

Newstead Town Board Meeting- June 24, 2019

The Board entered executive session at 6:48pm to discuss property contract issues on a motion from Councilman Jendrowski, seconded by Councilman Burke. Carried Unanimously

The Board exited executive session on a motion by Councilwoman Morlacci, seconded by Councilman Dugan at 6:55pm, having taken no action. Carried Unanimously

A public hearing was called to order by the Newstead Town Board on Monday, June 24, 2019 at 6:55pm at the Newstead Town Hall.

Present: David Cummings- Supervisor
John Jendrowski- Councilman
Edmund Burke- Councilman
Joseph Dugan- Councilman
Jeannine Morlacci- Councilwoman
Emily Janicz- Assistant Town Attorney
Scott Rybarczyk- Town Engineer
Dawn Izydorczak- Town Clerk

Roll Call was taken with all board members present.

The Supervisor called the **public hearing** on the proposed site plan application for a 5,330 sq. ft. banquet facility to be located at 12292 Clarence Center Rd owned by Arrowhead Timberlodge, LLC to order.

The Clerk read proof of publication. The Supervisor explained the Planning Board has recommended approval of this request and agencies have until July 22nd to comment. Erie County Planning had no comments and ECWA agrees with SEQR classification & lead agency.

Comments: Mr. Pete Woodin of Clarence Center Road sent a letter in opposition of the project due to noise concerns from the existing operations on site.

Lucas James & Clinton Holcomb, the owners of Arrowhead, both were present at the public hearing. The new building will be used only for tournaments and as a banquet center. The facility will be much further from the street so they believe that will help with the noise issue.

Kathy Dunn of 12229 Clarence Center Road asked to see the plans for the new building and parking. Supervisor Cummings shared them with her and she is fine with plans.

Councilman Burke asked what time the music stops and was told 11:00pm.

The capacity will be 250 for banquets and tournaments only. There will be no open restaurant at either site.

There being no other comments a motion was made by Councilman Dugan, seconded by Councilman Burke to close the public hearing at 7:11pm. Carried Unanimously

The **regular meeting** of the Newstead Town Board was called to order at 7:15pm with the same members present as listed above.

Supervisor Cummings led the pledge to the flag.

Minutes from the regular meeting held on June 10, 2019 were presented for approval. A motion was made by Councilman Dugan, seconded by Councilman Burke to approve as presented. Carried Unanimously

Agenda Changes – a motion was made by Councilman Jendrowski, seconded by Councilman Burke to make the following agenda changes: add a motion for a liquor license request and add motion to approve Wendel contract for SD#1 work. Carried Unanimously

Communications – The Town Clerk presented the following correspondence:

A notification form for a liquor license application was received from Salvatore Edward Fusco for 119863 Main Rd for an establishment to be known as “Fat Sal’s Pub & Eatery” along with a request to waive the 30-day municipal notification period.

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

Work Session: The Supervisor reported that at the work session held last week the following items were discussed: water & sewer project updates, planning item updates, building issues updates, grant updates, Emergency Coordinator replacement discussion, Mattioli property purchase, Limerick Hall, courts, movie use of library, joint meeting topics, cancellation of July 1st work session plus any other items brought before the Board. The Board also entered into executive session at 8:10 on a motion from Councilman Dugan and seconded by Councilman Burke. The Board exited executive session on a motion by Councilwoman Morlacci and seconded by Councilman Jendrowski after taking no action.

Agenda Items Question Period: no one spoke

Budget transfers: a motion was made by Councilwoman Morlacci, seconded by Councilman Jendrowski to approve the budget transfer as presented in a memo from Bookkeeper Colleen Salmon dated 6/24/19. Carried Unanimously

Approval of Bills – Councilman Jendrowski reported that the Abstract(s) from Batch(es) #1945 have been reviewed with the previously un-audited vouchers and everything was found in order. He presented Abstract Batch(es) #1947 for payment. Vouchers on this abstract(s) numbered from 630-666, totaling \$207,357.86. Councilwoman Morlacci seconded to approve payment as follows:

Abstract Batch(es) #1947:

General Fund (A) -\$20,349.84, General Fund- Outside Village (B) \$5,483.47, Highway (DA) -\$0, Highway: Outside Village (DB) \$111,085.87, 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) \$0, Drainage (SD)- \$3,099.33, Fire Protection (SF) \$32,831.00, Refuse (SR) \$25,860.14, Sewer #1 Fund (SS) \$28.35, Sewer District #2 (SS02)- \$83.07, Sewer District #3 (SS03)- \$0, Trust & Agency(TA)- \$0 and Water Districts: Consolidated (SW00) \$185.98, (SW1) \$0, (SW2) \$0, (SW3) \$0, (SW4) \$0, (SW5) \$0, (SW6) \$0, (SW7) \$8,350.81, (SW7A) \$0, (SW8) \$0, (SW9) \$0, (SW10) \$0; Total:\$207,357.86

Carried Unanimously

COMMITTEE AND DEPARTMENT HEAD REPORTS:

Highway – not present and no report given

Assessor – Tina presented a report read by the Supervisor stating she is continuing to work on new construction and prepare for the final roll. She and Julie are finishing up the exemption audit as property owners continue to return requested documentation.

