

## Newstead Town Board Meeting- April 24, 2017

A public hearing was called to order by the Newstead Town Board on Monday, April 24, 2017 at 7:23pm at the Newstead Town Hall.

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

Roll Call was taken with all board members present.

The Supervisor called the **public hearing** on Local Law #3 of 2017 regarding amendments to the Zoning Law to order.

The Clerk read proof of publication. The Supervisor explained the need for adopting this legislation and it has been recommended for approval by the Planning Board.

Comments: no one was present to speak

There being no further comments, a motion was made by Councilman Jendrowski, seconded by Councilman Burke to close the public hearing at 7:30pm. Carried

The Supervisor called the **public hearing** on Local Law #4 of 2017 regarding amendments to the subdivision law to order at 7:30pm

The Clerk read proof of publication. The Supervisor explained the need for adopting this legislation and it has been recommended for approval by the Planning Board. He also explained that the numbering of the local law will be changed at adoption.

Comments: no one was present to speak

There being no further comments, a motion was made by Councilman Jendrowski, seconded by Councilman Burke to close the public hearing at 7:35pm. Carried

The Supervisor called the **public hearing** on a site plan request for a building addition totaling 12,000 sq. ft. at 12600 Clarence Center Rd owned by Niagara Specialty Metals to order at 7:35pm.

The Clerk read proof of publication. The Supervisor explained the Planning Board has recommended this project for approval. He also stated that the numbering of the local law will be changed at adoption. Erie County Planning was notified and provided no comments.

Comments: no one was present to speak. Councilman Burke questioned the wastewater section of the SEQR form. Town Engineer Rybarczyk stated he cannot comment on the site plan but as an engineer he personally wouldn't recommend putting the driveway that close to a building. It is a bit of a risk. The use of the building for storage only leads to no wastewater issues on the project as there is not enough impervious land being disturbed.

There being no further comments, a motion was made by Councilman Jendrowski, seconded by Councilman Burke to close the public hearing at 7:42pm. Carried

The Supervisor called the **public hearing** on a site plan request for a building addition totaling 3,744 sq. ft. at 5055 Havens Rd owned by E.M. Wargo, LLC to order at 7:42pm.

The Clerk read proof of publication. The Supervisor explained the Planning Board has recommended this project for approval with the buffer and landscape screening requirements to be reinstated. Erie County Planning had no comments

Comments: Councilman Burke asked about a stipulation for a deadline date to complete the required plantings and landscape work. The board members agreed to add to the resolution a 2 year deadline date.

Richard D'Arcy, Controller with E.M. Wargo, LLC was present and stated that the 2 year deadline stipulation for the conditions on the project would be acceptable to them.

There being no further comments, a motion was made by Councilman Jendrowski, seconded by Councilman Burke to close the public hearing at 7:47pm. Carried

The **regular meeting** of the Town Board was called to order at 8:00pm with the same members present as listed above.

Town Attorney Nathan Neill led the pledge to the flag.

Minutes from the previous regular meeting held on April 10, 2017 were presented for approval. A motion was made by Councilman Burke, seconded by Councilman Dugan to approve as presented. Carried

Minutes from the joint Town/Village meeting held on April 17, 2017 were presented for approval. A motion was made by Councilman Burke, seconded by Councilman Dugan to approve as presented. Carried

**Agenda Changes** – none

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

A letter from the Akron Village Planning Board regarding a proposed 23,200 sq ft addition at the Aakron Rule complex on Oak Street, asking for any comments from the Town on the project.

The March 2017 Operations Report was received from Amherst Central Fire Alarm office reporting 44 calls for Akron Fire Co and 28 calls for Newstead Fire Co.

A resolution was received from the Town of Concord supporting a proposal to change the tax cycle in Erie County for Towns of the 2<sup>nd</sup> Class to a February 15<sup>th</sup> due date instead of the current March 15<sup>th</sup> due date, which would save taxpayers significant penalties when paying late.

