

Newstead Town Board Meeting- April 22, 2019

A public hearing was called to order by the Newstead Town Board on Monday, April 22, 2019 at 6:50pm at the Newstead Town Hall.

Present: David Cummings- Supervisor
John Jendrowski- Councilman
Edmund Burke- Councilman
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 except Councilman Dugan who is out of town and Councilwoman Morlacci.

The Supervisor called the **public hearing** on the proposed Local Law #13 of 2019 amendments to the Flood Damage Prevention Law with regards to adopting the new FEMA floodplain maps to order.

The Clerk read the proof of publication. The Supervisor explained the need for adopting this new update is to facilitate the implementation of the new FEMA floodplain maps for the town. This law has been reviewed by all boards & agencies.

Comments: no one spoke

There being no further comments a motion was made by Councilman Burke, seconded by Councilman Jendrowski to close the public hearing at 7:00pm. Carried

The **public hearing** on the unsafe building located at 13599 Bloomingdale Rd is being rescheduled with notices being sent to immediate living family members.

The **regular meeting** of the Town Board was called to order at 7:00pm with the same members present as listed above.

Supervisor Cummings led the pledge to the flag.

Minutes from the regular meeting held on April 8, 2019 were presented for approval. A motion was made by Councilman Burke, seconded by Councilman Jendrowski to approve as presented. Carried

Agenda Changes – a motion was made by Councilman Jendrowski, seconded by Councilman Burke to make the following agenda changes: add resolution to approve ACS tax collection contract, reschedule unsafe building hearing and approve usage by the Celebration Committee of Veteran's Park for fireworks on July 3rd. Carried

Communications – The Town Clerk presented the following correspondence:

A letter was received from Charter Communications notifying the town of the launch of Spectrum Originals on demand which will premiere on May 13, 2019.

A notice of a public hearing was received from the Town of Lancaster to be held on April 15th at 7:15pm regarding amendments to 4 of the town laws and a public hearing on May 6th at 7:15pm for Stormwater Control revisions.

A seminar on Tree Health Updates- a workshop for industry professionals will be held on May 10th at 8:30am at the Cheektowaga Emergency Services Training & Operations Center. This information was shared with the Village as well.

A seminar to learn about "Composting at Home" to be held May 4th at 9:00am-11:30am at Feed More WNY, 91 Holt St in Buffalo. Cost to attend is \$5.00/person.

A request from the Akron Celebration Committee to use Veteran’s Park for fireworks on July 3rd.

A letter from Clarence Councilman Bernard Kolber regarding the NYS toll barrier issue & seizing the opportunity to work together on relocation of replacement facilities.

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

Work Session: The Supervisor reported that at the work session held last week the following items were discussed: a meeting with the auditors on the 2018 audit, a meeting with Carl on the Water keepers program, a meeting with Recreation and ACS music program representatives, planning items updates, building issues updates, grant updates, water & sewer project updates, plus any other items brought before the Board.

Agenda Items Question Period: no one spoke

Budget transfers: a motion was made by Councilman Burke, seconded by Councilman Jendrowski to approve the budget transfer as presented in a memo from Bookkeeper Colleen Salmon dated 4/22/19. Carried

Approval of Bills – Councilman Jendrowski reported that the Abstract(s) from Batch(es) #1922, 1924 & 1925 have been reviewed with the previously un-audited vouchers and everything was found in order. He presented Abstract Batch(es) #1929 & 1930 for payment. Vouchers on this abstract(s) numbered from 371- 412, totaling \$66,192.12. Councilman Burke seconded to approve payment as follows:

Abstract Batch(es) #1929 & 1930:

General Fund (A) -\$12,222.50, General Fund- Outside Village (B) \$134.01, Highway (DA) -\$0, Highway: Outside Village (DB) \$5,740.60, CAP- Trail Grant (HTG)- \$22,012.78, 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) \$25,934.88, Sewer #1 Fund (SS) \$33.00, Sewer District #2 (SS02)- \$71.95, Sewer District #3 (SS03)- \$0, Trust & Agency(TA)- \$0 and Water Districts: Consolidated (SW00) \$42.40, (SW1) \$0, (SW2) \$0, (SW3) \$0, (SW4) \$0, (SW5) \$0, (SW6) \$0, (SW7) \$0, (SW7A) \$0, (SW8) \$0, (SW9) \$0, (SW10) \$0; Total:\$66,192.12 Carried

COMMITTEE AND DEPARTMENT HEAD REPORTS:

Highway – no report presented

Assessor – Tina presented a report read by the Supervisor stating change of assessment notices have been printed, prepped and mailed. She will hold informal meetings with property owners from now until grievance day. She is still working on negotiating a settlement for the Article 7 that is pending.

