

## Newstead Town Board Meeting- September 9, 2019

The Board entered executive session at 6:00pm to discuss contractual issues and property purchase negotiations issues on a motion from Councilman Jendrowski, seconded by Councilman Dugan.  
Carried Unanimously

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

A public hearing was called to order by the Newstead Town Board on Monday, September 9, 2019 at 6:45pm 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 uses for Community Development Block Grant funds for 2020.

The Clerk read proof of publication. Supervisor Cummings stated this is an annual grant funding program offered by the County and highlighted some past projects the town has done. He stated some possible projects for this round are new LED lighting at the Senior Center along with new bathroom partitions & fixtures, new signage on the bike path & the Rural Transit Van Service. The town did not submit any projects last year.

Comments: no one spoke

There being no further comments, a motion was made by Councilman Burke, seconded by Councilman Dugan to close the public hearing at 6:50pm.  
Carried Unanimously

Supervisor Cummings called the **public hearing** to order on the proposed site plan application for a 7,130 sq ft building addition at 12600 Clarence Center Rd owned by Niagara Specialty Metals at 6:50pm.

The Clerk read proof of publication. Supervisor Cummings stated this project has been recommended by the Planning Board for approval and other government agencies have had no comment on the project. Three engineering studies were done by Wendel on the project.

Comments:

A written comment was received from Mitch & Anita Davis at 12657 Clarence Center Rd voicing concerns about ground vibrations from the existing plant and their belief that it has damaged their foundation. They also expressed concerns over the smoke and/or vapors emitted from the facility and Anita's personal battle with cancer. They asked that questions they have submitted be answered about the proposed project.

Supervisor Cummings read answers to Anita's questions from the Code Enforcement Officer. President Bob Shubala of Niagara Specialty Metals was present and addressed several of the Davis' concerns. He stated the noise concerns are from their operation but the odors and emissions concerns are from the I Squared R operation.

Councilman Jendrowski reminded everyone that this is just a storage building which will also move the blowers inside so that will take care of some of the noise/odor issues. Everyone seemed to be satisfied with the answers provided on the project.

There being no further comments, a motion was made by Councilman Dugan, seconded by Councilman Jendrowski to close the public hearing at 7:01pm. Carried Unanimously

Supervisor Cummings called the **public hearing** to order on the proposed Special Use Permit/Site Plan application for a home based business at 7429 Sandhill Rd for a Pet Rescue Rx on-line pharmacy operation at 7:01pm.

The Clerk read proof of publication. Supervisor Cummings stated this project has been recommended by the Planning Board for approval and other government agencies have had no comment on the project.

Comments: The owner/operator Glenn was present and explained to the board how the operation will work and that he will be living on site.

No one else was present to speak.

There being no further comments, a motion was made by Councilman Dugan, seconded by Councilman Burke to close the public hearing at 7:04pm. Carried Unanimously

The **regular meeting** of the Newstead Town Board was called to order at 7:05 pm with the same members present as listed above.

Councilman Dugan led the pledge to the flag.

Minutes from the regular meeting held on August 26, 2019 were presented for approval. A motion was made by Councilman Dugan, seconded by Councilwoman Morlacci to approve as presented. Carried Unanimously

**Agenda Changes** – none

**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 Erie County Planning regarding three upcoming hearings around the County on CBDG possible projects for 2020.

A notice of the In Rem foreclosure auction by Erie County to be held on September 25, 2019 at 9:00am at the Buffalo Niagara Convention Center.

A notice regarding a seminar on September 12<sup>th</sup> at 9:00am on Lead Safe Work Practices Training to be held at 503 Kensington Ave in Buffalo.

A letter was received from the Akron-Newstead Food Pantry thanking the Recreation Department for their \$1,300 donation plus numerous food items as a result of their “Let’s Can Hunger” event.

A motion was made by Councilman Jendrowski, seconded by Councilwoman Morlacci 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, contracts, property purchases, 2020 budget, gas well inquiry, Boy Scout GaGa pit project, plus any other items brought before the Board.