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

Jesse Luce	4207 S Newstead	Zoning compliance
Ivy Ridge Equities	12221 Main	Tent
Lucille Eldred	5367 Crittenden	A.G. pool
William Langston	7625 Cedar	One Family Home
Jessica Nowak	5038 Havenwood	Deck
Town of Newstead	5929 Buell	Special Event Permit
Lavern Hastrich, III	6754 Cedar	Roof
Warren Wilkes	7800 Mill	Deck
Steve Kinney	11672 Nice	Shed
Jason Kendziora	13527 Carney	One Family Home

Bill DeTine	7317 Sandhill	Deck
Don Lavocat	12534 Meahl	One Family Home
Jurgen Arndt	12831 Dorsch	Roof & siding
Frank Powell	13069 Stage	Driveway
Mitchell Gorski	12150 Buckwheat	Pond
Jessica Matusek	13188 Stage	Deck
Justin McNaughton	11513 Stage	Renovations
Anthony Pingitore	4954 S Newstead	Pool & deck
William Hawes	6216 Utley	Deck

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 and the book sale and silent auction were very successful. He met with Gary Baehr from the Akron Fire Co. and they are hoping for the contract to be settled by August and he met with Mike Lotz regarding the park pavilion and LED lighting quotes.

Dugan – nothing to report

Burke – he attended the celebration committee meeting and participation is up this year. See the Akron Bugle and posters at the town hall for a list of activities. Supervisor Cummings explained that East Aurora has a GoFundMe account to take donations for their Celebration Committee. It is available on-line and is advertised in their local paper also. He suggested that Councilman Burke bring it up at the next committee meeting. Councilman Jendrowski stated that donations are collected during the actual fireworks as well.

Morlacci – she announced the Rotary Club is going to donate flowers (myrtle) which will be planted on the hill behind the library. They will also be doing the planting.

Supervisor – he met with the grant writers on several new & ongoing grants, spoke with people from Paramount Pictures regarding the movie using the library, and took a tour of the new bike path sections. He attended the AOECG meeting where it was announced that Dan Rizzo from the Erie County Parks department will be retiring. He also attended the Joint Facility committee meeting and a meeting in Orchard Park regarding the snow plow contract.

UNFINISHED BUSINESS:

Buildings – planting flowers at the library and LED light proposal. Some work will be done at the Denio in July.

Planning – currently working on setting up a joint meeting with the Village Board & looking for topics.

Water/Sewer - plans have been updated to 2019. Contacted SJB for soil bores and Don Wilson for wetland delineation and we are moving forward on water modeling. The contract for the SD1 work will be addressed tonight.

Grants – trail ways grant should be done by the end of July. Currently doing repair work and will be adding a new section of guard rail at Buell Street. We are still working with Rotella on money for a sewer expansion study and are trying to set up a time to meet with ECWA regarding the Cedar Street pump station. The parks grant is starting to move forward as is the CDBG LED lighting.

NEW BUSINESS:

Approval- Site Plan – 12976 Main Rd:

A motion was made by Councilman Dugan, seconded by Councilman Jendrowski approving the proposed site plan dated May 6, 2019 for exterior and interior renovations at 12976 Main Rd owned by McDonald's, subject to the terms set forth in the resolution.

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

Resolution and Order After Hearing Authorizing Demolition of 13599 Bloomingdale Rd:

A motion was made by Councilwoman Morlacci, seconded by Councilman Jendrowski approving the resolution and order after hearing authorizing the demolition of 13599 Bloomingdale Rd (SBL#33.00-6-18) based on the evidence that no steps were taken by the owner to repair or restore the property as ordered on May 13, 2019 and authorizing the Supervisor to advertise for bids for the demolition.

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

Approval- Speed Study Request- Hake Rd:

A motion was made by Councilman Jendrowski, seconded by Councilman Dugan authorizing the request for a speed reduction study on Hake Rd in the Town based on petitions submitted by residents and authorizing the Town Clerk to file the required TE9 request with Erie County Dept. of Public Works and the NYSDOT.

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

Lead Agency- Purchase of part of a Parcel at 53 Main St:

A motion was made by Councilman Burke, seconded by Councilman Dugan issuing a declaration of Lead Agency status for the purchase of part of the parcel located at 53 Main St in the Village and classifying the action as an Unlisted Action under SEQRA and authorizing the Town Attorney to prepare the mailings, filings, and notices pursuant to a SEQR coordinated review.

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

Approval– Lateral Restriction Hardship Application- 13527 Carney Rd:

A motion was made by Councilman Burke, seconded by Councilman Jendrowski approving the request for a Lateral Restriction Hardship Exception within Water District #10 for 13527 Carney Rd owned by Jason Kendziora, based on supporting documentation submitted.

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

Approval– Cancel July 1st Work Session:

A motion was made by Councilman Dugan, seconded by Councilman Jendrowski authorizing the cancellation of the July 1st work session for the Board.

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

Approval– Sign Agreement with Paramount for Library Use:

A motion was made by Councilman Dugan, seconded by Councilwoman Morlacci authorizing the Supervisor to execute the agreement with Paramount Pictures for use of the outside façade of the Library for filming of a motion picture with changes made by Town Attorney.

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

Approval– Liquor License Request:

A motion was made by Councilwoman Morlacci, seconded by Councilman Jendrowski approving the request for a waiver of the 30 day municipal notification period for a liquor license application for Fat Sal's Pub & Eatery to be located at 11986 Main Rd and operated by Salvatore E. Fusco in the Town.

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

Approval – Design & Bid Service for Adesa Auto Auction Pump Station:

A motion was made by Councilman Jendrowski, seconded by Councilwoman Morlacci approving the engineering proposal for design and bidding by Wendel Engineering in the amount of \$19,500 for the rehabilitation of the Adesa Auto Auction Pump Station.

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

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 Dugan to adjourn the regular meeting at 7:44pm.
Carried Unanimously

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