

## Newstead Town Board Meeting- November 14, 2016

A regular meeting was called to order by the Newstead Town Board on Monday, November 14, 2016 at 8:00pm at the Newstead Town Hall.

Present: David Cummings- Supervisor  
Don York- Councilman  
John Jendrowski- Councilman  
Joseph Dugan- Councilman  
Edmund Burke- Councilman  
Nathan Neill- Town Attorney  
Dawn Izydorczak- Town Clerk

Roll Call was taken with all board members present.

Supervisor Cummings led the pledge to the flag.

Minutes from the previous regular meeting held on October 24, 2016 were presented for approval. A motion was made by Councilman Jendrowski, seconded by Councilman Burke to approve as presented. Carried Unanimously

**Agenda Changes** – a motion was made by Supervisor Cummings, seconded by Councilman York to make the following agenda changes: add resolution to bid materials for Cedar St project and a motion for a special meeting on 11/21/16 Carried Unanimously

**Communications** – The Town Clerk presented the following correspondence:

Two letters were received from Charter Communications 1. notifying the town of the upcoming changes to their format effective 12/1/16 when analog formats will be removed from their lineup and 2. a list of the channels that will be dropped or rebranded due to their removal of analog service.

A copy of the program from the Hearts and Hands 2016 Volunteer Appreciation Luncheon was received with special notes of Carole Borchert receiving the Rev. Mary Ann Pula Lifetime Service Award and Kay Green and Dave Wakeman being honored as Volunteers of the Year.

A notice from the Erie County Senior Housing office notifying the town of a program available for Homeless Prevention thru Erie County's Emergency Solutions Grant Program.

The October 2016 Operations Report was received from Amherst Central Alarm office reporting 48 calls for Akron Fire Co & 27 calls for Newstead Fire Co.

A copy of the Akron-Newstead Coalition minutes from their October 18<sup>th</sup> meeting was received.

A letter from the NYS Department of State confirming the receipt and filing of Local Law #2 of 2016 on November 2, 2016.

A copy of the Catholic Charities 2015 Outcomes Report was received.

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

**Work Session:** The Supervisor reported that at the last work session held the following items were discussed: a training session on Solar Laws was held, a meeting with Wendel on the Water & Sewer projects was held, a meeting with Mulvey Construction on the potential garage project was held; buildings projects at town buildings; planning items- cedar st. wind turbine & master plan update with the Village; Highway equipment surplus & sale; grant items; IT & AM services; and any other matters brought before the Board.

**Agenda Items Question Period:** John Ross of Nice Rd questioned if pay raises for the Town Council members is in the 2017 budget. He feels they should not take raises and they should not receive health insurance.

Supervisor Cummings responded that board members have not received health insurance through the town for many years and that the board members are slated to receive the same 2% raise as the rest of the town employees. He explained that the Boards position on this is that modest increases each year avoids the circumstances you are hearing about in the news in West Seneca & Amherst where their boards are receiving 20%-30% increases because they have taken no increases for several years. He also stated that there have been several Councilmen over the years that have declined their pay raises at certain times and that is a personal choice of each Councilman to make each year.

**Budget transfers:** a motion was made by Councilman Jendrowski, seconded by Councilman Burke to approve the budget transfers as presented in a memo from Bookkeeper Colleen Salmon dated 11/14/16. Carried Unanimously

**Approval of Bills** – Councilman Jendrowski reported that the Abstract(s) from Batch(es) #1663 & 1665 have been reviewed with the previously un-audited vouchers and everything was found in order. He presented Abstract Batch(es) #1668 & 1670 for payment. Vouchers on this abstract(s) numbered from 1196-1265, totaling \$176,653.37. Councilman York seconded to approve payment as follows:

Abstract Batch(es) #1668 & 1670:  
 General Fund (A) -\$34,411.84, General Fund- Outside Village (B) \$2,668.82, Highway (DA) -\$0, Highway: Outside Village (DB) \$94,380.75, CAP- Scotland Rd (HS)- \$0, CAP- Water Improvement (HW)- \$0, CAP Water-Downey (HW01)- \$0, CAP- Water- Cedar (HW02)- \$2,800.00, Drainage (SD)- \$884.41, Fire Protection (SF) \$0, Refuse (SR) \$36,456.97, Sewer Fund (SS) \$1,316.90, Sewer District #2 (SS02)- \$2,938.04, Trust & Agency(TA)- \$750.00 and Water Districts: Consolidated (SW00) \$45.64, (SW1) \$0, (SW2) \$0, (SW3) \$0, (SW4) \$0, (SW5) \$0, (SW6) \$0, (SW7) \$0, (SW7A) \$0, (SW8) \$0, (SW9) \$0, (SW10) \$0  
 Total: \$176,653.37 Carried Unanimously

**COMMITTEE AND DEPARTMENT HEAD REPORTS:**

**Highway** – not present. Supervisor Cummings reported that we took possession of the new truck last week and if anyone would like to see it, it is at the joint facility.

