

Newstead Town Board Meeting- May 28, 2019

A regular meeting was called to order by the Newstead Town Board on Tuesday, May 28, 2019 at 7:13pm at the Newstead Town Hall.

Present: David Cummings- Supervisor
Edmund Burke- Councilman
Joseph Dugan- Councilman
Jeannine Morlacci- Councilwoman
Brendan Neill- Town Attorney
Emily Janicz- Assistant Town Attorney
Michael Bassanello- Highway Supt.
Scott Rybarczyk- Town Engineer
Dawn Izydorzak- Town Clerk

Roll Call was taken with all board members present except Councilman Jendrowski who had a prior commitment.

Highway Supt. Bassanello led the pledge to the flag.

Minutes from the regular meeting held on May 13, 2019 were presented for approval. A motion was made by Councilman Dugan, seconded by Councilman Burke to approve as presented.

Carried

Agenda Changes – a motion was made by Councilman Dugan, seconded by Councilwoman Morlacci to make the following agenda changes: add a motion for a liquor license waiver and a resolution for a speed study on Billo Rd

Carried

Communications – The Town Clerk presented the following correspondence:

A letter was received from Charter Communications notifying the town of upcoming programming changes on May 24th when Hillsong channel will cease transmission.

A request for use of Veteran's Park for the annual Tanya's Trot for Epilepsy event on September 29th was received.

A notice of public hearing was received from the Town of Alden regarding the application of the Lancaster Volunteer Ambulance Corp for expansion of its operating territory to include the Town and Village of Alden. The hearing will be held May 30th at 6:00pm at the Town Hall.

The results of the 2019-20 Akron Central School Budget and School Board elections results were received from the school.

A memo was received from the Town of North Collins regarding an annual Herd for Hope event they are hosting to benefit Roswell Park.

A letter and signed petitions were received from residents of Billo and Jones Roads in the town of Newstead and Clarence requesting a speed limit reduction on the Newstead portion of the road along with signs to be posted.

A request for waiver of the 30 day municipality notification period for a liquor license application was received from Robert Heil, Consultant, on behalf of Kidders Kaboodles Kafe, LLC located at 13677 Main Rd.

A letter of resignation was received from Jim Pusateri resigning effective immediately from his position of Deputy Disaster Coordinator for the town.

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

Carried

Work Session: The Supervisor reported that at the work session held last week the following items were discussed: joint meeting with the Planning Board to discuss Mobile Home Parks & AirBnB's, water & sewer project updates, building issues updates, grant updates, Mattioli property purchase, EAB treatment, Limerick Hall, lights, court audit plus any other items brought before the Board. John has received a quote for LED lighting at the senior center which will be discussed at next work session.

Agenda Items Question Period: no one spoke

Budget transfers: a motion was made by Councilman Dugan, seconded by Councilman Burke to approve the budget transfer as presented in a memo from Bookkeeper Colleen Salmon dated 5/28/19. Carried

Approval of Bills – Supervisor Cummings reported that the Abstract(s) from Batch(es) #1934 & 1935 plus postage transfer have been reviewed with the previously un-audited vouchers and everything was found in order. He presented Abstract Batch(es) #1939 & 1940 for payment. Vouchers on this abstract(s) numbered from 519-546, totaling \$36,363.55. Councilman Dugan motioned, seconded by Councilwoman Morlacci to approve payment as follows:

Abstract Batch(es) #1939 & 1940:
 General Fund (A) -\$10,062.82, General Fund- Outside Village (B) \$7,289.25, Highway (DA) -\$0, Highway: Outside Village (DB) \$2,679.85, 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)- \$0, Fire Protection (SF) \$4,762.91, Refuse (SR) \$11,344.71, Sewer #1 Fund (SS) \$28.65, Sewer District #2 (SS02)- \$152.86, Sewer District #3 (SS03)- \$0, Trust & Agency(TA)- \$0 and Water Districts: Consolidated (SW00) \$42.50, (SW1) \$0, (SW2) \$0, (SW3) \$0, (SW4) \$0, (SW5) \$0, (SW6) \$0, (SW7) \$0, (SW7A) \$0, (SW8) \$0, (SW9) \$0, (SW10) \$0; Total:\$36,363.55 Carried

COMMITTEE AND DEPARTMENT HEAD REPORTS:

Highway – Mike presented a report thanking Dawn for her help at the tire drop-off event and reporting the crews have cleaned and boom mowed the bike path, mowed the parks, mowed all town owned road sides, completed hot patching, completed 180' of road ditching on Stage Rd, filled holes in the shoulder of Howe & Davison Roads, cleaned the fence area between town hall and Pixley's, serviced truck #9, hauled chips from the JF to Zoladz at no cost and all 6 of the highway workers have completed and passed their required Dig Safely online course.

Assessor – Tina presented a report read by the Supervisor stating all necessary paperwork for Grievance Day has been prepared. No appointments have been made to date. 9 stipulation agreements have been reached due to her meeting with the property owners prior to grievance day and reaching mutually agreed values.

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

Mike Kropelin	13089 Steiner	Generator
David Burns	13248 Martin	Roof mounted solar
Ron Bower	12120 Rapids	Pole barn
Crown Castle(Kelly Schultz)	11167 Main	Cell tower maintenance
Robert Sterns	13536 Main	Zoning compliance
County Line Stone	4515 Crittenden	Storage building
Barbara Adamczak	4694 S Ayers	Generator
Lesley Nickles	13385 Stage	Fire restoration
Douglas Wall	5660 Cummings	Zoning compliance
Matthew Salvadore	11025 Stage	One Family Home
Rich Raykowski	13830 Indian Falls	Roof
Kurt Schie	6696 Utley	Roof
Susan Westphal	12679 Roll	Generator

Ronald Bartsch
The Town Board accepted the building report as presented.

