

Newstead Town Board Meeting- May 22, 2017

A regular meeting was called to order by the Newstead Town Board on Monday, May 22, 2017 at 8:00pm 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- Assistant Town Attorney
Scott Rybarczyk- Wendel/Town Engineer
Dawn Izydorczak- Town Clerk

Roll Call was taken with all board members present.

Town Engineer Scott Rybarczyk led the pledge to the flag.

Minutes from the regular meeting held on May 8, 2017 were presented for approval. A motion was made by Councilman Jendrowski, seconded by Councilman Dugan to approve as presented.
Carried Unanimously

Agenda Changes – a motion was made by Councilman Dugan, seconded by Councilman Burke to make the following agenda changes: add motion to purchase air hand dryers for the library.
Carried Unanimously

Communications – The Town Clerk presented the following correspondence:

A letter from Charter Communications regarding programming changes effective June 14th.

A letter from the New York State Town Clerks Association regarding Town Clerk Dawn Izydorczak's recertification as a Registered Municipal Clerk.

A notification from the NYS Department of Taxation notifying the town that the equalization rate for the 2017 Assessment Roll is 92%.

A letter from resident Ken Koehler in support of the proposed Radon Law for the Town of Newstead.

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

Supervisor Cummings will ask Assessor Bill Sivecz to attend the next work session to explain the equalization rate and its impact to the Board members.

Work Session: The Supervisor reported that at work session held last week the following items were discussed: building projects, water & sewer projects, grants updates, IT services, contracts, planning items, CEO position and any other matters brought before the Board.

Agenda Items Question Period: Carl Klingenschmitt of Howe Rd spoke in support of the Board addressing and passing the proposed Radon Law on the agenda for later this evening. This is not a local home rule law, it is addressed under the building codes. The law has been reviewed by the Conservation Advisory Council, the Planning Board and the Town Board and he feels it needs to be passed.

Budget transfers: none

Approval of Bills – Councilman Jendrowski reported that the Abstract(s) from Batch(es) #1718 has been reviewed with the previously un-audited vouchers and everything was found in order. He presented Abstract Batch(es) #1721 for payment. Vouchers on this abstract(s) numbered from 503 – 541, totaling \$103,910.11. Councilman Dugan seconded to approve payment as follows:

Abstract Batch(es) #1721:

General Fund (A) -\$10,435.69, General Fund- Outside Village (B) \$0, Highway (DA) -\$0, Highway: Outside Village (DB) \$3,343.08, CAP- Murder Creek- (HM) \$0, 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)- \$0, Drainage (SD)- \$0, Fire Protection (SF) \$89,902.34, Refuse (SR) \$0, Sewer #1 Fund (SS) \$28.43, Sewer District #2 (SS02)- \$101.71, Trust & Agency(TA)- \$0 and Water Districts: Consolidated (SW00) \$98.86, (SW1) \$0, (SW2) \$0, (SW3) \$0, (SW4) \$0, (SW5) \$0, (SW6) \$0, (SW7) \$0, (SW7A) \$0, (SW8) \$0, (SW9) \$0, (SW10) \$0;

Total: \$103,910.11

Carried Unanimously

COMMITTEE AND DEPARTMENT HEAD REPORTS:

Highway – not present

Assessor – no report presented. The Supervisor will ask him to attend next work session.

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

Akron Soccer League	Park/sports complex	Special event permit
Jason Ladd	13453 Bloomingdale	Siding & roof
Rose Marie Heiman	4571 Crittenden	Generator
Al Osborne	13227 Stage	Pole barn
April Boris	6776 Cedar	Roof
Gerald Smith	6726 Cedar	Shed
James Miller	7581 Greenbush	Roof
Steve Young	13275 Dorsch	Roof
Kevin Borchert	6785 Cedar	Remodel
Paggy McGowan	12594 Buckwheat	Demolition
Virginia Stifter	v/l Knapp	Shed
David Simmons	11280 Hunts Corners	Deck & porch
Steven Reiner	5048 N Ayers	Roof
David Cummings	12353 Clarence Center	Roof
Dale Fryling	13543 Stage	Fill
Raymond Braun	11891 Main	Special event permit
Bechara Cobti	8421 Burdick	Barn
Bechara Cobti	8421 Burdick	Floodplain development

The Town Board accepted the report as presented. Councilman Burke stated he is pleased to see the fire inspections being started.

