

## **Newstead Town Board Meeting- March 12, 2018**

The Board entered executive session at 7:50pm 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 8:02pm, having taken no action. Carried Unanimously

A regular meeting was called to order by the Newstead Town Board on Monday, March 12, 2018 at 8:04pm at the Newstead Town Hall.

Present: David Cummings- Supervisor  
John Jendrowski- Councilman  
Joseph Dugan- Councilman  
Edmund Burke- Councilman  
Jeannine Morlacci- Councilwoman  
Nathan Neill- Town Attorney  
Brendan Neill- Deputy Town Attorney  
Scott Rybarczyk- Wendel/Town Engineer  
Dawn Izydorczak- Town Clerk

Roll Call was taken with all board members present.

Councilwoman Morlacci led the pledge to the flag.

Minutes from the regular meeting held on February 26, 2018 were presented for approval. A motion was made by Councilman Burke, seconded by Councilman Dugan to approve as presented. Carried Unanimously

Minutes from the special meeting held on March 5, 2018 were presented for approval. A motion was made by Councilman Jendrowski, seconded by Councilwoman Morlacci to approve as presented. Carried Unanimously

**Agenda Changes** – none

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

A letter from National Fuel Gas advising the Town that they will be doing public improvement projects within the town's jurisdiction in 2018.

A request was submitted by Akron Sports Inc. to use the Skyline Park playing fields for the 2018 baseball season.

A copy of proposed code changes before the Alden Town Board were shred for comments.

A request was received from Zoning Board of Appeals member Fred Pask to attend training in Rochester on May 18<sup>th</sup>.

A copy of proposed Local Law #1 of 2018 for the Lancaster Town Board entitled Floodplain Map Revision.

A copy of the agenda for the 25<sup>th</sup> annual Local Government Conference to be held May 9, 2018 at Houghton College from 7:30am – 4:00pm.

A letter of interest in the Assistant DCO position was received from Deanna Meyers.

A motion was made by Councilman Jendrowski, 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: a meeting with the Assessor, a meeting with Justice Campbell, a meeting with the

Highway Supt., building projects, water & sewer projects, planning items, grants, use of new park building, contracts and any other items brought before the Board. They also had a brief executive session to discuss the highway and fire contracts.

**Agenda Items Question Period:** Kelly Schultz inquired as to when he could speak about the CEO. Supervisor Cummings asked him to wait for Privilege of the Floor at the end of the meeting.

**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 3/12/18, with a correction to one line. Carried Unanimously

**Approval of Bills** – Councilman Jendrowski reported that the Abstract(s) from Batch(es) #1804 have been reviewed with the previously un-audited vouchers and everything was found in order. He presented Abstract Batch(es) #1807 for payment. Vouchers on this abstract(s) numbered from 174-242, totaling \$388,837.84. Councilwoman Morlacci seconded to approve payment as follows:

Abstract Batch(es) #1807:

General Fund (A) -\$110,933.80, General Fund- Outside Village (B) \$19.97, Highway (DA) -\$4.72, Highway: Outside Village (DB) \$12,149.83, 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)- \$555.13, CAP- Water-Knapp- (HW03) \$70.00, Drainage (SD)- \$85.64, Fire Protection (SF) \$56,982.48, Refuse (SR) \$23,719.03, Sewer #1 Fund (SS) \$6,970.04, Sewer District #2 (SS02)- \$5,671.75, Trust & Agency(TA)- \$0 and Water Districts: Consolidated (SW00) \$85,812.26, (SW1) \$0, (SW2) \$0, (SW3) \$0, (SW4) \$0, (SW5) \$0, (SW6) \$0, (SW7) \$0, (SW7A) \$0, (SW8) \$0, (SW9) \$0, (SW10) \$85,863.19; Total:\$388,837.84 Carried Unanimously

**COMMITTEE AND DEPARTMENT HEAD REPORTS:**

**Highway** – Mike is on vacation but asked the Supervisor to announce his appointment of Gary Baehr as his new Deputy Highway Superintendent as of two weeks ago.

