

Newstead Town Board Meeting- December 12, 2016

A public hearing was called to order by the Newstead Town Board on Monday, December 12, 2016 at 8:00pm at the Newstead Town Hall.

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

Roll Call was taken with all board members present except for Councilman York.

The Supervisor called the **public hearing** to order on the proposed Local Law #3 of 2016 that would repeal Local Law #2 of 2016.

The Town Clerk read the proof of publication. The Supervisor stated this has been every year in the past that the Board has adopted a local law to override the 2% tax cap because it is a requirement to repeal that override if a municipality does not go over the cap to enable its residents to be eligible for their tax cap freeze rebate checks. The town has once again stayed under the 2% tax cap.

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 8:05pm. Carried

A **regular meeting** of the Town Board was called to order at 8:05pm with the same Board members present as listed above.

Supervisor Cummings led the pledge to the flag.

Minutes from the previous regular meeting held on November 28, 2016 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 Burke, seconded by Councilman Dugan to make the following agenda changes: add resolution for contract renewal with Johnson Controls and remove the municipal endorsement for Akron Airport projects. Carried

Erie County Comptroller Stefan Mychajliw stopped by to update the board on several issues. He spoke about the mismanagement in Evans that has been going on over the last several years resulting in an almost \$1 million dollar shortfall. They looked at multiple solutions to the problem and ultimately choose to issue a TAN (tax anticipation note). The money will be paid back by the Town of Evans and will keep Evans afloat for the time being. There has also been a 5 year financial plan that has been put in place between his office and Evans.

Mr. Mychajliw also spoke about the 2% tax cap which he feels is a farce and ties the hands of the local boards. Sales tax revenues have become flat and the weak Canadian dollar affects this. His office has implemented several cost cutting measures this year including encouraging cross training of employees in his office, implementation of a risk assessment guide and audit plans and bidding out the banking services to the County. These all add up to a savings of \$100,000 per year and resulted in \$250,000 in additional revenue.

Town Attorney Neill asked how Evans will pay the money they borrowed back. The Comptroller explained they have a few plans for that and the County will continue to work with them. This has been a problem 10 years in the making and won't be solved overnight. He stated his office is always open to the board members if they have any issues to discuss.

Communications – The Town Clerk presented the following correspondence:

A letter was received from Charter Communications notifying the town of the channels and program providers they are currently in negotiation with for service.

A notice was received from the Town of Lancaster notifying the towns and NYS Legislature of their support of Senate Bill S8196 to amend the tax code to allow taxpayers to claim credits for treating and removing trees infected by the Emerald Ash Borer.

The November 2016 Operations Report was received from Amherst Central Alarm Office, reporting 46 calls for Akron Fire Co and 29 calls for Newstead Fire Co.

A notice was received from Erie County Community Development Block Grant Consortium notifying the town that it has received a \$10,207 grant for computer & technology equipment for the Newstead Senior Center.

A letter of resignation was received from Secretary to the Highway Supt. Debbie Forrestel effective December 29, 2016.

A letter was received from Bison Elevator Service asking for a 3% increase in their contract pricing for 2017 to service the elevators at the Newstead Library.

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

Work Session: The Supervisor reported that no work session was held last week but the following items were discussed prior to tonight's meeting: planning items- Cedar St- wind turbine, Cedar St- Sivec & solar moratorium; water & sewer updates, buildings projects at town buildings; grant items- CDBG, DASNY, Trailway, Park; 2017 appointments, salary & job change requests, NYC training, IT, fee schedule for 2017, first aid training, terms & conditions, 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 12/12/16. Carried

Approval of Bills – Councilman Jendrowski reported that the Abstract(s) from Batch(es) #1672 have been reviewed with the previously un-audited vouchers and everything was found in order. He presented Abstract Batch(es) #1676, 1678 & electronic payments for WD7 & postage for payment. Vouchers on this abstract(s) numbered from 1331-1386, totaling \$68,973.74. Councilman Dugan seconded to approve payment as follows:

Abstract Batch(es) #1676, 1678 and electronic payments for WD7 & postage:
General Fund (A) -\$19,241.07, General Fund- Outside Village (B) \$2,495.64, Highway (DA) -\$0,
Highway: Outside Village (DB) \$2,010.98, CAP- Trail Grant (HTG)- \$15,676.90, CAP- Water
Improvement (HW)- \$0, CAP Water-Downey (HW01)- \$0, CAP- Water- Cedar (HW02)- \$0,
Drainage (SD)- \$0, Fire Protection (SF) \$0, Refuse (SR) \$25,559.43, Sewer #1 Fund (SS) \$1,525.41,
Sewer District #2 (SS02)- \$759.00, Trust & Agency(TA)- \$0 and Water Districts: Consolidated
(SW00) \$4.50, (SW1) \$0, (SW2) \$0, (SW3) \$0, (SW4) \$0, (SW5) \$0, (SW6) \$0, (SW7) \$1,700.81,
(SW7A) \$0, (SW8) \$0, (SW9) \$0, (SW10) \$0
Total: \$68,973.74 Carried

COMMITTEE AND DEPARTMENT HEAD REPORTS:

Highway – not present

Assessor – no report presented.

