

Newstead Town Board Meeting- March 25, 2019

A regular meeting was called to order by the Newstead Town Board on Monday, March 25, 2019 at 7:00pm at the Newstead Town Hall.

Present: David Cummings- Supervisor
John Jendrowski- Councilman
Joseph Dugan- Councilman
Edmund Burke- Councilman
Jeannine Morlacci- Councilwoman
Brendan Neill- Town Attorney
Emily Janicz- Assistant Town Attorney
Scott Rybarczyk- Town Engineer
Jennifer Herberger- Deputy Town Clerk

Roll Call was taken with all board members present.

Supervisor Cummings led the pledge to the flag.

Minutes from the regular meeting held on March 11, 2019 were presented for approval. A motion was made by Councilman Dugan, seconded by Councilman Jendrowski 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 a motion to approve a lateral restriction application.
Carried Unanimously

Communications – The Town Clerk presented the following correspondence:

A notice of the 2019 Local Government Conference to be held on May 9th at Houghton College from 9am-4:00pm.

A notice of a seminar on Local Planning for Agriculture which will be held at the Roycroft Campus in East Aurora on April 3rd from 6pm-8pm.

A letter was received from the Newstead Historical Society thanking the Town for the annual contract and donation check to the Society for 2019.

A notice of Elder Law Day activities to be held on June 6th from 8am-1:30pm as provided by the Erie County Department of Senior Services. The location of activities is yet to be determined.

A letter was received from NYS Agriculture and Markets informing the Town that the Dog Control Officer passed both the Municipal Shelter Inspection and the Dog Control Officer Inspection that were held on 3/5/2019.

A letter from Couch White LLP serving as a Notice of Impending Settlement Negotiations that will take place on April 16th at 12:45pm to 3:45 pm in the 18th floor conference room of the Department of Public Service in Albany NY regarding the application of NextEra Energy Transmission.

A motion was made by Councilman Dugan, seconded by Councilman Jendrowski 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: highway loader purchase, water & sewer project updates, planning items updates, building issues updates, grant updates, 3+1 update, fire company issues, Mattioli property purchase update and Village brush policy update plus any other items brought before the Board.

Agenda Items Question Period: Mike Purpura from George and Swede Equipment asked if a decision on the loader had been made.

Budget transfers: a motion was made by Councilman Jendrowski, seconded by Councilwoman Morlacci to approve the budget transfer as presented in a memo from Bookkeeper Colleen Salmon dated 3/26/19. Carried Unanimously

Approval of Bills – Councilman Jendrowski reported that the Abstract(s) from Batch(es) #1917 have been reviewed with the previously un-audited vouchers and everything was found in order. He presented Abstract Batch(es) #1920 for payment. Vouchers on this abstract(s) numbered from 250-295, totaling \$385,247.59. Councilwoman Morlacci seconded to approve payment as follows:

Abstract Batch(es) #1920:
 General Fund (A) -\$26,962.12, General Fund- Outside Village (B) \$593.49, Highway (DA) -\$0, Highway: Outside Village (DB) \$4,623.80, CAP- Trail Grant (HTG)- \$29,170.62, 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)- \$31.56, Fire Protection (SF) \$56,349.60, Refuse (SR) \$5.00, Sewer #1 Fund (SS) \$4,728.50, Sewer District #2 (SS02)- \$84.58, Sewer District #3 (SS03)- \$0, Trust & Agency(TA)- \$0 and Water Districts: Consolidated (SW00) \$83,589.40, (SW1) \$0, (SW2) \$0, (SW3) \$0, (SW4) \$0, (SW5) \$93.769.05, (SW6) \$0, (SW7) \$0, (SW7A) \$0, (SW8) \$0, (SW9) \$0, (SW10) \$85,339.87;
 Total:\$385,247.59 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 still working on inspecting and valuing the new construction and should have this completed by the end of next week. She will continue to work on preparing for the reassessment project as well as preparing for the filing of the tentative assessment roll. She plans to send the change of assessment notices out in the middle of April.

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

Tonawanda General Concrete	12509 Stage	Special Use Permit
Michael Shields	12690 Main	Zoning Compliance Cert
Thomas Pouthier	4853 S Newstead	Solar panels-roof
Erin Conway	5165 S Newstead	Wood burning stove
Smith Auto Sales & Service	11372 Main	Temp Special Use Permit(renew)
Kreher’s Poultry Farm	4771 N Millgrove	Cert of Occupancy
David DeYoung	13033 Carney	Roof
People Inc.	12021 Buckwheat	Bathroom remodel
Angela Vasbinder	10999 Keller	Pole barn, covered porch, lean-to
M. Shields Used Auto Sales	12690 Main	Temp Special Use Permit(renew)
Dealer’s Choice Auto Sales	12474 Main	Temp Special Use Permit(renew)

The Town Board accepted the building report as presented.