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

John Wagner	11569 Howe	Storage shed
Thomas Schumacher	12081 Meahl	Generator
Irene Root	12610 Clair	Remodel
Gregory Conwall	12284 Meahl	Pole barn
Suzanne Richter	146 Quarry Hill Est	Generator
Steven Bedford	6883 Cedar	Garage
Ty Critelli	12455 McNeeley	Roof
David Peck	5566 Barnum	Storage shed
Margaret Berghorn	11090 Miland	Enclosed porch
Town of Newstead	5929 Buell	Special Event Permit
Donna Schmidle	201 Quarry Hill Est	Manufactured home

The Town Board accepted the building report as presented.

Town Clerk- nothing at this time

Town Attorney – nothing at this time

COUNCILPERSONS:

Jendrowski – he attended the library board meeting where they reported they are doing an audit and everything is good. The AC unit is having issues and he will be getting quotes for the work. He attended a meeting with Akron Fire Co. Chief and Trustees Folger & Middaugh. They are working together with the Chief to resolve some issues. He also spoke with the building department regarding a mobile home park issues.

Dugan – not present

Burke – he attended the Recreation Board meeting and reported a representative attended the last work session regarding a program issue. He worked the shred-it event and it was run well and efficient. He attended a meeting at the library with the Celebration Committee.

Morlacci – not present

Supervisor – the March Supervisors report is on file with the Town Clerk. He worked the household hazardous waste event and it was well run and well attended. Residents were pleased the program is provided. He has been working on the water project, grants, addressing a few resident issues and had the CEO do an inspection on Limerick Hall for overall condition and possibility for a septic system. The CEO reported there is significant damage to the roof and the inner building, much of which is beyond repair. There also isn't enough room on the property for an updated septic system. The Supervisor requested that the Akron Bugle put a story in the paper requesting ideas from the public as to whether to sell it, tear it down or something else.

UNFINISHED BUSINESS:

Buildings – the AC issue at the library is being handled.

Planning – the TB is having a joint meeting on May 20th with the Planning Board regarding mobile home parks.

Water/Sewer – Scott reported the Erie County Dept. of Health(DOH) has put a hold on approving the water project grant due to the known water pressure problems in the area. Past pressure issues with the water tank were remedied in 2013. ECWA will help with modeling for the new project to provide the DOH with data to show the new homes that would be added to the system would not pose further pressure/demand problems. New York State has given us permission in writing to continue moving forward with engineering as we take care of this issue. Wendel will update the plans.

Regarding water pump on Cedar Street, Russ Stoll from ECWA got back to Scott with 3 options for the town to consider.

Grants – 4 to 5 weeks of work is left on the Trailways project. The NYSDOT was out today doing the guard rail work needed to be done. The Generator needs another stop valve installed at the generator per National Fuel and then they will come out to install the new meter. The Tree grant is finished and complete. Parks- Wendel will have the digging for the study done as soon as weather permits and the Recreation Department received a grant from Dick' Sporting Goods for equipment.

NEW BUSINESS:

SEQRA- Local Law #1 of 2019- Flood Damage Prevention Law:

A motion was made by Councilman Burke, seconded by Councilman Jendrowski issuing a declaration of non-significance regarding the amendments to the Flood Damage Prevention Law and declaring it a Type II action.

(Res Attached) Cummings-Aye, Dugan-Absent, Burke-Aye, Jendrowski-Aye, Morlacci-Absent
Carried

Adoption- Local Law #1 of 2019- Flood Damage Prevention Law:

A motion was made by Councilman Burke, seconded by Councilman Jendrowski approving the adoption of the proposed amendments to the Flood Damage Prevention Law.

