

**Newstead Town Board Meeting- July 8, 2019**

The Board entered executive session at 6:52pm to discuss contractual issues on a motion from Councilman Jendrowski, seconded by Councilwoman Morlacci. Carried Unanimously

The Board exited executive session on a motion by Councilman Burke, seconded by Councilman Dugan at 7:10pm, having taken no action. Carried Unanimously

A regular meeting was called to order by the Newstead Town Board on Monday, July 8, 2019 at 7:10pm at the Newstead Town Hall.

Present: David Cummings- Supervisor  
John Jendrowski- Councilman  
Edmund Burke- Councilman  
Joseph Dugan- Councilman  
Jeannine Morlacci- Councilwoman  
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.

Town Attorney Brendan Neill led the pledge to the flag.

Minutes from the regular meeting held on June 24, 2019 were presented for approval. A motion was made by Councilman Dugan, seconded by Councilwoman Morlacci to approve as presented. Carried Unanimously

**Agenda Changes** – a motion was made by Councilman Jendrowski, seconded by Councilwoman Morlacci to make the following agenda changes: add motion to approve wetland delineations and add motion to approve a special meeting on July 15<sup>th</sup>. Carried Unanimously

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

3 notifications were received from Charter Communications notifying the town of upcoming changes to their programming.

A Notice of Order was received from the NYS DOT lowering the speed limit on Billo Rd to 35 mph.

A report was received from the Town Historian on what has been happening in the office the past several months.

A notification form for a 1-day special event liquor license application was received for 11891 Main Rd at Braun's Concert Cove for a private event.

A letter from the Northern Erie Sno-Seekers Inc. requesting permission for use of areas of the bike path along the old west shore line for their 2019-20 snowmobiling season.

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

**Work Session:** The Supervisor reported that no work session was held last week due to the holiday, but the following items were discussed prior to tonight's meeting: water & sewer project updates, planning item updates, building issues updates, grant updates, Emergency Coordinator replacement update, Mattioli property purchase, Limerick Hall, courts, plus any other items brought before the Board.

**Agenda Items Question Period:** no one spoke.

**Approval of Bills** – Councilman Jendrowski reported that the Abstract(s) from Batch(es) #1947 have been reviewed with the previously un-audited vouchers and everything was found in order. He presented Abstract Batch(es) #1953 for payment. Vouchers on this abstract(s) numbered from 688-756, totaling \$147,903.56. Councilman Dugan seconded to approve payment as follows:

Abstract Batch(es) #1953:

General Fund (A) -\$131,600.44, General Fund- Outside Village (B) \$400.85, Highway (DA) -\$0, Highway: Outside Village (DB) \$2,819.23, CAP- Trail Grant (HTG)- \$0, 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) \$1,136.25, Drainage (SD)- \$31.50, Fire Protection (SF) \$0, Refuse (SR) \$0, Sewer #1 Fund (SS) \$1,191.13, Sewer District #2 (SS02)- \$358.25, Sewer District #3 (SS03)- \$543.25, Trust & Agency(TA)- \$8,157.16 and Water Districts: Consolidated (SW00) \$1,665.50, (SW1) \$0, (SW2) \$0, (SW3) \$0, (SW4) \$0, (SW5) \$0, (SW6) \$0, (SW7) \$0, (SW7A) \$0, (SW8) \$0, (SW9) \$0, (SW10) \$0; Total:\$147,903.56

Carried Unanimously

### **COMMITTEE AND DEPARTMENT HEAD REPORTS:**

**Highway** – Mike was not present and no report was given.

**Assessor** – Tina presented a report read by the Supervisor stating she is on vacation until July 16<sup>th</sup> but when she returns she will continue work on new construction and begin the reassessment project. She will be working on the vacant land and agricultural portion first, prior to moving on to the residential portion after that.

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

Town of Newstead	Veteran's Park	Special Event Permit
Rusty Roehling	6061 Cummings	I.G. pool
ADESA Buffalo	12200 Main	Pavilion relocation

The Town Board accepted the building report as presented.

**Town Clerk**- County Town tax collection has been finalized and all files sent to the County.

**Town Attorney** – nothing at this time

### **COUNCILPERSONS:**

**Jendrowski** – he volunteered with the Celebration Committee at the July 4<sup>th</sup> parade and he thanked Cathy Capan and all her volunteers including Dr. Burke for all they do to make this event happen year after year. He also thanked Marilyn Kasperek and the other judges for donating their time. He spoke to Adam Massaro about electric for the Stan Victor building and the signage is up.

**Dugan** – he attended the July 4<sup>th</sup> parade and received an email from Craig Frost regarding water pressure issues on North Millgrove at his residence. Scott and ECWA are looking into it.

**Burke** – he attended the Joint Facility committee meeting. He also attended the Celebration Committee meeting and July 4<sup>th</sup> parade and activities. He thanked Mike Soika and his daughter Elizabeth, Nate Witkowski, Stephanie Robinson and Bob Oldfield for their help on the Celebration Committee, as well as any of the other volunteers he may have missed.

**Morlacci** – she attended the July 4<sup>th</sup> parade and thought it was a great success despite the rain. She also thanked Cathy Capan, John Jendrowski and Dr. Burke for their help in making it a great day.