**Agenda Items Question Period:** no one spoke

**Budget transfers:** a motion was made by Councilman Dugan, seconded by Councilman Burke to approve the budget transfer as presented in a memo from Bookkeeper Colleen Salmon dated 9/9/19.  
Carried Unanimously

**Approval of Bills** – Councilman Jendrowski reported that the Abstract(s) from Batch(es) #1962 have been reviewed with the previously un-audited vouchers and everything was found in order. He presented Abstract Batch(es) #1965 for payment. Vouchers on this abstract(s) numbered from 934-981, totaling \$55,787.59. Councilman Burke seconded to approve payment as follows:

Abstract Batch(es) #1965:  
General Fund (A) -\$18,937.70, General Fund- Outside Village (B) \$9,922.00, Highway (DA) -\$0, Highway: Outside Village (DB) \$16,278.06, 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)- \$50.45, Fire Protection (SF) \$8,378.96, Refuse (SR) \$25.29, Sewer #1 Fund (SS) \$1,410.38, Sewer District #2 (SS02)- \$186.57, Sewer District #3 (SS03)- \$533.50, Trust & Agency(TA)- \$0 and Water Districts: Consolidated (SW00) \$64.68, (SW1) \$0, (SW2) \$0, (SW3) \$0, (SW4) \$0, (SW5) \$0, (SW6) \$0, (SW7) \$0, (SW7A) \$0, (SW8) \$0, (SW9) \$0, (SW10) \$0; Total:\$55,787.59  
Carried Unanimously

**COMMITTEE AND DEPARTMENT HEAD REPORTS:**

**Highway** – not present. A report read by the Supervisor states the crews oil & stoned 4.17 miles of town road with Midland and 4.07 miles with Suit-Kote, replaced 42” on Miland, 15” on Dye, Brucker Rd, Kathryn Rd and Billo Rd of cross culverts, boom mowed guide rails, mowed road sides and completed field ditch mowing and the bike path. They also helped Clarence, Alden, Lancaster, Pembroke, Darien, Wales and Erie County Highway with projects. They filled road ditches with pipe on Utley, Billo, Clair, Brucker & Stage. Attended mandatory class training at the town hall. Replaced 30’ of driveway pipe on Dye Rd, milled and hot patched roads, cross cuts and town hall parking lot. Put driveway in at Evergreen Cemetery and placed topsoil and seed in all areas where stumps have been removed. This is a report for the last 30 days.

**Assessor** – Tina presented a report read by the Supervisor stating she is still in the process of viewing & valuing the vacant land and agricultural properties. She was on track to have this portion completed by the first week of September however, last minute STAR changes have led to an increase in phone calls and administrative duties she has had to address. She still plans to have the vacant land and ag valuations completed by mid-September and then will be on to the residential portion. She presented the Board with more of the sales data for July.

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

Paul Fix	4825 Ayers	One Family Home
Eric Ahl	4265 Billo	3 season room
Michael Shields	12690 Main	Pole barn addition
5391 Crittenden Rd Partnership	5391 Crittenden	Zoning Compliance
Salvatore Fusco	11986 Main	Dbl pole sign
Thomas Owen	12859 Main	Shed
Nicholas Tagliarino	5715 Barnum	Remodel home
5720 Cummings Rd Inc	5720 Cummings Rd	Roof
Gary Weber	12527 Clarence Ctr	Roof
Angela Magill	12320 Meahl	3 season room
5720 Cummings Rd Inc	5720 Cummings Rd	Roof

The Town Board accepted the building report as presented.

**Town Clerk-** school tax bills are in and being processed for mailing on Friday. Dawn will be on vacation the week of Sept 16<sup>th</sup>. Jen will be in charge.

**Town Attorney** – nothing at this time

## **COUNCILPERSONS:**

**Jendrowski**- he and Councilman Dugan met with Newstead Fire Co reps Louis Henley & John Wideman again in the ongoing negotiations for the fire contract. He told the Akron Fire Co President that once negotiations with Newstead are completed they will begin their talks. He met with Pat Rodriguez on the Maple Lawn Cemetery stone restoration project and they are going to start with Peleg Hart's stone. The Dancing Under the Stars fundraiser and the Lions steak dinner fundraiser are helping to fund this project.

**Dugan** – he and Councilman Jendrowski met with Newstead Fire Co reps Louis Henley & John Wideman for a 2<sup>nd</sup> round of talks in the ongoing negotiations for the fire contract. The Newstead Fire Co is meeting tonight and discussing their latest proposals. He & John also went up and looked at the AED units at Veteran's Park.

**Burke** – he conferred with Supervisor Cummings on the Teamsters contract and the Comp Alliance walk through results for the Joint Facility.

**Morlacci**- nothing at this time

**Supervisor**- he continues to work on several grants that are in process as well as grants we are looking to apply for. He worked on the union contract and assessed the Comp Alliance walk through results of the Joint Facility.

## **UNFINISHED BUSINESS:**

**Buildings**- limerick hall- Brendan is talking with the group interested in taking over the building and renovating it.

