

Newstead Town Board Meeting- September 12, 2016

A public hearing was called to order by the Newstead Town Board on Monday, September 12, 2016 at 7:50pm at the Newstead Town Hall.

Present: David Cummings- Supervisor
John Jendrowski- Councilman
Joseph Dugan- Councilman
Don York- Councilman
Nathan Neill- Attorney for the Town
Scott Rybarczyk- Town Engineer
Dawn Izydorczak- Town Clerk

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

The Supervisor called the **public hearing** to order on the proposed Increase and Improvement of Consolidated Water District 1 to install 2,400 lineal feet of 8-inch PVC waterline and appurtenances along Cedar St north of Kirby Rd at an estimated maximum cost of \$150,000.

The Clerk read the proof of publication. The Supervisor stated this project will help to address pressure issues in that area and service residents that have requested water service

Comments: Allie Bendiak or 8265 Cedar St stated they are currently on a well and her house is only 2 years old and all of the plumbing fixtures are already ruined. They are in favor of the project.

Town Engineer Scott Rybarczyk stated the original design for this section was done in 2006 so it is required to go thru the permitting process again. The DEC's approval has been received and we are just waiting on the Army Corp of Engineers approval, which could take a couple more weeks. We are ready to purchase materials for the job and the Town crews will be constructing the line. If we can be ready to go once the ACE approval comes in the job can still be completed this fall.

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

The Supervisor called the **public hearing** to order on the proposed site plan to operate a retail sale of sheds at 12474 Main Rd owned by Patricia Demblewski-Pasinski at 7:59pm.

The Clerk read the proof of publication. The Supervisor stated this has been recommended by the Planning Board with several conditions set and has been submitted to Erie County Planning who still has a couple more days to comment.

Comments: Councilman Jendrowski expressed his concern that one of the Planning Boards conditions is no driveway access allowed onto Route 5 but on the site plan drawing it shows a driveway onto Route 5.

Town Engineer Scott Rybarczyk stated that the Planning Boards conditions that are set subject to their approval govern, not whatever is on the drawing. They could request a revised site plan but it is not necessary.

There being no further comments, a motion was made by Councilman York, seconded by Councilman Jendrowski to close the public hearing at 8:04pm. Carried

The **regular meeting** of the Town Board was called to order at 8:04pm with the same members present as listed above.

Councilman Don York led the pledge to the flag.

Supervisor Cummings welcomed Don back and wished him continued recovery from all the Board.

Minutes from the previous regular meeting held on August 22, 2016 were presented for approval. A motion was made by Councilman Dugan, seconded by Councilman York to approve as presented. Carried

Agenda Changes – a motion was made by Councilman Dugan, seconded by Councilman Jendrowski to make the following agenda changes: remove item F. from the agenda 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.

The August 2016 Operations Report was received from Amherst Central Fire Alarm Office reporting 39 calls for Akron Fire Co and 31 calls for Newstead Fire Co.

A letter was received from Northern Erie Sno-Seekers with their annual request to use portions of the Town bike path and properties for their 2016-17 snowmobile season.

A notification from NYS DOT of annual funding that is now available for transportation related projects and programs.

The 31st annual NYS beach cleanup event will be held September 17th. For more information or to register residents can go to: www.NYSBeachCleanup.org

The town received a copy of information on upcoming public meetings on the proposal to construct 600' tall wind turbines along the Lake Ontario shore. Meetings on the Oak Orchard Hydroelectric Project will be held September 29th (6:00pm) and 30th (11:00am) at the Medina VFW at 216 East Center St in Medina.

