

Newstead Town Board Meeting- February 8, 2016

A regular meeting was called to order by the Newstead Town Board on Monday, February 8, 2016 at 8:05pm at the Newstead Town Hall.

Present: David Cummings- Supervisor
James Mayrose – Councilman
Donald York- Councilman
John Jendrowski- Councilman
Joseph Dugan- Councilman
Mike Bassanello- Highway Supt
Scott Rybarczyk- Town Engineer
Dawn Izydorzak- Town Clerk

Roll Call was taken with all board members present.

Councilman Jim Mayrose led the pledge to the flag.

Minutes from the previous regular meeting held on January 25, 2016 were presented for approval. A motion was made by Councilman Mayrose, seconded by Councilman Jendrowski to approve as presented. Carried Unanimously

Agenda Changes – a motion was made by Councilman Mayrose, seconded by Councilman Dugan to make the following agenda changes: add motion to approve Town Attorney Neill to act as delegate to Association of Towns meeting in NYC, resolution to extend contract for NYS Police offices at town hall, motion for a beer/wine permit request Carried Unanimously

Communications – The Town Clerk presented the following correspondence:

A letter from Time Warner Cable notifying the town of the programmers and service providers they are currently in negotiations with for service.

A notice from Akron Central School of a lockdown drill that will be held March 4th at 8:40am and attended by all 3 of the Towns Emergency Managers.

A letter from Akron Central School notifying the Town Recreation Department that the school buildings and grounds will be unavailable for the summer recreation program this year due to construction projects that will be taking place on site.

A request by Akron Sports to use the Skyline Park facilities for their 2016 baseball season from April 1st – August 1st.

A request by Akron Little League Football to use the Veterans Park facilities for their 2016 football season from July 25th – November 1st.

A report was received from the Erie County Sheriffs Dept on the drug & syringe drop-off bins. In 2015 they picked up 1 to 2 times per month and collected 150 lbs of syringes and 350 lbs of drugs. They also reported that we have had 4 OD's in the community in the past 6-8 weeks.

The 2016 tree & seedling program order forms have been received from Erie County Soil & Water Dept. Orders are due by March 18th and pick up will be on April 23rd.

An "Accessing Erie County Funding" workshop will be held Saturday February 20th from 10am – 2pm at the Buffalo Central Library auditorium.

A copy of the Analysis of Impediments to Fair Housing Choice report was received from Erie County Department of Environment & Planning.

The January 2016 Operations Report was received from Amherst Central Fire Alarm office reporting 43 calls for Akron Fire Co and 15 calls for Newstead Fire Co.

A request for a beer/wine permit for family reunion on July 30th at Skyline Park.

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

Work Session: The Supervisor reported that at work session held last week the following items were discussed: buildings projects at town buildings, planning issues, highway issues, grant items, IT services and Asset Management program, contract renewals, personnel appointments and any other matters brought before the Board. Executive Session held on litigation matters.

Agenda Items Question Period: no one spoke

Budget transfers: a motion was made by Councilman York, seconded by Councilman Mayrose to approve the budget transfers as requested by Bookkeeper Colleen Salmon in a memo dated February 8, 2016. Carried Unanimously

Approval of Bills – Councilman Jendrowski reported that the Abstract(s) from Batch(es) #1585 and 1584 have been reviewed with the previously un-audited vouchers and everything was found in order. He presented Abstract Batch(es) #1591 for payment. Vouchers on this abstract(s) numbered from 67-115, totaling \$127,096.05. Councilman York seconded to approve payment as follows:

Abstract Batch(es) #1591:
General Fund (A) -\$90,510.76, General Fund- Outside Village (B) \$0, Highway (DA) -\$0, Highway: Outside Village (DB) \$32,781.07, CAP-Murder Creek (HM) \$0, CAP- Scotland Rd (HS)- \$0, CAP- Trail Grant (HTG) \$0, CAP- Water Improvement (HW)- \$0, CAP Water-Downey (HW01)- \$0, Drainage (SD)- \$0, Fire Protection (SF) \$0, Refuse (SR) \$0, Sewer Fund (SS) \$3,499.72, Sewer District #2 (SS02)- \$300.00, Trust & Agency(TA)- \$0 and Water Districts: Consolidated (SW00) \$4.50, (SW1) \$0, (SW2) \$0, (SW3) \$0, (SW4) \$0, (SW5) \$0, (SW6) \$0, (SW7) \$0, (SW7A) \$0, (SW8) \$0, (SW9) \$0, (SW10) \$0
Total: \$127,096.05 Carried Unanimously

COMMITTEE AND DEPARTMENT HEAD REPORTS:

Highway – Mike reported the crews have been making picnic tables and benches for the parks, chipped brush at the Joint Facility, checked roads for limbs and high water, sewer jetted driveway pipes on dye Rd, checked drainage issues on Old Steiner Rd and South Newstead Rd, put up the new town seal at the town hall meeting room, and repaired a starter on #3 and replaced shocks on #10.