**Planning**- nothing new

**Water/Sewer**- tonight a resolution will be addressed to go to bid on the ADESA Sewer pump station work. Next week they will be out in the area doing the soil borings work on Indian Falls Rd & Knapp Rd. The model is in to ECWA for approval and the application was filed on 9/5/19. Scott reported that Russ Stoll at ECWA has been promoted so they are waiting to find out who their new contact will be in that position.

**Grants**- several are in process currently and for next spring.

## **NEW BUSINESS:**

### **Public Hearing- Local Law #3 of 2019- 2% Tax Cap:**

A motion was made by Councilman Dugan, seconded by Councilman Burke approving the calling of a public hearing on the proposed Local Law #3 of 2019 allowing the Town to override the 2 % tax cap if it should become necessary, with the public hearing to be held September 23, 2019 at 6:55pm 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- Site Plan – 12600 Clarence Center Rd:**

A motion was made by Councilman Jendrowski, seconded by Councilwoman Morlacci approving the proposed site plan for a 7,130 sq ft addition at 12600 Clarence Center Rd owned by Niagara Specialty Metals, subject to the terms set forth in the resolution.

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

### **Approval- SUP/Home Based Business – 7429 Sandhill Rd:**

A motion was made by Councilwoman Morlacci, seconded by Councilman Jendrowski approving the proposed special use permit for a home-based business to be located at 7429 Sandhill Rd owned by Glenn Buckley to be known as Pet Rescue Rx, subject to the terms set forth in the resolution.

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

**Approval- Bid ADESA Pump Station Repairs:**

A motion was made by Councilman Burke, seconded by Councilman Dugan authorizing a public bid date to be set for the ADESA Sewer District 1 Pump Station rehabilitation project according to the project plans and specifications set by Wendel for the project.

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

**Approval- Purchase of part of property at 53 Main St:**

A motion was made by Councilman Burke, seconded by Councilman Dugan approving the proposed purchase of approximately .59 acres of property located at the rear of 53 Main St at a price of \$300.00 plus closing costs, upon terms negotiated between the Town and the owners estate.

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

**Approval- Bid for Property on Crittenden Rd:**

A motion was made by Councilman Jendrowski, seconded by Councilwoman Morlacci approving the placing of a bid for the purchase of property known as SBL#61.00-2-33.13 in an amount not to exceed a set threshold and if the town is successful in bidding, authorizing the Supervisor to execute all agreements and contracts on behalf of the town.

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

**Approval- Lateral Restriction Hardship Application – 4895 Ayers Rd:**

A motion was made by Councilman Dugan, seconded by Councilman Jendrowski approving the request for a Lateral Restriction Hardship Exception within Water District #5 for 4895 Ayers Rd owned by Brandon Fix (CMK Builders), based on supporting documentation submitted.

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

**Approval- Lateral Restriction Hardship Application – 4883 S Newstead Rd:**

A motion was made by Councilman Dugan, seconded by Councilman Jendrowski approving the request for a Lateral Restriction Hardship Exception within Water District #5 for 4883 S Newstead Rd owned by Doug Matusek (CMK Builders), based on supporting documentation submitted.

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

**Approval- Lateral Restriction Hardship Application – 4959 S Newstead Rd:**

A motion was made by Councilman Dugan, seconded by Councilman Jendrowski approving the request for a Lateral Restriction Hardship Exception within Water District #5 for 4959 S Newstead Rd owned by CMK Builders (Candi & Gary Bailey), based on supporting documentation submitted.

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

**Privilege of the Floor/Question Period:** Martin Schuman of 74 Jackson St asked the Board to resubmit a letter to the NYSDOT requesting a 2<sup>nd</sup> speed study on Hake Rd. No one is happy with the reduction in speed from 55mph to 50mph. He was told the study was done 1 day for 2 hours in the middle of the day. He would like the Board to request a 3-day study be done at 3 different time intervals throughout those 3 days.

The Board members agreed that he made some good points and it makes sense to ask for another study. There is no consistency in that area with signage and speeds.

**Approval- Letter for 2<sup>nd</sup> Speed Study:**

A motion was made by Councilman Dugan, seconded by Councilwoman Morlacci authorizing Supervisor Cummings to submit a letter to the NYSDOT requesting a 2<sup>nd</sup> speed study be one on Hake Rd over a 3 day period at 3 different time intervals each day and to request from the NYSDOT a copy of the study done that lowered the speed to 50 mph.

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

There being no further business to come before the board for the regular meeting a motion was made by Councilwoman Morlacci, seconded by Councilman Burke to adjourn the regular meeting at 7:54pm.  
Carried Unanimously

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