Town Clerk- nothing at this time

Attorney for the Town – nothing at this time

COUNCILPERSONS:

Jendrowski- he met with Councilman Dugan, the Supervisor and building department staff from both the town and village on the CEO position. He attended a celebration committee meeting, library board meeting, discussed the drainage issue on McNeeley Rd with Mike Borth, spoke with Legislator Ed Rath on the phone regarding the town supporting the East Ave highway project, met with the Lions Club on the proposed structure for the park, spoke with National Grid regarding LED lighting, attended the Master Plan public meeting and spoke with several business owners on the Knox Box law.

Dugan – he attended the meeting on the CEO position and attended the Master Plan public meeting.

Burke – he attended the Master Plan public meeting, spoke with the Highway Supt. on the Clarence Center Rd drainage complaint as well as inspecting the site of some drainage issues on Howe Rd. He assisted with replacing the flag at Veteran’s Park and oversaw the planting into Wilder Park of the White Pine that was gifted to the Town and Village from the Tonawanda Tribal Council.

Morlacci- she attended the Master Plan public meeting.

Supervisor- he attended the Master Plan public meeting, attended a meeting at ECC North campus on the Comprehensive Consolidation mandates from the State, gave IT tours to 2 companies, attended the Town Clerk’s meeting hosted by Dawn, attended a meeting with the town’s Bond Council and the Town Attorney to discuss future borrowing services, investigated the Clarence Center Rd drainage complaint, took care of CDBG grant paperwork, met with Kristine on the bathroom issues at the library and attended the meeting on the CEO position with staff.

UNFINISHED BUSINESS:

Buildings- nothing new

Planning- nothing new

Water/Sewer- the Lewis Rd sewer project is waiting on the highway permit and the Cedar St waterline project is waiting for a stretch of good weather.

Grants- several applications and projects are in progress.

NEW BUSINESS:

Local Law #4 of 2017- Radon Control Law:

A motion was made by Councilman Burke, seconded by Supervisor Cummings issuing a negative SEQR declaration regarding Local Law #4 of 2017 and declaring it an unlisted action. (Resolution Attached) Cummings-Aye, Dugan -No, Burke-Aye, Jendrowski- Aye, Morlacci-Aye
Carried

A motion was made by Councilman Burke, seconded by Supervisor Cummings to adopt the proposed Local Law #4 of 2017 entitled Radon Control Law. (Resolution Attached) Cummings-Aye, Dugan -No, Burke-Aye, Jendrowski- No, Morlacci-No
Failed to Pass

Approval- Park Grant Application Planning Resolution:

A motion was made by Councilman Dugan, seconded by Councilman Jendrowski approving the application to NYS Office of Parks, Recreation & Historic Preservation for a Skyline Park Enhancement Project grant and authorizing the Supervisor to accept said funds in accordance with the provisions of Title 9 of the Environmental Protection Act of 1993, in an amount no less than 50% of the grant award and to enter into an agreement with the state for such assistance for the Skyline Park Enhancement Project. (Resolution Attached) Cummings-Aye, Dugan -Aye, Burke-Aye, Jendrowski- Aye, Morlacci-Aye
Carried Unanimously

Approval- Park Grant Application Authorizing Resolution:

A motion was made by Councilman Dugan, seconded by Councilman Jendrowski authorizing the Supervisor to accept funds from the NYS Office of Parks, Recreation & Historic Preservation in accordance with the provisions of Title 9 of the Environmental Protection Act of 1993, in an amount no less than 50% of the grant award and to enter into and execute an agreement with the state for such assistance for the Skyline Park Enhancement Project and if appropriate a conservation easement/preservation covenant to the deed of the assisted property. (Resolution Attached) Cummings-Aye, Dugan -Aye, Burke-Aye, Jendrowski- Aye, Morlacci-Aye
Carried Unanimously

Request for Tax Act Amendment:

A motion was made by Councilman Jendrowski, seconded by Councilman Burke addressing the request to the Erie County Legislature for a proposed amendment to the Erie County Tax Act that would change the tax collection cycle for Towns of the Second Class in Erie County.

