

Newstead Town Board Meeting- April 10, 2017

A public hearing was called to order by the Newstead Town Board on Monday, April 10, 2017 at 7:38pm at the Newstead Town Hall.

Present: David Cummings- Supervisor
John Jendrowski- Councilman
Joseph Dugan- Councilman
Edmund Burke- Councilman
Mike Bassanello- Highway Supt
Brendon Neill - Assistant Town Attorney
Scott Rybarczyk- Wendel/Town Engineer
Dawn Izydorczak- Town Clerk

Roll Call was taken with all board members present.

The Supervisor called the **public hearing** on Local Law #1 of 2017 regarding a new Radon Law to order.

The Clerk read proof of publication. The Supervisor explained the need for adopting this legislation due to some areas of the town having excessively high levels of radon in the ground. It has been on the agenda and discussed for several months and the Board believes this is in the best interest for the health and safety of the public.

Comments:

Carl Klingenschmitt, Chairman of the Conservation Advisory council, stated he is in favor of the law and feels incorporating the change suggested by Town Attorney Neill changing the required pipe length to 4" is a good idea.

There being no further comments, a motion was made by Councilman Jendrowski, seconded by Councilman Dugan to close the public hearing at 7:41pm. Carried

The Supervisor called the **public hearing** on Local Law #2 of 2017 regarding a new law governing avoidable alarms and Knox Box requirements for Commercial properties to order at 7:41pm

The Clerk read proof of publication. The Supervisor explained the need for adopting this legislation and its purpose.

Comments: no one spoke

There being no further comments, a motion was made by Councilman Jendrowski, seconded by Councilman Burke to close the public hearing at 7:45pm. Carried

The Supervisor called the **public hearing** on a site plan request for 2 storage buildings totaling 9,000 sq. ft. at 11079 Main Rd owned by Kelly Schultz to order at 7:45pm.

The Clerk read proof of publication. The Supervisor explained the Planning Board has recommended this project for approval on March 13th. It is a type 2 action and no coordinated review is required.

Comments: no one spoke

There being no further comments, a motion was made by Councilman Dugan, seconded by Councilman Jendrowski to close the public hearing at 7:48pm. Carried

The Board entered a brief executive session at 7:48pm to discuss the CEO position and a highway personnel matter. They exited at 8:03pm having taken no action.

The **regular meeting** of the Town Board was called to order at 8:03pm with the same members present as listed above.

Supervisor Cummings led the pledge to the flag.

Minutes from the previous regular meeting held on March 27, 2017 were presented for approval. A motion was made by Councilman Burke, seconded by Councilman Jendrowski to approve as presented. Carried

Agenda Changes – none

Communications – The Town Clerk presented the following correspondence:

A Local Government Training workshop on “preparing for extreme weather events through land-use management” will be offered May 3rd at the Erie County Fire Training Center in Cheektowaga from 8:00am – 3:30pm.

An amended liquor license application was received from 13278 Carney Rd, Inc. for Dande Farms Restaurant for 2017.

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

Work Session: The Supervisor reported that at work session held last week the following items were discussed: building projects, highway quotes for equipment, water & sewer items, planning items, grants, services, court audit, Leisurewood, joint town/village items, modern contract, planting of the white pine tree, open job positions, and any other matters brought before the Board.

Agenda Items Question Period: no one spoke

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 4/10/17. Carried

Approval of Bills – Councilman Jendrowski reported that the Abstract(s) from Batch(es) #1707 has been reviewed with the previously un-audited vouchers and everything was found in order. He presented Abstract Batch(es) #1712 for payment. Vouchers on this abstract(s) numbered from 337 - 389, totaling \$232,591.94. Councilman Burke seconded to approve payment as follows:

Abstract Batch(es) #1712:
General Fund (A) -\$29,133.68, General Fund- Outside Village (B) \$286.64, Highway (DA) -\$0, Highway: Outside Village (DB) \$27,680.53, CAP- Murder Creek- (HM) \$0, CAP-Sewer Dist 3(HNL) \$0, CAP- Trail Grant (HTG)- \$0, CAP- Water Improvement (HW)- \$0, CAP Water-Downey (HW01)- \$0, CAP- Water- Cedar (HW02)- \$40,564.74, Drainage (SD)- \$0, Fire Protection (SF) \$0, Refuse (SR) \$4.15, Sewer #1 Fund (SS) \$127.51, Sewer District #2 (SS02)- \$402.50, Trust & Agency(TA)- \$0 and Water Districts: Consolidated (SW00) \$154.19, (SW1) \$0, (SW2) \$0, (SW3) \$0, (SW4) \$0, (SW5) \$0, (SW6) \$0, (SW7) \$0, (SW7A) \$0, (SW8) \$0, (SW9) \$0, (SW10) \$134,238.00; Total: \$232,591.94 Carried

COMMITTEE AND DEPARTMENT HEAD REPORTS:

Highway – Mike reported the crews delivered a map cabinet to the Cultural Center for the Historian, made repairs to the ceiling in the Mechanics Room, made repairs to the open cab tractor & #7 power steering line, cleaned yards where the plows did damage, cut trees with help from the Village, rolled the parks fields, checked roads for flooding, trees and limb damage, did 284’ of ditching on Stage and Schutt roads and 80’ of pipe, and swept the bike path and put the guard rails back up.

Assessor – no report presented.