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

James & Karen Bauer	7403 Berghorn	Generator
Gary Stone	12575 Hunts Corners	3 season room
Bruce Serena	7895 Maple	Permit renewal
Jennifer Wik	12592 Hunts Corners	Roof, windows, siding

The Town Board accepted the report as presented.

Town Clerk- school tax collection is finished and all monies and reports have been returned to the schools and the County. 99.98% of all taxes were collected this cycle.

Attorney for the Town – nothing at this time

COUNCILPERSONS:

Burke – he attended the Newstead Fire Company installation dinner, the Charlie Brown Christmas party and the ZBA meeting for the Quad-Pharma variance request.

York – not present

Jendrowski- he attended the Newstead Fire Company installation dinner, the Charlie Brown Christmas party, met with Mike Mutter regarding the Ambulance WNY request and spoke with Legislator Ed Rath regarding to the Counties position on tannerite.

Dugan – he attended the Newstead Fire Company installation dinner.

Supervisor- the November Supervisor’s Report is on file with the Town Clerk. He and Councilman Jendrowski attended the CEO committee meeting, he had a staff meeting at the town hall, he met with the grant writers, he attended the safety meeting and is getting ready for the new year.

UNFINISHED BUSINESS:

Buildings – the heat exchanger and piping is in and now the wiring needs to be done at the library.

Planning – solar training is tomorrow and then they will be extending the moratorium.

Water/Sewer – bids for Cedar Street are due Wednesday at 10:30. They are working with ECDOH on sewer district to continue the project.

Grants – the CDBG grant for the Senior Center equipment was approved. The resolution tonight will enable the trail ways project to move to final design stage.

NEW BUSINESS:

Approval- Cleaning Contract Renewal:

A motion was made by Councilman Dugan, seconded by Councilman Jendrowski approving the proposed contract renewal with Jani-King of Buffalo for 2017 cleaning services of town buildings, subject to the terms set forth in the resolution and authorizing the Supervisor to execute the agreements.

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

Approval- Site Plan- 11167 Main Rd:

A motion was made by Councilman Jendrowski, seconded by Councilman Dugan approving the proposed site plan dated November 2, 2016 for 3 lean-to additions to storage buildings located at 11167 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, York-Absent
Carried

Adoption- Local Law #3 of 2016- Rescinding Local Law #2 of 2016:

A motion was made by Councilman Burke, seconded by Councilman Jendrowski approving the adoption of the proposed Local Law #3 of 2016 that would rescind Local Law #2 of 2016.
(Resolution Attached) Cummings-Aye, Dugan -Aye, Burke-Aye, Jendrowski- Aye, York-Absent
Carried

Approval- Grant Writing Contract Renewal:

A motion was made by Councilman Burke, seconded by Councilman Jendrowski approving the proposed contract renewal with Rotella Grant Management for 2017 grant writing services, subject to the terms set forth in the resolution and authorizing the Supervisor to execute the agreements.
(Resolution Attached) Cummings-Aye, Dugan -Aye, Burke-Aye, Jendrowski- Aye, York-Absent
Carried

Agreement with Erie County- Cummings Rd-Trailway:

A motion was made by Councilman Dugan, seconded by Councilman Burke approving the proposed agreement with Erie County for construction of a trailway crossing over Cummings Rd, subject to the terms set forth in the resolution and authorizing the Supervisor to execute the agreements.
(Resolution Attached) Cummings-Aye, Dugan -Aye, Burke-Aye, Jendrowski- Aye, York-Absent
Carried

Approval- Language Assistance Plan Policy:

A motion was made by Councilman Burke, seconded by Councilman Jendrowski approving the proposed Language Assistance Plan as a policy for the Town.
Cummings-Aye, Dugan -Aye, Burke-Aye, Jendrowski- Aye, York-Absent Carried

Approval- Johnson Controls Contract Renewal:

A motion was made by Councilman Jendrowski, seconded by Councilman Dugan approving the proposed contract renewal with Johnson Controls for 2017 for service and maintenance at the Joint Municipal Facility, subject to the terms set forth in the resolution and authorizing the Supervisor to execute the agreements.
(Resolution Attached) Cummings-Aye, Dugan -Aye, Burke-Aye, Jendrowski- Aye, York-Absent
Carried

Privilege of the Floor/Question Period: no one spoke

Supervisor Cummings stated there will be a work session on 12/19, a final year end meeting on 12/29 and the organizational meeting and first regular meeting on 1/9/2017.

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 8:50pm.
Carried

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