A motion was made by Councilman Dugan, seconded by Councilman York 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: meetings with department heads on 2017 budget, buildings projects at town buildings, planning items- solar, radon, EAB, electric; water/sewer projects-Lewis Rd & Cedar St; grant items; IT & AM services, LOSAP & contract issues, Mooney's/Braun's concert complaints, Sno-seekers request, 2% tax cap 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 9/12/16. Carried

Approval of Bills – Councilman Jendrowski reported that the Abstract(s) from Batch(es) #1646 & 1647 have been reviewed with the previously un-audited vouchers and everything was found in order. He presented Abstract Batch(es) #1650 & 1652 for payment. Vouchers on this abstract(s) numbered from 920- 1003, totaling \$90,529.18. Councilman York seconded to approve payment as follows:

Abstract Batch(es) #1650 & 1652:
General Fund (A) -\$26,581.87, General Fund- Outside Village (B) \$3,781.37, Highway (DA) -\$0, Highway: Outside Village (DB) \$10,700.67, CAP- Scotland Rd (HS)- \$1,499.69, CAP- Water Improvement (HW)- \$6,769.72, CAP Water-Downey (HW01)- \$935.25, CAP- Water- Cedar (HW02)- \$6,900.00, Drainage (SD)- \$32.83, Fire Protection (SF) \$1,227.78, Refuse (SR) \$473.86, Sewer Fund (SS) \$15,048.47, Sewer District #2 (SS02)- \$3,962.99, Trust & Agency(TA)- \$0 and Water Districts: Consolidated (SW00) \$114.68, (SW1) \$0, (SW2) \$0, (SW3) \$0, (SW4) \$0, (SW5) \$12,500.00, (SW6) \$0, (SW7) \$0, (SW7A) \$0, (SW8) \$0, (SW9) \$0, (SW10) \$0
Total: \$90,529.18 Carried

COMMITTEE AND DEPARTMENT HEAD REPORTS:

Highway – no report presented.

Assessor – no report presented.

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

Kevin Cashdollar	11296 Stage	Roof
Douglas Lang	11255 Howe	Roof-mount solar
CMK Builders	4979 S Newstead	One family home
Sam Battilana	11709 Rapids	Roof
Frank Swiezy	11248 Crego	In-ground pool
Naomi Covert	12623 Koepsel	Roof
Stanley Tatara	v/l Havens	Demolition
Adam Stoltman	6687 Dye	In-ground pool
Bert Bragg	4684 Crittenden	Porch
James Bauer	7403 Berghorn	Garage
Jonathan Vilagy	4984 Schutt	Patio roof
Kelly Schultz	11167 Main	Cell tower alteration
Lori Wende	11242 Crego	Roof
Fancher Properties	13661 Main	Pole barn & façade replacement
Neil Smits	12279 Nice	Roof
Joe Koszuta	5062 N Ayers	Windows
Louis Post	12220 Buckwheat	Garage alteration

The Town Board accepted the report as presented.

Town Clerk- Hunting license sales are in full swing and school tax bills are in, processed and will be mailed later this week. Dawn will be out of town for a few days so any issues, see Jennifer.

Attorney for the Town – nothing at this time.

COUNCILPERSONS:

Mayrose – not present

York – he thanked everyone for their patience during his illness.

Jendrowski- he met with Mike Lotz on the library sewer pump issue, Brad will begin the sidewalk project Sept. 26th and it will take about a week to complete, he talked with Bill Asmus on the gutter clog and the Village will assist on taking care of it before the sidewalk work begins.

Dugan – he met with the supervisor and both fire company chiefs on the fire contracts negotiations.

Supervisor- the July Supervisor’s Report is on file with the Town Clerk. He met with Assembly candidate Mike Norris, spoke with several residents on drainage issues on Nice Rd and Tonawanda Creek Rd area, attended a snow plow contract meeting where they are still at an impasse, met with the Senior Director on Center issues, worked on the budget, attended a meeting by the accountants that was held for municipalities to address budget/tax cap issues, has had executive session regarding fire contract negotiations, highway union contract negotiations, personnel issues on the CEO position, litigation and Council seat.