(Res Attached) Cummings-Aye, Dugan-Absent, Burke-Aye, Jendrowski-Aye, Morlacci-Absent
Carried

Public Hearing- Local Law #2 of 2019- Planned Unit Development Law amendments:

A motion was made by Supervisor Cummings, seconded by Councilman Jendrowski approving the calling of a public hearing on the proposed amendments to the Planned Unit Development Law to be held on May 13, 2019 at 6:50pm at the town hall and authorizing the Town Clerk to publish notice in the Akron Bugle.

(Res Attached) Cummings-Aye, Dugan-Absent, Burke-Aye, Jendrowski-Aye, Morlacci-Absent
Carried

Public Hearing- Site Plan- 13661 Main Rd:

A motion was made by Supervisor Cummings, seconded by Councilman Burke approving the calling of a public hearing on the proposed site plan for a 11,776 sq. ft. storage building at 13661 Main Rd owned by Fancher Properties, to be held on May 13, 2019 at 6:55pm at the town hall and authorizing the Town Clerk to publish notice in the Akron Bugle.

(Res Attached) Cummings-Aye, Dugan-Absent, Burke-Aye, Jendrowski-Aye, Morlacci-Absent
Carried

Public Hearing- Site Plan- 4515 Crittenden Rd:

A motion was made by Councilman Jendrowski, seconded by Councilman Burke approving the calling of a public hearing on the proposed site plan for a 2,400 sq. ft. storage building at 4515 Crittenden Rd owned by County Line Stone Co Inc, to be held on May 13, 2019 at 6:45pm at the town hall and authorizing the Town Clerk to publish notice in the Akron Bugle.

(Res Attached) Cummings-Aye, Dugan-Absent, Burke-Aye, Jendrowski-Aye, Morlacci-Absent
Carried

Approval- Town Investment Policy update:

A motion was made by Councilman Jendrowski, seconded by Councilman Burke approving the proposed updates to the Town Investment Policy as presented.

(Res Attached) Cummings-Aye, Dugan-Absent, Burke-Aye, Jendrowski-Aye, Morlacci-Absent
Carried

Appointment- Recreation Board Member:

A motion was made by Councilman Burke, seconded by Councilman Jendrowski approving the appointment of Jason Pragle as a Recreation Board member with a term expiring on 12/31/2020. Cummings-Aye, Dugan-Absent, Burke-Aye, Jendrowski-Aye, Morlacci-Absent Carried

Cancellation of May 6th Work session:

A motion was made by Councilman Burke, seconded by Councilman Jendrowski approving the cancellation of the May 6th work session.

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

Hearing– Unsafe Building located at 13599 Bloomingdale Rd:

A motion was made by Councilman Burke, seconded by Councilman Jendrowski approving the calling of a hearing for an unsafe building located at 13599 Bloomingdale Rd owned by Kevin Benteen (deceased), which violates the provisions of the unsafe building law. The hearing will be held May 13, 2019 at 6:40pm at which time the reputed owner and residents will be given the opportunity to speak on the buildings violations. The Town Board proposes that demolition of the building will commence within 30 days following the hearing if no remedy to the building is completed.

(Res Attached) Cummings-Aye, Dugan-Aye, Burke-Aye, Jendrowski-Aye, Morlacci-Absent
Carried

Approval– ACS Tax Collection Contract renewal:

A motion was made by Councilman Jendrowski, seconded by Councilman Burke authorizing the renewal of a contract with Akron Central School to provide tax collection services for 3 years (2019-2022) at a cost of \$9,000.00 plus all other related expenses each year.

(Res Attached) Cummings-Aye, Dugan-Absent, Burke-Aye, Jendrowski-Aye, Morlacci-Absent
Carried

Approval – Veteran’s Park Usage:

A motion was made by Councilman Burke, seconded by Councilman Jendrowski to allow the Akron Celebration Committee to use Veteran’s Park on July 3rd for the community fireworks display.

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

Privilege of the Floor/Question Period: no one spoke

There being no further business to come before the board for the regular meeting a motion was made by Councilman Burke, seconded by Councilman Jendrowski to adjourn the regular meeting at 7:36pm. Carried

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