Town Clerk- nothing at this time

Town Attorney – nothing at this time

COUNCILPERSONS:

Jendrowski – he met with Sarah at the Senior Center regarding an issue with a door leaking. They believe it was due to a gutter pointing the wrong way and the winter weather. He attended the library meeting, he met with Councilman Dugan and the President and Chief of the Akron Fire Co. and he spoke to the Code Enforcement Officer regarding some zoning questions which will be brought up at the next work session.

Dugan – met with the Akron Fire Co. Chief and President and thought that it was a good meeting.

Burke – he met with the Joint Facility team to talk about several issues and thanks Trustee Forrestel for taking care of the notes. He also attended the 3+1 meeting.

Morlacci – nothing at this time

Supervisor – the February Supervisor’s report is on file with the Town Clerk. He attended the NEST meeting, met with a representative of Pioneer Cemetery, attended 3+1 meeting, attended an Erie Co. Water Shed meeting last week and he announced that Hearts and Hands last day in the Denio building will be March 31st. They will continue their work in the area but will be working out of an office in Amherst. He spoke to someone at Erie Co. Forestry (a division of the sheriff’s department) and they will be helping to clear dead ash trees along the bike path, he met with the grant writers and he attended Joint Facility meeting where they discussed several policies. He is hoping to get back to monthly meetings again.

UNFINISHED BUSINESS:

Buildings – work on the generator went well on Friday.

Planning – zoning changes are being addressed and there will be a public hearing in April or May. Airbnb recommendations will be coming from the Planning Board.

Water/Sewer – still working with EFC to get water grant moving, there are some grant possibilities for town sewer and still talking to ECWA regarding water pressure issues on Cedar Street.

Grants - bike path project will be starting up again soon, still working with state historical office for archology test for the parks grant. One will be done at Skyline Park near the woods. The tree grant will be completed soon and we are waiting to hear on the recreation grant.

NEW BUSINESS:

Approval- Sale of 2002 950M Caterpillar Loader:

A motion was made by Councilman Dugan, seconded by Councilman Jendrowski authorizing the Highway Superintendent to sell the 2002 950M Caterpillar loader to the high bidder on Auctions International for a bid of \$63,100 and authorizing the same to execute any necessary paperwork associated with the sale of the loader.

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

Hearing– Unsafe Building located at 13599 Bloomingdale Rd:

A motion was made by Councilman Jendrowski, seconded by Councilwoman Morlacci approving the calling of a hearing for an unsafe building located at 13599 Bloomingdale Rd owned by Kevin Benteen (deceased), which violates the provisions of the unsafe building law. The hearing will be held April 22, 2019 at 6:55pm at which time the reputed owner and residents will be given the opportunity to speak on the buildings violations. The Town Board proposes that demolition of the building will commence within 30 days following the hearing if no remedy to the building is completed.

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

Approval- Town of Alabama Water Contract Cancellation Notice:

A motion was made by Councilwoman Morlacci, seconded by Councilman Jendrowski approving sending a notice to the Town of Alabama to cancel the provision of services as required under Part B of the existing Alabama water contract and authorizing the Supervisor to sign the notice to be sent.

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

Approval- Purchase of 2019 950M Caterpillar Loader:

A motion was made by Councilman Dugan, seconded by Councilwoman Morlacci authorizing the Highway Superintendent to purchase a new Caterpillar Loader model 950M including 4.5 C.Y. GP Bucket, horizontal pin lock coupler in accordance with the proposal under NYS OGS Group 40625,

Award 22792, NYS Contract PC66988 NJPA-032515-CAT dated February 28, 2019 at a cost of \$232,995.00 and authorizing the same to execute all necessary forms and papers required for the loader purchase.

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

Public Hearing- Local Law #1 of 2019- Flood Damage Prevention Law:

A motion was made by Councilman Jendrowski, seconded by Councilman Dugan approving the calling of a public hearing on the proposed amendments to the Flood Damage Prevention Law with regards to adopting the new FEMA floodplain maps, to be held on April 8, 2019 at 6:55pm at the Town hall and authorizing the Clerk to publish notice in the Akron Bugle.

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

Approval – Determination of Non-Significance of Local Law #1

A motion was made by Councilwoman Morlacci, seconded by Councilman Jendrowski approving the determination of non-significance of Local Law #1 on the environment and that no further action is required by the Town of Newstead.

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

Approval- Lateral Restriction Hardship Request:

A motion was made by Councilman Dugan, seconded by Councilman Jendrowski approving the request for a Lateral Restriction Hardship exception for the property at 6140 Utley Rd owned by Vito Destito in Water District 5 to build a single family home and access the public water system.

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

Privilege of the Floor/Question Period: Mike Purpura from George and Swede asked why his bid for the Hyundai HL960 wasn't even mentioned. Supervisor Cummings explained that they did a cost analysis and found the CAT to be the best choice and that the town has a policy where they do not have to accept the lowest bid.

Jacob Glennon, 3379 Town Line Rd. asked the Supervisor various questions regarding the workings of town government.

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 7:45 pm.

Carried Unanimously

Respectfully Submitted,
Jennifer Herberger, Deputy Town Clerk