A motion was made by Councilman Dugan, seconded by Councilman Jendrowski 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: an executive session on contracts and personnel, building projects, water & sewer items, planning items, grants, services, planting of the white pine tree, restrooms, and any other matters brought before the Board. A joint meeting was held following work session with the Village Board. A committee has been formed with 2 town board members and 2 Newstead Fire Co members to relook at the senior center agreements between the 2 entities.

**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 4/24/17. Carried

**Approval of Bills** – Councilman Jendrowski reported that the Abstract(s) from Batch(es) #1712 has been reviewed with the previously un-audited vouchers and everything was found in order. He presented Abstract Batch(es) #1715 for payment. Vouchers on this abstract(s) numbered from 410 – 447, totaling \$41,291.61. Councilman Dugan seconded to approve payment as follows:

Abstract Batch(es) #1715:

General Fund (A) -\$10,109.48, General Fund- Outside Village (B) \$48.69, Highway (DA) -\$0, Highway: Outside Village (DB) \$4,564.01, 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)- \$0, Drainage (SD)- \$0, Fire Protection (SF) \$0, Refuse (SR) \$25,260.20, Sewer #1 Fund (SS) \$1,175.21, Sewer District #2 (SS02)- \$91.98, Trust & Agency(TA)- \$0 and Water Districts: Consolidated (SW00) \$42.04, (SW1) \$0, (SW2) \$0, (SW3) \$0, (SW4) \$0, (SW5) \$0, (SW6) \$0, (SW7) \$0, (SW7A) \$0, (SW8) \$0, (SW9) \$0, (SW10) \$0;  
Total: \$41,291.61 Carried

**COMMITTEE AND DEPARTMENT HEAD REPORTS:**

**Highway** – Mike reported that the crews have been brooming roads, hauled 2 loads of dirt for the baseball fields, took the new truck to an equipment show in Rochester, took the plow equipment off the trucks, helped the Town of Clarence mill a street, rolled the park fields, cleaned the cemeteries and parks, shot grades on Dye Rd, he attended the Highway Superintendents meeting and talked to the C.H.I.P.S. representative. He also reported to the board on the fire in the excavator that caused significant damage. We are waiting for the information from the insurance adjusters. A discussion was held on the purchase of a new excavator, with the addition of an extra bucket as suggested by Councilman Jendrowski. Everyone is in favor and it will be discussed next week.

**Assessor** – no report presented.

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

Robert Lucia	12766 Carney	Roof
Robert Schurr, Jr	6 Golden Pond Est	Door addition
CMK Builders	11519 Howe	One Family Home
CMK Builders	11825 Sheila Ln	One Family Home
Jim Slowinski	11300 Hiller	One Family Home
Arrowhead Golf Course	12292 Clarence Ctr	Sign
Stephen Stribing	13125 Steiner	Generator
Al Osborne	13227 Stage	Ditch fill
John Wood	11784 Rapids	Roof
CMK Builders	11519 Howe	Ditch fill

The Town Board accepted the report as presented. Councilman Burke expressed his concern over the number of uncompleted fire inspections this year, as we are already 1/3 of the way into the year.

**Town Clerk**- nothing at this time

**Attorney for the Town** – nothing at this time

**COUNCILPERSONS:**

**Jendrowski**- he attended the celebration committee meeting on preparations for July 4<sup>th</sup>. He also met with Councilman Dugan, Trustee Perry and CEO Mike Borth on the CEO position status.

**Dugan** – he attended the IT meeting with the staff from the town and village. He also met with Councilman Jendrowski, Trustee Perry and CEO Mike Borth on the CEO position status. He congratulated Town Clerk Dawn Izydorczak on being chosen as the New York State District 10 Town Clerk of the Year.

**Burke** – he reported the Recreation Board meeting he was supposed to attend was cancelled and rescheduled for June.

**Supervisor**- he attended the rural Transit awards ceremony, the IT meeting with staff, and the joint Town/Village Board meeting. He also met with the Building Department staff and Nathan on procedures. He met with the auditors and is happy to report the town is in a very good fiscal situation, which he thanked Bookkeeper Colleen Salmon for and keeping him on track.