Assessor – a report was submitted to the Board on pending assessment litigation cases.

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

The Bed “N Biscuit Harbor	12390 Hunts Corners	Special Use Permit Renewal
Champion Auto Locaters	11678 Main	Special Use Permit Renewal
Muddy Paws Farm LLC	11570 Clarence Center	Special Use Permit Renewal
Lewistraum Kennels	12472 Stage	Special Use Permit Renewal
Akron Parents Association	Rt. 5 & Buell	Sign
Chuck Eashak	11180 Hiller	Bathroom addition
Ken Wozniak	4212 S Newstead	Porch enclosure

The Town Board accepted the report as presented. The Supervisor stated that he has communicated with Amherst Alarm Office, the fire companies and the Emergency Management team that the Code Enforcement Officer is available for emergency calls 24/7 and he should be called and respond when needed.

Town Clerk- 2016 County/Town tax bills have been mailed a week early.

Attorney for the Town – not present

COUNCILPERSONS:

Mayrose – nothing at this time

York – he spoke with residents on the recycling cart replacements and proposed bike path crossings at Cummings Rd & Buell St.

Jendrowski- he met with the Supervisor on library issues, the new dog kennel & an Utley Rd issue. He met the representatives from Johnson Control while they did an inspection at the Joint Facility. He met with Newstead Fire Chief Mike Mutter and toured the new fire truck which he believes will service many communities not just our own due to its capabilities. He met with Alan Zielinski of the NYSDEC on the Utley Rd issue and met with the Code Enforcement Officer on home based businesses.

Dugan – nothing at this time

Supervisor- after several communications with the town and village boards he ordered new recycling carts, had discussions with contractors on the Bloomingdale Rd demolition, met with Wendel on sewer & water issues, met with the IT staff to discuss the server upgrade and future needs, spoke with the trail engineer on the bike path project, spoke with the grant writers, attended the Association of Erie County Governments meeting and the monthly Supervisors meeting, spoke with the NYS Police on the contract renewal, spoke with the new director for Hearts and Hands and learned their main offices have moved to Amherst although they are still working out of the Akron office with a small staff. The Board received the new 2016 edition of the NYS Town Law manual. He met with the Librarian on issues and attended the curling tournament benefit in town this past weekend. It was very well attended despite the weather and raised a lot of money for local charities.

UNFINISHED BUSINESS:

Buildings- the library grates are ordered, the town hall toilets have been fixed and converted and Carbon Monoxide detectors have been purchased for all buildings and will be installed this week.

Planning- the unsafe building demolition is still progressing and a complaint on Utley Rd addressed.

Water/Sewer- the work on Niagara Label is continuing. Dave, Scott & Rob met last week on the Cedar St issues and are considering a pump station vs. in home fixes.

Grants- looking for new projects for 2016

NEW BUSINESS:

Approval- Hearts and Hands Contract 2016:

A motion was made by Councilman Mayrose, seconded by Councilman York approving the contract with Hearts and Hands- Faith in Action Coalition Inc. for the use of the upstairs offices at the Newstead Community Building, 50 John St for 2016 at a cost of \$1,200 and authorizing the Supervisor to execute the contract on behalf of the Town.

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

Supervisor Cummings stated that due to scheduling for the Recreation Program this year after July 1st there will be no rentals of the Veteran's Park shelter.

Approval- Akron Little League Football-Park Use:

A motion was made by Councilman Mayrose, seconded by Councilman Dugan approving the request by Akron Little League Football to use Veterans Park for their season from July 25th – November 1st.

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

Approval- Akron Sports Inc.- Park Use:

A motion was made by Councilman Jendrowski, seconded by Councilman York approving the request by Akron Sports Inc. to use the Skyline Park baseball fields from April 1st – August 1st.

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

Appointment- Recreation Program- Park Use:

A motion was made by Councilman Mayrose, seconded by Councilman Jendrowski approving the request by the Recreation Dept. to use the Veterans Park Mon-Friday from 8:00am- 4:30pm from July 5th – August 19th to run the summer recreation program and permission to erect a permanent tent during that time.

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

Appointment- Zoning Board of Appeals Alternate:

A motion was made by Supervisor Cummings, seconded by Councilman Mayrose nominating Don Kreher Jr for appointment to the Zoning Board of Appeals as an alternate member with a term expiring on 12/31/2020.