**Assessor** – Tina presented a report that commercial data mailers and agricultural soil group worksheets are continuing to be returned to the office. All new construction has been inspected and valued. Taxable Status Date has past and some exemptions have had to be removed, due to failure by owners to renew, despite several attempts to remind them to renew. She is starting to organize sales data from 7/1/12 to present for analyzing. Change of Assessment notices will be mailed in April.

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

CMK Builders	4893 S Newstead	Demolition
Crown Atlantic	4678 S Newstead	Cell tower modification
Steven Bedford	6883 Cedar	Roof, windows, siding
Steven Bedford	7045 Cedar	Pole barn
Clint Stanfield	12869 Clarence Ctr	Demolition
Kevin Borth	7553 Scotland	Pole barn
Dale Fryling	13543 Stage	Pole barn
Dale Fryling	13543 Stage	Fill
Mary Wukman	5610 Cummings	Roof
Dave Persico	12475 Stage	Pole barn
Patricia Sharkey	12635 Brucker	Ditch fill

The Town Board accepted the report as presented.

**Town Clerk-** Dawn reported at the last Town Clerk’s meeting Joe Maciejewski reported that an Erie County Tax Act update proposal is before the Legislature which includes one collection cycle for all towns instead of the current 2 cycles, a reduction from 3 years to 2 years for back tax foreclosures by

the County and other minor wording changes so the County Code, County Charter and Tax Act all match.

**Attorney for the Town** – Nothing at this time from either attorney.

### **COUNCILPERSONS:**

**Jendrowski**- he attended the MGA/Kreher’s meeting and commended everyone at the meeting for their professionalism and thanked Tom Cowan for his education suggestions. He addressed a noise complaint on Stage Rd and a drainage issue on Dye & Clarence Center Rd.

**Dugan** – he attended the Akron Fire Co installation dinner and wished all the new officers good luck during service of their term.

**Burke** – he spoke with Mike regarding the disposal of tires. The next tire drop-off will be held Saturday, April 28<sup>th</sup> from 9-12 at the Joint Facility. He spoke with Mr. Frey regarding injection wells. He attended the pancake breakfast. He attended the meeting with Legislator Ed Rath and the residents of the Akron Mobile Home Park. He attended the walk through tour at the Ford Gum plant with Congressman Collins, attended disaster preparedness training in Cheektowaga and attended the Akron Fire Co. installation dinner and offered congratulations to all the newly installed officers.

**Morlacci**- she attended the walk through tour at the Ford Gum plant with Congressman Collins and spoke with Rotary members on some bike path community service proposals regarding signage on the roadways for the bike path. She suggested they come before the Board with their ideas.

**Supervisor**- the Supervisor’s Report for January is on file with the Town Clerk. He met with Legislator Ed Rath and Charlie Sickler from Erie Co. Planning on the Cummings Rd crossing for the new bike path extension. He attended the meeting with Akron Mobile Home Park residents and is pleased to report a letter was received from the new Park President responding to the resident’s complaints and stating the proposed rent increase has been retracted and delayed until this fall sometime. He met with MGA & Kreher’s representatives to talk out the injection well issue and a short term and long term plans have been put in place as a result of the meeting. He attended Emergency preparedness training, met with the Master Plan committee, met with Mr. Frey on the injection well issue, met with Keith Dash of ECWA on water issues and attended the Akron fire co installation dinner.

### **UNFINISHED BUSINESS:**

**Buildings**- nothing new

**Planning**- the Master Plan is in final edit stage and we should have the final document for approval by the end of next month.

**Water/Sewer**- Wendel has begun pulling the old reports from 2005 for the last waterline extensions and are working on getting on the IUP list by the end of the month. The grant application process will begin in June and they will be ready for it.

**Grants**- several are in process and waiting various actions.

### **NEW BUSINESS:**

#### **Public Hearing- Local Law #1 of 2018 Amending the Subdivision Law:**

A motion was made by Councilman Jendrowski, seconded by Councilwoman Morlacci approving the calling of a public hearing on the proposed Local Law #1 of 2018 amending the Subdivision Law of the Town, to be held on March 26, 2018 at 7:45pm and authorizing the Town Clerk to publish in the official paper.