UNFINISHED BUSINESS:

Buildings- joint facility cameras being installed this week

Planning- radon fact sheets being worked on and EAB & Solar Law issues ongoing

Water/Sewer- Cedar St S- nothing new, Cedar St N- looking for final approvals from Army Corp Sewer- Army Corp & DEC approved project. Now waiting on approval from the Village to move forward.

Grants- looking at CDBG monies available to update master plans

NEW BUSINESS:

Approval- LOSAP wording amendment:

A motion was made by Councilman Jendrowski, seconded by Councilman Dugan approving the correction outlined in the resolution for the 9th paragraph of the 2014-2016 Fire and Emergency Contract with the Village of Akron.

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

Approval- Rescind Water Use Restrictions:

A motion was made by Councilman York, seconded by Councilman Jendrowski approving the rescinding of the water use restrictions placed by the Board at their meeting on August 8, 2016.

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

Public Hearing- Local Law #3 of 2016- 2% Tax Cap:

A motion was made by Councilman Dugan, seconded by Councilman Jendrowski approving the calling of a public hearing on the proposed Local Law #3 of 2016 that would override the 2% tax cap for the 2017 budget, with the hearing to be held on September 26, 2016 at 7:50 pm and authorizing the Clerk to publish the legal notice in the Akron Bugle.

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

Public Hearing- CDBG Funding for 2017:

A motion was made by Councilman York, seconded by Councilman Jendrowski approving the calling of a public hearing on the proposed use of Community Development Block Grant funds for 2017, with the hearing to be held on September 26, 2016 at 7:55 pm and authorizing the Clerk to publish the legal notice in the Akron Bugle.

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

Approve- Increase & Improvement of Consolidated Water Dist. 1:

A motion was made by Councilman Jendrowski, seconded by Councilman York approving the proposed funding for Consolidated Water District #1 to construct 2,400 lineal feet of 8-inch PVC waterline and appurtenances along Cedar St north of Kirby Rd at an estimated maximum cost of \$150,000.

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

Approve- Bond Resolution for Consolidated Water Dist. 1:

A motion was made by Councilman Jendrowski, seconded by Councilman York approving the bond resolution for Consolidated Water District #1 to construct 2,400 lineal feet of 8-inch PVC waterline and appurtenances along Cedar St north of Kirby Rd and allowing the bonding of the estimated maximum cost of \$150,000.

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

Approval- Northern Erie Sno-Seekers Request:

A motion was made by Councilman Dugan, seconded by Councilman Jendrowski approving the Northern Erie Sno-Seekers request to use areas of the town bike path and town park for their 2016-17 snowmobile season, subject to the terms set forth in the resolution.

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

Supervisor Cummings announced that there may be a special meeting of the board next week to address the Councilman seat vacancy. If there is it will be posted on the town website and the paper will be notified.

Privilege of the Floor/Question Period:

Dr. Edmund Burke of 27 Crescent Dr. questioned the vacancy of Councilman Mayrose's seat and is he still a board member and if not how it will be filled.

Supervisor Cummings explained that Councilman Mayrose's resignation will now be effective September 20th, 30 days after he initially put in his letter, and he is still technically a Councilman until that date. He will be contacting the Board of Elections to verify how the town can proceed from that date.

Keith Lennert of 12148 Nice Rd presented the Board with a petition signed by several residents on Nice Rd who are experiencing road drainage issues that is flooding their properties and causing septic issues, even during the drought. He understands that Nice is a County road but is getting nowhere with the County Highway Dept. and is asking the Town for their help.

Supervisor Cummings stated he and Mr. Lennert had talked earlier in the day and he has called Legislator Ed Rath for his help and intervention with the County Highway Department. He will continue with that contact until they get some results. He will forward the petition to Ed Rath's office.

Supervisor Cummings asked everyone present to join him in observing a moment of silence in memory of past Town Councilman Ed Ingalsbe who passed away today.

There being no further business to come before the board for the regular meeting a motion was made by Councilman Dugan, seconded by Councilman York to adjourn the regular meeting at 8:47pm.

Carried

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