Board Comments:

Supervisor Cummings stated that Don is a life-long member of the agrarian community and he feels would be a good representative of that on the Zoning Board.

Vote: Cummings-Aye, Dugan -No, Mayrose-Aye, York-No, Jendrowski- No Failed to Pass

A motion was made by Councilman York, seconded by Councilman Jendrowski nominating Max Brady for appointment to the Zoning Board of Appeals as an alternate member with a term expiring on 12/31/2020.

Board Comments:

Councilman Mayrose stated that this is not about any one individual, it is a difference of philosophy. He was elected by the people to represent the people and put the best possible people onto the town committees. He agrees with the Supervisor that Don Kreher has a great background that is not currently represented on the Zoning Board and would be a good resource for that Board. He disagrees with the appearance of party politics. We serve the people, we do not serve the party. A number of republican committeemen already are on that Board and he doesn't think it is a good idea to put any more on it.

Councilman Jendrowski stated that out of over 70 appointments at the organizational meeting only these last few were tricky and he thinks that is not bad. He likes Max and has nothing against Don. He thinks Max would be a good fit to sit as an alternate. He has a Bachelor's degree, volunteers in the community at the food pantry and was president of the Lions Club. He is a young man that can sit as an alternate and learn as he goes. Not many young people want to get involved and be active in the community.

Councilman York stated this is the second time he has expressed interest and he was turned down last time. He is persistent and deserves a chance.

Vote: Cummings-No, Dugan -Aye, Mayrose-No, York-Aye, Jendrowski- Aye Carried

Appointments- Ethics Board:

A motion was made by Supervisor Cummings, seconded by Councilman Mayrose nominating Tim Morgan for reappointment to his seat on the Ethics Board with a term expiring on 12/31/2020.

Board Comments:

Supervisor Cummings stated that Tim Morgan has just finished serving his first term on the Ethics Board, he is very active in the community and has served on the Village Planning Board for 25 years and also has served on the Town Recreation Board for several years. There is no reason he should not be reappointed.

Vote: Cummings-Aye, Dugan -No, Mayrose-Aye, York-No, Jendrowski- No Failed to Pass

A motion was made by Councilman York, seconded by Councilman Jendrowski nominating Joan Summe for appointment to a seat on the Ethics Board with a term expiring on 12/31/2020.

Board Comments:

Councilman Mayrose stated once again it is not about the person, but especially with the Ethics Board, it was created in the law so that it is not political. You cannot have a majority of any one party on it and you cannot be a committee person to be on it. Joan is a fantastic individual as a person but she was a republican committee person until January. This, more so than any board, is supposed to be a non-political appointment.

Supervisor Cummings echoed those concerns.

Vote: Cummings-No, Dugan -Aye, Mayrose-No, York-Aye, Jendrowski- Aye Carried

A motion was made by Councilman York, seconded by Councilman Dugan nominating Jeannine Morlacci for appointment to a seat on the Ethics Board with a term expiring on 12/31/2020.

Board Comments:

Councilman Dugan just thanked his fellow board members for their advice through this process. To get through over 70 lines of appointments and only disagree on 2 or 3 is outstanding.

Councilman Jendrowski liked that everyone took time to really look things over and this wasn't pushed through. He thanked everyone for that.

Vote: Cummings-Aye, Dugan -Aye, Mayrose-Aye, York-Aye, Jendrowski- Aye

Carried Unanimously

AOT Delegate Appointment:

A motion was made by Councilman Mayrose, seconded by Councilman Dugan to appoint Town Attorney Nathan Neill as delegate to cast the towns vote at the Association of Towns meeting in New York City in the supervisor's absence.

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

Approval- NYS Police Contract renewal:

A motion was made by Councilman York, seconded by Councilman Jendrowski approving the contract renewal with the New York State Police for their use of office space at the Newstead Town Hall, 5 Clarence Center Rd through 12/31/2020 and authorizing the Supervisor to execute the contract on behalf of the Town.

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

Carried Unanimously

Approval- Beer/Wine Permit:

A motion was made by Councilman Mayrose, seconded by Councilman Dugan approving the request for a beer/wine permit for a family reunion at Skyline Park on July 30th.

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

Privilege of the Floor/Question Period:

Dr. Burke questioned the park use request by Akron Sports. Is that for both parks or just one? Supervisor Cummings stated it is for the Skyline Park baseball fields only.

There will be no work session next week due to the President's Day holiday.

There being no further business to come before the board for the regular meeting a motion was made by Councilman Mayrose, seconded by Councilman Dugan to adjourn the regular meeting at 8:40pm.

Carried Unanimously

Respectfully Submitted,

Dawn D. Izydorzak, RMC, Town Clerk