**Assessor** – no report presented.

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

Bonnie Berchov	227 Quarry Hills	Roof
Robert Lorenz	11149 Hiller	Permit renewal
Kevin Frost	12251 McNeeley	Garage addition
Michael Borth	13546 Stage	Pole barn
Patrick Oliver	13324 Stage	Permit renewal
Nick Karl	13524 Bloomingdale	Roof
Darren Polkowski	6778 Cedar	Roof
Jason Wruck	6012 Crittenden	Windows
Denene Larson	7877 Greenbush	Deck
Dana Connell	11738 Clarence Center	Barn
Faith Fellowship Church	11478 Main	Storage shed
Robert Daniel	11481 Rapids	Family room addition
Green Kangaroo Storage	13399 Main	Permit renewal
Carter McKay	6616 Hake	Roof
Gary Kumro	13639 Dorsch	Roof
Scott Bopp	5080 Havens	Garage addition
Craig Jackson	4424 Billo	Rooftop solar
Scott Rice	12667 Koepsel	Permit renewal

The Town Board accepted the report as presented.

**Town Clerk-** the 3<sup>rd</sup> Quarter Dog Control officers Report was presented, noting a spike in dog bites and a problem with people picking up dogs on the reservation and removing them. He will also start writing tickets for court appearances now when a license is 2 months late instead of waiting until it is 3 months late.

**Attorney for the Town** – he has been working with the Village Attorney to come up with a finalized sewer use agreement between the Village and Town for the new Sewer District #3.

### **COUNCILPERSONS:**

**York** – he attended the solar training and the IT training at the town hall, visited the Swift Mills Rd bridge which looks very nice and he thanked all the residents in that area for their patience throughout the whole bridge closing process. The patience has paid off with a great new bridge.

**Jendrowski-** he attended the check presentation by Legislator Ed Rath to the Newstead Library for \$450, which are proceeds from his hot dog event. He also talked to Kristine & Brad on the library sidewalk project and reported that Erie County Social Services have resumed their sessions at the Newstead Library. He went to the airport to investigate Mr. Cheavacci's concerns and found that any work that has been done does not violate the agreement/court order against the airport. He also attended the solar training and investigated drainage concerns on McNeeley Rd and complaints about an explosion on Miland Rd on Saturday.

**Dugan** – he attended the solar training, the negotiations meetings with Akron and Newstead fire Companies and looked at the new work on the Swift Mills Rd bridge.

**Burke** – he attended the solar training, the IT training, toured a Morton building put up by a local resident similar to what the town is looking at building at the town hall property, addressed some bike path mitigation issues and spoke to residents regarding the Main/N Millgrove/Barnum Rd intersection request for a traffic light.

**Supervisor-** he attended the Elma Supervisors meeting, meetings on the fire and labor union contracts, met with the Senior Center Director, attended a meeting on the Swift Mills bridge construction, met with special counsel and the Town Attorney on a personnel matter, attended a snow plow contract meeting, met with the health care provider rep, inspected the new senior van in Clarence, attended a Erie County Governments meeting in Clarence and researched the new draft of Alden's solar law.

### **UNFINISHED BUSINESS:**

**Buildings-** the library sidewalk sealing & inside work will be restarted this week and the repointing and waterproofing at the Community Center (Denio) will begin this week.

**Planning-** the joint town/village meeting will include discussion on CEO position and a joint master plan.

**Water/Sewer-** these items will be addressed under new business

**Grants-** new information has been received on the trailways grant which will be discussed at next work session, the County will be out to the Senior Center next week on the CDBG grant, the parks grant is still pending but we should be hearing something in December, and paperwork has begun for the new garage building at the town hall property.

### **NEW BUSINESS:**

#### **Adoption of the 2017 Budget:**

A motion was made by Councilman Dugan, seconded by Councilman York approving the adoption of the 2017 Budget as presented with the noted changes in the resolution.

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

Carried Unanimously

**Approval- Permanent Civil Service Appointment:**

A motion was made by Councilman York, seconded by Councilman Jendrowski approving the permanent appointment of Deborah Sabbatis to the position of Director of Senior Services based on her ranking as #1 on the civil service test list for the position.

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

**Public Hearing- Fire Contract Renewals:**

A motion was made by Councilman Jendrowski, seconded by Councilman Burke approving the calling of a public hearing on the proposed fire contracts for 2017-2019, to be held on November 28, 2016 at 7:50pm and authorizing the Town Clerk to publish the legal notice.