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

Rich & Kelly Carter	6410 Dye	Porch
Bed n’ Biscuit Harbor	12390 Hunts Corners	Temp Special Use Permit renew
Dan Kaczmarek, Jr	7426 Maple	Pole barn

Solid Rock Baptist Church	5571 Crittenden	Roof
Thomas Owen	12859 Main	Roof
Crown Castle	4678 S Newstead	Cell tower maintenance
Tatyana Shpakovski	13418 Steiner	Roof

The Town Board accepted the report as presented.

Town Clerk- Dawn presented the 1st Quarter Dog Control Officers report for 2017.

Attorney for the Town – nothing at this time. The Board welcomed Assistant Town Attorney Brendon Neill.

COUNCILPERSONS:

Jendrowski- he addressed the library sewer backup issue and would like to discuss a permanent fix of the problem with Scott. He met with the village committee (Keith & Brian) on the CEO position, he spoke with Mike Borth on CEO issues, spoke with the Supervisor on the radon law, the CEO position and the bike path and expressed his condolences to Highway Supt. Mike Bassanello on the recent passing of his father.

Dugan – he completed the annual court audit with Sandy and commended Sandy on how well organized her records are and a job very well done in 2016. He also met with the village committee (Keith & Brian) on the CEO position and met with Christine to discuss the radon issue.

Burke – he attended the 2nd round of interviews for the CEO position.

Supervisor- the March Supervisor’s Report is on file with the Town Clerk. He also attended the 2nd round of interviews for the CEO position, met with the Mayor on several issues, was kept abreast of the library sewer issue, took care of several town phone upgrades with Dawn and took several complaints from area residents regarding excessive speeding on Stage Rd between Havens and the Clarence town line.

UNFINISHED BUSINESS:

Buildings- nothing new

Planning- several hearings on local laws and projects are in the works, a kick-off committee meeting was held for the Master Plan update with the first public meeting to be held soon.

Water/Sewer- Scott reported finalization of the Public Improvement Permit is in the works for Niagara Label. All materials for the Cedar St waterline are in. Hydrant test results have been received from ECWA.

Grants- several are in the works. The town will be reapplying for the park grant. The trailways grant is waiting for the go ahead from the state. The town will apply for a DASNY grant for a generator for the Town Hall to enable it to operate as a command center in emergencies. We are looking at some possible waterline grants.

NEW BUSINESS:

Local Law #1 of 2017- Radon Control Law:

A motion was made by Councilman Burke, seconded by Supervisor Cummings to adopt the proposed Local Law #1 of 2017 entitled Radon Control Law.

Councilman Jendrowski asked if the board could take more time to discuss this law. He still has some concerns about it. Councilman Burke feels the low outlay of money for the safety against radon gas is reasonable & prudent. Supervisor Cummings stated if there were issues, the time to address them should have been during the public hearing. He asked for a vote on the law. (Resolution Attached) Cummings-Aye, Dugan -No, Burke-Aye, Jendrowski- No Fails to Pass

Adoption- Local Law #2 of 2017- Avoidable Alarm & Knox Box Law:

A motion was made by Councilman Burke, seconded by Councilman Dugan adopting the proposed Local Law #2 of 2017 entitled Avoidable Alarm & Knox Box Law.

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

Approval- Site Plan- Storage Buildings at 11079 Main Rd:

A motion was made by Councilman Dugan, seconded by Councilman Jendrowski approving the proposed site plan dated March 1, 2017 for 2 storage buildings totaling 9,000 sq ft at 11079 Main Rd owned by Kelly Schultz, subject to the terms set forth in the resolution.

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

Public Hearing- Local Law #3 of 2017- Zoning Law Amendments:

A motion was made by Councilman Burke, seconded by Councilman Dugan approving the calling of a public hearing on the proposed Local Law #3 of 2017 entitled Amendments to the Zoning Law, to be held April 24, 2017 at 7:20pm at the Town Hall and authorizing the Town Clerk to publish the notice.

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

Public Hearing- Local Law #4 of 2017- Subdivision Law Amendment:

A motion was made by Councilman Jendrowski, seconded by Councilman Burke approving the calling of a public hearing on the proposed Local Law #4 of 2017 entitled Amendment to the Subdivision Law, to be held April 24, 2017 at 7:30pm at the Town Hall and authorizing the Town Clerk to publish the notice.

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

Public Hearing- Niagara Specialty Metals Building Addition:

A motion was made by Councilman Dugan, seconded by Councilman Jendrowski approving the calling of a public hearing on the proposed 12,000 sq ft addition at 12600 Clarence Center Rd owned by Niagara Specialty Metals, to be held April 24, 2017 at 7:40pm at the Town Hall and authorizing the Town Clerk to publish the notice.

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

Public Hearing- EM Wargo Building Addition:

A motion was made by Councilman Jendrowski, seconded by Councilman Dugan approving the calling of a public hearing on the proposed 3,744 sq ft addition at 5055 Havens Rd owned by E.M. Wargo, LLC, to be held April 24, 2017 at 7:50pm at the Town Hall and authorizing the Town Clerk to publish the notice.

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

Approval- Amended Liquor License Application:

A motion was made by Councilman Burke, seconded by Councilman Dugan approving the amended application for a liquor license for 13278 Carney Rd, Inc. to operate at Dande Farms restaurant for the 2017 season.

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

Privilege of the Floor/Question Period: no one spoke

The Supervisor asked the board members to stay for a few minutes after the meeting to look at 25 photos of an unsafe building on Buckwheat Rd.

The Supervisor asked for a moment of silence in honor of former Mayor, Trustee and Post Master Adolph Bassanello’s passing. 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 8:36pm. Carried

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