**Supervisor** – he attended a meeting with ECWA representatives and Scott regarding the Cedar St and North Millgrove water issues. He submitted a street light survey for lights needing to be repaired. He attended the bid opening today at 4pm with Dawn for the Bloomingdale Rd demolition. He is still working on thoughts and ideas for Limerick Hall with several residents. He attended the July 4<sup>th</sup> parade and thanked the committee for all their work with all the festivities.

## **UNFINISHED BUSINESS:**

**Buildings** – working on getting electric to the new building at the park and Councilman Jendrowski will be getting quotes from Dan Eckerson and Will Leiker for plaster work at the Denio.

**Planning** – will hold a special meeting on July 15<sup>th</sup> for Arrowhead site plan if all the required comments are received and they are still working on AirBnB's.

**Water/Sewer** – the waterline plans are 90% done and brought up to 2019 standards. The plans are now ready for agency (ECWA) review. The bid for borings and wetlands delineations will be addressed tonight. A meeting was held with Russ Stoll and Mr. Riemer from ECWA regarding issues on Cedar Street and North Millgrove. He will send a memo outlining the project proposals agreed upon to ECWA. He is still working with Nathan Taylor on the language for the sewer study grant and the ADESA upgrades plans are in process.

**Grants** -several are still in process and ongoing. The work has started on the bike path project again and should be done in the next few weeks. The generator project will be completed by the contractor this week and some minor restoration work will be done by the town next week.

## **NEW BUSINESS:**

### **Public Hearing- SUP & Site Plan – 12284 Nice Rd:**

A motion was made by Councilwoman Morlacci, seconded by Councilman Burke approving the calling of a public hearing on the proposed special use permit and site plan for a home based business for repair of lab and computer equipment at 12284 Nice Rd owned by Anthony Cinotti under “United Technology Services” with the hearing to be held on July 22, 2019 at 6:55pm and authorizing the Clerk to publish notice in the official paper(Akron Bugle).

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

### **Bids for Waterline Installation Soil Bores:**

A motion was made by Councilman Dugan, seconded by Councilman Burke authorizing the advertisement for bids for conducting soil borings in accordance with the statement of work prepared by the Town Engineer, with bids due on July 22, 2019 by 2:00pm.

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

### **Bid Award- Demolition of 13599 Bloomingdale Rd:**

A motion was made by Councilman Jendrowski, seconded by Councilwoman Morlacci approving the award of bid for the controlled demolition of 13599 Bloomingdale Rd (SBL#33.00-6-18) to Regional Environmental for a total bid of \$18,200.

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

### **Approval– Lateral Restriction Hardship Application- 6173 Dye Rd:**

A motion was made by Councilman Burke, seconded by Councilman Dugan approving the request for a Lateral Restriction Hardship Exception within Water District #5 for 6173 Dye Rd owned by John Diggs, based on supporting documentation submitted.

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

### **Approval– 1-day Liquor License Request:**

A motion was made by Councilman Dugan, seconded by Councilwoman Morlacci approving the request for a 1-day special event liquor license application for 11891 Main Rd at Braun's Concert Cove for a private event on July 13<sup>th</sup>.

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

### **Wetland Delineation for Waterline Installation:**

A motion was made by Councilman Burke, seconded by Councilman Dugan authorizing the Supervisor to sign the agreement for a wetland delineation in accordance with the statement of work prepared by Wilson Environmental Technologies Inc at a cost of \$4,100 for the Kirby, Knapp Rd and Indian Falls Rd waterline installation project.

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

**Approval – Special Meeting July 15<sup>th</sup>:**

A motion was made by Councilman Jendrowski, seconded by Councilwoman Morlacci approving the calling of a special meeting to be held on July 15<sup>th</sup> at 6:00pm only if necessary to specifically address the Arrowhead site plan.

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

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

Darryl Murszewski of 7540 Cedar Street stated he has owned his property for 12 years and has 2” pumps running to try to draw the water off, but it is not successful. He currently has 6”-8” of water behind his pool. He realizes he is on a County road and has tried to get them to address the road drainage issues several times but he believes there is also an existing town easement between 7440 and 7522 Cedar Street. That is why he is here before the Board to see what the Town might be able to do. He is not sure what the easement is for or if it has ever been enforced. He can’t even access his rear private pond or playground right now because everything is under water. He has talked to the past Code Enforcement Officer and Erie County Highway officials regarding his concerns as has his neighbor Dick Owens. He also just reached out to the new Code Enforcement Officer today. He stated there is no defined ditch at the Carney Road intersection and he believes he is getting the runoff from those homes as well as a possible artesian well in the same area.

The Board members asked several questions and looked at 2 maps provided by Mr. Murszewski. The Supervisor took his cell phone number and said they will look into the issues and get back to him.

The Supervisor reminded the Board of the July 15<sup>th</sup> training from 6-9pm, which will follow the special meeting.

There being no further business to come before the board for the regular meeting a motion was made by Councilwoman Morlacci, seconded by Councilman Burke to adjourn the regular meeting at 7:50pm. Carried Unanimously

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