**UNFINISHED BUSINESS:**

**Buildings-** Loudenschlager will be assessing the library pump situation. Also, a gutter issue needs to be addressed and John is trying to get the villages help with the use of their bucket truck.

**Planning-** the Solar Law draft is ready for review. A public meeting on the master plan update will be held May 16<sup>th</sup> at the town hall with a presentation at 7pm. Doors open at 6pm.

**Water/Sewer-** the PIP is in process for Lewis Rd, Scott will get Dave the Map, Plan & Report costs for the waterline project, more hydrant testing has been done by ECWA. Councilman Burke questioned the drop in water pressure after a big fire like the one on Buckwheat Rd and Scott addressed his questions.

**Grants-** nothing new

**NEW BUSINESS:**

**Adoption- Local Law #1 of 2017- Avoidable Alarm & Knox Box Law:**

A motion was made by Councilman Dugan, seconded by Councilman Jendrowski issuing a negative SEQR declaration regarding Local Law #1 of 2017 and declaring it an unlisted action.

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

A motion was made by Councilman Dugan, seconded by Councilman Burke adopting the proposed Local Law #1 of 2017 entitled Avoidable Alarm & Know Box Law.

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

**Adoption- Local Law #2 of 2017- Zoning Law Amendments:**

A motion was made by Councilman Jendrowski, seconded by Councilman Burke issuing a negative SEQR declaration regarding Local Law #2 of 2017 and declaring it an unlisted action.

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

A motion was made by Councilman Jendrowski, seconded by Councilman Burke adopting the proposed Local Law #2 of 2017 entitled Amendments to the Zoning Law.

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

**Adoption- Local Law #3 of 2017- Subdivision Law Amendment:**

A motion was made by Councilman Burke, seconded by Councilman Dugan issuing a negative SEQR declaration regarding Local Law #3 of 2017 and declaring it an unlisted action.

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

A motion was made by Councilman Burke, seconded by Councilman Jendrowski adopting the proposed Local Law #3 of 2017 entitled Amendment to the Subdivision Law.

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

**Approval- Site Plan- Niagara Specialty Metals Building Addition:**

A motion was made by Councilman Jendrowski, seconded by Councilman Dugan approving the site plan dated March 17, 2017 to construct a proposed 12,000 sq ft addition at 12600 Clarence Center Rd owned by Niagara Specialty Metals, subject to the conditions set forth in the resolution.

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

**Approval- Site Plan- EM Wargo Building Addition:**

A motion was made by Councilman Dugan, seconded by Councilman Jendrowski approving the site plan dated March 22, 2017 to construct a proposed 3,744 sq ft addition at 5055 Havens Rd owned by E.M. Wargo, LLC, subject to the conditions set forth in the resolution.

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

**Approval- Justice Court Audit for 2016:**

A motion was made by Councilman Burke, seconded by Councilman Jendrowski approving the review of the annual court audit for 2016 performed by Councilman Joe Dugan, which have been found to be maintained in an exceptionally organized and proper manner.

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

**Privilege of the Floor/Question Period:**

Bill Goral of McNeeley Rd was present to question a building permit granted to his neighbor for a garage addition in August of 2016, which he started over this past weekend and he believes was not built in the right location according to the plans he filed. He also questioned the authorization and review of any proposed drainage plan for the project.

Supervisor Cummings informed him he needs to start with the Code Enforcement Officer on this issue. If he is unhappy with how that is handled he can then come to the town board with his concerns.

The Town Engineer also reported that resident Brian Tobin of 11178 Rapids Rd was present earlier but could not stay for the meeting. He is questioning the process to move a renovation project at a home next door to him along. It has been going on for a long time and feels it looks bad.

Supervisor Cummings also reported to the Board that Christine has made him aware of a request for a group home for veterans, which is being proposed on Stage Rd. The Board will discuss this at next work session.

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 8:46pm.

Carried

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