13831 Bloomingdale

Above ground pool

Town Clerk- we are entering our last 30 days of tax collection for County-Town bills. The office is busy cleaning up archives.

Town Attorney – Brendan attended a meeting with the Supervisor, the Bookkeeper and Newstead Fire Company on contractual issues between the town and the fire co. on the lease for the Senior Center.

COUNCILPERSONS:

Jendrowski- not present

Dugan – he proudly completed his first Memorial Day presentation on behalf of the Town. It was a wonderful day and very nice ceremony. He commended the VFW and the Legion for their efforts and thanked the Akron Band for the great music selections.

Burke – he spoke with Highway Supt. Bassanello regarding the speed study request for Billo Rd. He complimented Councilman Dugan for his presentation on Memorial Day and said he did a commendable job. Lt. Col. Jeffrey Lederhouse was a great guest speaker as well.

Morlacci- nothing at this time

Supervisor- the April Supervisor's Report is on file with the Town Clerk. He attended the Association of Erie County Governments meeting, the NEST meeting, met with the Newstead Fire Company to settle some billing issues at the Senior Center, attended the County Line Stone Co public meeting in Corfu on their expansion project, met with the grant writers and spoke with the town engineer on several issues.

UNFINISHED BUSINESS:

Buildings- the air conditioning is fixed at the library.

Planning- mobile home parks, Airbnb, county line stone expansion and unsafe building are all still being addressed.

Water/Sewer- Scott reported the water model was received from ECWA, who has been very responsive to their needs, therefore the proposal to the town is in and they will move forward on the plans for the waterlines. An engineering planning grant is being looked at to address some sewer district repair needs.

Grants- several are still in limbo due to weather conditions. The Board is starting to look at potential CFA & CBDG projects for the fall.

NEW BUSINESS:

Approval- 2018 Justice Court Audit:

A motion was made by Councilman Dugan, seconded by Councilman Burke accepting the findings of the 2018 Justice Court audit performed by Drescher & Malecki, LLP with all records found to be in exceptionally organized and proper order.

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

Approval- Opposition to S1747/A3675:

A motion was made by Councilman Burke, seconded by Councilman Dugan opposing the proposed legislation in the State Senate(S1747) and Assembly(A3675) that would give undocumented immigrants the right to a New York State driver's license and calling for the Governor and State Legislatures to reject these proposals.

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

Public Hearing- Site Plan- 12976 Main Rd:

A motion was made by Councilwoman Morlacci, seconded by Councilman Dugan approving the calling of a public hearing on the proposed site plan for exterior renovations at 12976 Main Rd owned by McDonald's, to be held on June 10, 2019 at 6:55pm at the town hall and authorizing the Town Clerk to publish notice in the Akron Bugle.

(Res Attached) Cummings-Aye, Dugan-Aye, Burke-Aye, Jendrowski-Absent, Morlacci-Aye
Carried

Public Hearing- Site Plan- 12690 & 12666 Main Rd:

A motion was made by Councilman Dugan, seconded by Councilman Burke approving the calling of a public hearing on the proposed site plan revision for a temporary special use permit at 12690 & 12666 Main Rd owned by Michael Shields, to be held on June 10, 2019 at 6:50pm at the town hall and authorizing the Town Clerk to publish notice in the Akron Bugle.

(Res Attached) Cummings-Aye, Dugan-Aye, Burke-Aye, Jendrowski-Absent, Morlacci-Aye
Carried

Approval- Engineering Services Proposal:

A motion was made by Councilwoman Morlacci, seconded by Councilman Dugan authorizing the proposed agreement with Wendel for Engineering Services for survey & design services(\$35,500), water system modeling(\$15,000) and bidding services(\$5,000) for a total not to exceed \$55,500 for the Kirby Rd, Knapp Rd and Indian Falls Rd waterline extensions project, and authorizing the Supervisor to execute all necessary agreements or reimbursement requests on behalf of the Town.

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

Approval- Park Use Request:

A motion was made by Councilman Burke, seconded by Councilman Dugan authorizing the Tanya's Trot for Epilepsy event to use Veteran's Park on September 29, 2019.

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

Approval- Lateral Restriction Hardship Application- 11025 Stage Rd:

A motion was made by Councilman Dugan, seconded by Councilwoman Morlacci approving the request for a Lateral Restriction Hardship Exception within Water District #10 for 11025 Stage Rd owned by Matthew Salvadore based on supporting documentation submitted.

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

Approval- Liquor License Request:

A motion was made by Councilwoman Morlacci, seconded by Councilman Dugan approving the request for a 30 day waiver of the municipal notification period for a liquor license application for Kidders Kaboodles Kafe, LLC located at 13677 Main Rd in the Town.

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

Approval- Speed Study Request- Billo Rd:

A motion was made by Councilman Burke, seconded by Councilman Dugan authorizing the request for a speed reduction study on Billo Rd in the Town 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-Absent, Morlacci-Aye
Carried

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 7:47pm.

Carried

Respectfully Submitted,

Dawn D. Izydorczak, RMC, Town Clerk