(Resolution Attached) Cummings-No, Dugan -No, Burke-No, Jendrowski-No, Morlacci-No
Failed to Pass

Approval- Extension of Moratorium on Solar Farms:

A motion was made by Councilwoman Morlacci, seconded by Councilman Jendrowski approving the six month extension of a moratorium on the construction and installation of Solar Farms within the Town until October 6, 2017.

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

Approval- Map, Plan & Report- Waterline Extensions:

A motion was made by Councilman Burke, seconded by Councilman Dugan approving a contract with Wendel for professional services in the amount of \$2,500 lump sum, in connection with the preparation of a map, plan & report for installation of waterlines on Indian Falls Rd, Knapp Rd and Kirby Rd and authorizing the Supervisor to execute the agreement.

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

Approval- Standard Work Day for Job Titles:

A motion was made by Councilman Dugan, seconded by Councilman Jendrowski approving the hours worked per pay period for job titles and directing the Town Clerk to post said job titles list for 30 days on the towns information center.

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

Approval-Beer/Wine Permits:

A motion was made by Councilman Jendrowski, seconded by Councilman Dugan approving the request for a beer/wine permit at Veteran's Park on July 1st by Peggy Kidder.

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

Approval- Air Hand Dryers Purchase:

A motion was made by Councilman Burke, seconded by Councilwoman Morlacci approving the purchase and installation of air hand dryer units for the library bathrooms.

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

Privilege of the Floor/Question Period:

Pam Domon of 5271 Crittenden Rd questioned the Knox Box law that was passed. She was unaware of the law and questioned if there is any room for exceptions to the law. CEO Mike Borth addressed her questions stating if there is currently no alarm system hooked up at her business then the part of the law concerning avoidable alarms would not apply to her however, all businesses are now required to have and install Knox Boxes for emergency services access.

Anthony Scheeda of 217 Golden Pond Estates spoke to the Board about reducing the speed limit on Main Rd between Crittenden Rd and S Newstead Rd down to 40 or 45 mph due to the high incidents lately of accidents in and around the Rt 93 intersection and with vehicles attempting to go in and out of Golden Pond Estates. He is asking for the Town Boards advice and assistance with this concern.

Supervisor Cummings explained that a petition is needed with signatures of residents and businesses in the area of the request, with the more signatures the better. Just a letter of support from the Town Board is not enough and the process can take several months.

David Bluman of 225 Golden Pond Estates stated a lot of traffic comes and goes from Golden Pond Estates and especially at Tim Hortons as well. Another major problem in the area of Rt. 93 and Rt. 5 is trucks and trailers that pull off on the side of the road to go into area businesses. This makes it very difficult for other patrons trying to pull back onto Rt.5 from businesses to be able to have good line of sight for oncoming traffic. He would like to see "No Parking" signs erected along Rt. 5 as well as the speed reduction.

A suggestion was made that we might be able to attain a report from the state troopers on the number of accidents in that area over the past 2 years. The Supervisor will try to get that information. He also stated the Town Clerk's office will assist Mr. Scheeda & Mr. Bluman in what information needs to be on the petition forms.

Peter Henley, Scotland Rd questioned if this speed limit issue could fall under the Master Plan the town is currently working on as well. He also questioned the earlier votes on the Radon Law.

Supervisor Cummings answered his questions on the Radon vote and stated yes, suggestions could be made regarding the speed issue in the master plan for the future.

There being no further business to come before the board for the regular meeting a motion was made by Councilman Burke, seconded by Councilwoman Morlacci to adjourn the regular meeting at 9:03pm.

Carried Unanimously

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