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

**Approval- Sale of Surplus Highway Equipment:**

A motion was made by Councilman Burke, seconded by Councilman York declaring the 2000 Sterling Lt9-ten wheel dump truck with one way plow and wing to be surplus property and authorizing the Highway Supt. to sell these items either through Auctions International or by negotiated sale to another municipality.

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

**Approval- Masonry Restoration Work- 50 John St:**

A motion was made by Councilman Dugan, seconded by Councilman Burke approving the proposal by Highland Masonry Restoration Inc. to grind out, repoint and seal the south end of the west wall of the Newstead Community Building located at 50 John St for a quoted cost of \$3,500.00 and authorizing the Supervisor to execute the agreement.

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

**Approval- Penn Power Systems Contract:**

A motion was made by Councilman York, seconded by Councilman Jendrowski approving the proposed maintenance agreement with Penn Power Systems for a 2 year period for Sewer District #1 and authorizing the Supervisor to execute the agreement.

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

**Approval- Erie County Senior Meals Contract for 2017:**

A motion was made by Councilman Jendrowski, seconded by Councilman Burke approving the proposed annual contract for 2017 with Erie County Department of Senior Services to provide meals for seniors at the Akron-Newstead Senior Center and authorizing the Supervisor to execute the agreement.

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

**SEQR-Formation of Sewer District #3 and Construction of Pump Station and Sewer Lines:**

A motion was made by Councilman Burke, seconded by Councilman Jendrowski approving the issuance of a negative SEQRA declaration on the proposed construction of a pump station and sewer lines on Lewis Rd which will be known as Sewer District #3 and authorizing the Supervisor to sign the Environmental Assessment Form indicating the project will have no significant adverse impacts.

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

**Public Hearing- Formation of Sewer District #3:**

A motion was made by Councilman York, seconded by Councilman Jendrowski approving the calling of a public hearing on the proposed formation of Sewer District #3 on Lewis Rd, to be held on November 28, 2016 at 7:45pm and authorizing the Town Clerk to publish the legal notice.

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

**Public Hearing- Site Plan- 11167 Main Rd:**

A motion was made by Councilman Dugan, seconded by Councilman York approving the calling of a public hearing on the proposed site plan for 3 lean-to additions at 11167 Main Rd, to be held on November 28, 2016 at 7:40pm and authorizing the Town Clerk to publish the legal notice.

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

Carried Unanimously

**Approval- Annual Applications Ad:**

A motion was made by Councilman Burke, seconded by Councilman Jendrowski authorizing the Town Clerk to publish the notice for annual employment applications in the Akron Bugle and Pennysaver.

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

**Approval- Recreation Positions:**

A motion was made by Councilman Burke, seconded by Councilman Dugan approving the appointment of Allissa Cheavacci as recreation substitute and Elsie Leeds as a volunteer.

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

**Approval- Bid Waterline Project Materials:**

A motion was made by Councilman Burke, seconded by Councilman York authorizing the Supervisor to set dates for a public bid for materials for the proposed waterline extension on Cedar St in Consolidated Water District #1 Increase and Improvement of Facilities.

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

Carried Unanimously

**Special Meeting of Town Board:**

A motion was made by Councilman Jendrowski, seconded by Councilman Burke approving calling a special meeting of the Town Board on November 21, 2016 at 7:30pm to address the 2017 snow plow contract with the County and possibly a resolution on the Sewer District #3 contract with the village.

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

**Privilege of the Floor/Question Period:** Frances Romeo of 7389 Downey Rd spoke regarding the explosion that occurred on Miland Rd on Saturday night at a private residence, which was followed up by a fireworks display. She expressed her concerns over the use of the substance tannerite to cause the explosion. This substance is the same substance used in the bombings in Oklahoma City, in New York City a couple years ago and in Busti, NY in 2013. The effects of that bombing were felt as far away as Pennsylvania. She cited some of the regulations on the use of this product as defined by the ATF Dept. She is not happy with the outcome of the investigation by the Erie County Sheriff's Department so far who stated this is a legal substance and no laws were broken, even though it was extremely dangerous. She and her family and neighbors were shaken for 2 hours after the blast that literally shook their entire house.

Supervisor Cummings stated the board has been and will continue to work with local authorities on this investigation and plan to discuss it as a board at their next work session. It is hard to control the use of a legal substance and they are very lucky no one got hurt.

Councilman Jendrowski stated he believes the Sheriff's officers present did not have all the information they needed that night to make determinations on the issue. He is going to talk to the DEC on this as well as local officers. The effects of this local explosion were felt into Niagara and Genesee Counties. He will stay on it and he knows the Sheriffs are still looking into this.

There being no further business to come before the board for the regular meeting a motion was made by Councilman Burke, seconded by Councilman York to adjourn the regular meeting at 9:05pm.

Carried Unanimously

Respectfully Submitted,

Dawn D. Izydorczak, RMC, Town Clerk