

Newstead Town Board Meeting- September 23, 2019

The Board entered executive session at 6:36pm to discuss fire contract issues, personnel issues and property purchase negotiations issues on a motion from Councilman Jendrowski, seconded by Councilman Burke. Carried Unanimously

The Board exited executive session on a motion by Councilman Dugan, seconded by Councilwoman Moralcci at 7:00pm, having taken no action. Carried Unanimously

A public hearing was called to order by the Newstead Town Board on Monday, September 23, 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
Dawn Izydorczak- Town Clerk

Roll Call was taken with all board members present.

Supervisor Cummings called the **public hearing** to order on the proposed Local Law #3 of 2019 that would override the 2% tax cap.

The Clerk read proof of publication. Supervisor Cummings stated this is an annual action the Board takes just in case the proposed budget for 2020 should go over the 2% tax cap. In the past they have not needed to enact it except for last year. If it is not necessary once final budget is formulated it will be rescinded.

Comments: no one was present to speak

There being no further comments, a motion was made by Councilman Dugan, seconded by Councilwoman Morlacci to close the public hearing at 7:07pm. Carried Unanimously

The **regular meeting** of the Newstead Town Board was called to order at 7:04pm with the same members present as listed above.

Assistant Town Attorney Janicz led the pledge to the flag.

Minutes from the regular meeting held on September 9, 2019 were presented for approval. A motion was made by Councilman Dugan, seconded by Councilman Jendrowski to approve as presented. Carried Unanimously

Agenda Changes – a motion was made by Councilman Jendrowski, seconded by Councilman Dugan to make the following agenda changes: add motions for lateral restriction application and a limerick hall work approval 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 copy of a letter sent to the NYSDOT by Senator Michael Ranzenhofer and Assemblyman Michael J Norris jointly regarding the speed study on Hake Road was received.

A copy of a letter sent to the NYSDOT by the Village of Akron Mayor regarding the speed study on Hake Road was received.

A status report on the Akron-Newstead Alliance Good for the Neighborhood program was received.

A letter from County Executive Poloncarz was received regarding the Erie County Shared Services Property Tax Savings Plan.

A motion was made by Councilman Dugan, seconded by Councilwoman Morlacci 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: water & sewer project updates, planning item updates, building issues updates, grant updates, highway concerns, 2020 budget, gas well inquiry, Limerick Hall, phone proposals, Hake Rd speed limit reduction, contacts, plus any other items brought before the Board. An executive session was held from 8:00pm-8:20pm regarding fire contracts and property purchases.

Agenda Items Question Period: no one spoke

Budget transfers: none

Approval of Bills – Councilman Jendrowski reported that the Abstract(s) from Batch(es) #1965 have been reviewed with the previously un-audited vouchers and everything was found in order. He presented Abstract Batch(es) #1968 for payment. Vouchers on this abstract(s) numbered from 982-1030, totaling \$173,378.76. Councilwoman Morlacci seconded to approve payment as follows:

Abstract Batch(es) #1968:

General Fund (A) -\$28,484.83, General Fund- Outside Village (B) \$1,584.67, Highway (DA) -\$0, Highway: Outside Village (DB) \$78,526.95, 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) \$0, Drainage (SD)- \$0, Fire Protection (SF) \$0, Refuse (SR) \$27,260.49, Sewer #1 Fund (SS) \$29.00, Sewer District #2 (SS02)- \$77.55, Sewer District #3 (SS03)- \$0, Trust & Agency(TA)- \$0 and Water Districts: Consolidated (SW00) \$42.50, (SW1) \$0, (SW2) \$0, (SW3) \$0, (SW4) \$0, (SW5) \$12,500.00, (SW6) \$0, (SW7) \$0, (SW7A) \$0, (SW8) \$0, (SW9) \$0, (SW10) \$24,872.77; Total:\$173,378.76

Carried Unanimously

COMMITTEE AND DEPARTMENT HEAD REPORTS:

Highway – not present. No report presented.

Assessor – Tina presented a report read by the Supervisor stating that she and Julie have started field review of the residential properties this week. With tax bills being out, the office has been rather busy with questions pertaining to the bills. She will be away at the NYS Assessor’s Association conference next week but will have her phone in case she is needed during that time period and will respond to emails as well.

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

CMK Builders of Alden	4883 South Newstead	One Family Home
5720 Cummings Rd. Inc.	163 Cottonwood	Roof over RV & deck
5720 Cummings Rd. Inc.	355 Redwood	Roof & deck
5720 Cummings Rd. Inc.	82 Maplewood	Roof on shed
5720 Cummings Rd. Inc.	83 Maplewood	Roof on shed
Aaron Koss	13445 Stage Rd	One Family Home
James Young	12361 McNeeley Rd	Demo of barn
Robert Wideman	11720 Hunts Corners	Zoning compliance
Kelly Schultz	11167 Main Rd	Special event permit
Julie Marwin	11230 Hiller Rd	One Family Home

The Town Board accepted the building report as presented.

Town Clerk- school tax bills have been mailed and are already coming in. Also hunting license sales are brisk right now due to the October 1st deadline for DMP’s.