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

#### **Public Hearing- Local Law #2 of 2018 Amending the Zoning Law:**

A motion was made by Councilman Burke, seconded by Councilman Jendrowski approving the calling of a public hearing on the proposed Local Law #2 of 2018 amending the Zoning Law of the

Town, to be held on March 26, 2018 at 7:50pm and authorizing the Town Clerk to publish in the official paper.

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

**Approval- Insurance Policy for the Town for 2018:**

A motion was made by Councilwoman Morlacci, seconded by Councilman Dugan approving the Insurance Policy proposal for the Town for 2018 as provided by the Fred Thomas Agency.

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

**Approval- Justice Court Audit for 2017:**

A motion was made by Councilman Dugan, seconded by Councilman Burke approving the Justice Court Audit performed by Councilman Dugan for the 2017 court records, having found all of the records to be maintained in an exceptionally organized and proper manner.

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

**Approval- Park Use Request- Akron Sports Inc:**

A motion was made by Councilman Dugan, seconded by Councilman Jendrowski approving the request by Akron Sports Inc. for the use of Skyline Parks baseball fields for their 2018 baseball season.

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

**Approval- Training Request- ZBA Fred Pask:**

A motion was made by Councilman Burke, seconded by Councilman Dugan approving the request by Zoning Board of Appeals member Fred Pask to attend a training session in Rochester, NY in May.

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

**Approval- Updated Ditch Fill Policy & Form:**

A motion was made by Councilman Jendrowski, seconded by Councilman Burke approving the proposed amendments to the Ditch Fill Policy as well as the new proposed permit form for use by the building department and highway department.

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

**Privilege of the Floor/Question Period:** Kelly Schultz of Stage Rd was present with Jack Willert, Kevin Stoldt and Dan Eckerson to express their support for current acting Code Enforcement Officer Mike Borth. They heard Mike may leave his position with the Town and as businessmen that have completed approximately \$50 million dollars in projects in the town over the years, they thought they needed to express their support of Mike. Kelly stated Mike has been by far the best CEO to work with over the last several years and they would like to see the town do whatever necessary to keep Mike in the position. He is a pleasure to deal with and knows what he is talking about and makes projects move along easily. He is an asset to the town.

Supervisor Cummings informed them that the Town offered Mike a very good package to take on the full time position with the Town and he opted to accept an offer from the Village instead for a part time position. The Town needs a dedicated full time person in that spot. A candidate from Amherst had been chosen to take over the job but changed his mind at the last minute before starting due to another offer from Amherst.

Dan Eckerson of East Ave asked if we could negotiate to share Mike with the Village.

Supervisor Cummings responded that with Mike taking the 30 hour per week position with the Village, that would only leave 10 hours per week for work in the Town. The building department and planning department are way too busy for someone to work only 10 hours per week. The Town had attempted to negotiate a joint venture with the Village last year and the Village backed out of the agreement just before we were set to move forward on the venture.

Mike Mutter of Newstead Fire Company stated he has been on many walk throughs of buildings with Mike and they have a good working relationship. He likes that Mike is local so that in emergency situations he is on site within 10 minutes usually. The residency for our CEO position is a big plus for the fire company's purposes. With past Code Enforcement Officers if they didn't answer their phone or bother to show up to an emergency call he or his guys would have to stay on a call site for hours until he could find someone else qualified to sign-off on the safety of a building. Mike has helped the relationship with the fire companies to move forward in the last year.

Supervisor Cummings thanked them all for their comments and the Board will take them into consideration as we move forward.

The Supervisor announced there will be no work session next week.

The Board entered executive session at 8:52pm to discuss highway and fire contracts on a motion from Councilman Jendrowski, seconded by Councilwoman Morlacci. Carried Unanimously

The Board exited executive session on a motion by Councilman Jendrowski, seconded by Councilman Burke at 9:27pm, having taken no action. Carried Unanimously

There being no further business to come before the board for the regular meeting a motion was made by Councilman Morlacci, seconded by Councilman Dugan to adjourn the regular meeting at 9:28pm. Carried Unanimously

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