Town Attorney – nothing at this time

COUNCILPERSONS:

Jendrowski- he attended the library board meeting and he checked the sidewalk and so far it looks like it is working good for winter. He attended a check presentation to the Library with Leg. Ed Rath, Supervisor Cummings, and Councilwoman Morlacci where a check for \$400 was presented as a result of the hot dog roast fundraiser. Our fundraiser has beat Clarence's 4 out of 4 years. He also spoke with Newstead Fire Co President Louis Henley regarding the fire contracts along with Councilman Dugan.

Dugan – he had several phone calls with Newstead Fire Co President Louis Henley and Chief John Wideman regarding the fire contracts negotiations and hopes to have some final news by October 7th.

Burke – he and Supervisor Cummings met with the teamsters on the contract negotiations. They also met with the teamsters union steward on an employee complaint and disciplinary actions. He spoke with Heather Lewis at Wendel on some GIS discrepancies that need to be fixed in the system. That information has been shared with Julie as well.

Morlacci- she attended a meeting of the Newstead Community Alliance at the C. Dee Wright Center with Supervisor Cummings. She also met the new Erie County Parks Commissioner and Leg. Ed Rath on some parks issues. She also attended the check presentation at the Library for hot dog roast fundraiser.

Supervisor- he met with the teamsters reps on several issues, attended the Library fundraiser check presentation, and attended the community outreach meeting. He announced that the town was successful in receiving the winning bid for the property on Crittenden Rd and subject to the permissive referendum, the town will take possession of it in the coming months. The property abuts up to the town park property and has several potential uses into the future.

The Supervisor read his budget message for 2020.

UNFINISHED BUSINESS:

Buildings- a sewer line issue is being addressed at the Senior Center by the fire company.

Planning- nothing new to report

Water/Sewer- Scott reported a successful pre-bid meeting was held on the ADESA sewer revitalization project and would like to meet with ADESA to review the bids after opening. The soil borings work is underway. A memo is in to ECWA on the Cedar St project.

Grants- several are in process and the CDBG and Limerick Hall preservation grants will be addressed tonight.

NEW BUSINESS:

Approval - Local Law #3 of 2019- 2% Tax Cap:

A motion was made by Councilman Dugan, seconded by Councilman Burke approving the proposed Local Law #3 of 2019 allowing the Town to override the 2 % tax cap if it should become necessary. (Resolution Attached) Cummings-Aye, Dugan-Aye, Burke-Aye, Jendrowski-Aye, Morlacci-Aye
Carried Unanimously

Public Hearing- 2020 Tentative Budget:

A motion was made by Councilman Jendrowski, seconded by Councilman Dugan approving the calling of a public hearing regarding the 2020 Tentative Budget with the public hearing to be held on the October 28, 2019 at 6:45pm 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 – Telephone System Upgrades/Purchase:

A motion was made by Councilwoman Morlacci, seconded by Councilman Jendrowski authorizing the Town Clerk to enter into a contract with Vaspain for the provision of phone service and the purchase of phone equipment as per quotes received.

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

Approval - Grant Application for Limerick Hall:

A motion was made by Councilman Burke, seconded by Councilman Dugan authorizing the Supervisor to file an application for the technical assistance grant from the New York State Counsel on the Arts and the preservation League of New York State for the preservation of Limerick Hall.

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

Approval- CDBG projects for 2020:

A motion was made by Councilman Dugan, seconded by Councilman Burke authorizing the Supervisor to sign, submit and execute a contract with Erie County Community Development Block Grant program for the following listed projects: 1. LED Lighting and restroom upgrade – Senior Center, 2. Updated signage on trail way in Village & Town, 3. Rural Transit Van Service.

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

Approval- SEQR Lead Agency- 12963 Main Rd:

A motion was made by Councilman Jendrowski, seconded by Councilman Burke declaring lead agency status on the proposed project at 12963 Main Rd owned by Charles McConnaughey (Borrego Solar) 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 12963 Main Rd:

A motion was made by Councilwoman Morlacci, seconded by Councilman Dugan approving the calling of a public hearing on the Borrego Solar Community Solar Development to be located at 12963 Main Rd owned by Charles McConnaughey, with the public hearing to be held on October 15, 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– Lateral Restriction Hardship Application – 5845 Barnum Rd:

A motion was made by Councilman Dugan, seconded by Councilman Burke approving the request for a Lateral Restriction Hardship Exception within Water District #5 for 5845 Barnum Rd owned by Donald & Charlotte Campagna, based on supporting documentation submitted.

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

Approval– Friends of Limerick Work:

A motion was made by Councilman Dugan, seconded by Councilwoman Morlacci authorizing the Friends of the Limerick Hall to tarp the roof at the Limerick Hall in a workman like and professional manner and to test for lead paint on site, subject to the work done being deemed acceptable to the Town Board, otherwise it will be removed.

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

Privilege of the Floor/Question Period: no one spoke

There will be no work session on September 30th.

There being no further business to come before the board for the regular meeting a motion was made by Councilman Burke, seconded by Councilwoman Morlacci to adjourn the regular meeting at 7:39pm.

Carried Unanimously

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