

Newstead Town Board Meeting- May 29, 2018

The Board entered **executive session** at 6:45pm to discuss contractual issues on a motion from Supervisor Cummings, seconded by Councilman Jendrowski. Carried Unanimously

The Board exited executive session on a motion by Councilman Burke, seconded by Councilman Dugan at 7:00pm, having taken no action. Carried Unanimously

The Board entered **executive session** at 7:20pm to discuss a personnel issue on a motion from Councilman Jendrowski, seconded by Councilman Dugan. Carried Unanimously

The Board exited executive session on a motion by Councilwoman Morlacci, seconded by Councilman Burke at 7:29pm, having taken no action. Carried Unanimously

A public hearing was called to order by the Newstead Town Board on Tuesday, May 29, 2018 at 7:50pm at the Newstead Town Hall.

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

Roll Call was taken with all board members present.

The Supervisor called the **public hearing** to order on proposed site plan for a 17,440 sq ft addition at 12715 Lewis Rd known as Niagara Label.

The Clerk read the Proof of Publication. The Supervisor stated this project has no recommendation from the Planning Board due to lack of a quorum at their meeting and some unanswered questions and comments were received on the project so far from NYSDEC and Erie County Department of Planning.

Comments: Chris Whitmarsh, Keith Hatswell, the project Engineer and developer Rick Gunn of Calamar were present to answer the Boards questions. Town Engineer Rybarczyk asked about the joint application for the Army Corp of Engineers. Rick Gunn stated that Don Wilson has it as of last week and there is a 45 day time period for review they are in process with. There should only be a 1/10 of an acre disturbance on the site so there should be no issues. No one else spoke.

There being no further comments, a motion was made by Councilman Burke, seconded by Councilman Dugan to close the public hearing at 8:01pm. Carried Unanimously

The **regular meeting** of the Town Board was called to order at 8:02pm with the same members present as listed above.

Supervisor Cummings led the pledge to the flag.

Minutes from the regular meeting held on May 14, 2018 were presented for approval. A motion was made by Councilman Burke, seconded by Councilman Dugan to approve as presented. Carried Unanimously

Agenda Changes – none

Communications – The Town Clerk presented the following correspondence:

A letter from Charter Communications notifying the town of a change in programming that will take effect June 18th.

A notice from Erie County Department of Environmental Protection and WNY Stormwater Coalition about a seminar on “What to do with Excavated Material from Municipal Maintenance Activities & Construction” on June 13th at 2:00pm at the Orchard Park Town Hall.

A letter from the Akron Celebration Committee requesting use of the Veteran’s Park for the annual July 4th celebration fireworks and activities.

A request for a beer/wine permit from Deborah Forrestel for a graduation party at Skyline Park on August 11th.

A letter from NYS Department of State notifying the town that Local Law #1 and Local Law #2 of 2018 were received and filed on May 16, 2018.

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 last work session held the following items were discussed: met with Judy Moore on a program for reduced cost items for dogs & cats, building projects, water & sewer projects, planning items, grants, July 4th requests, a personnel item executive session and any other items brought before the Board.

Agenda Items Question Period: no one spoke

Budget transfers: none

Approval of Bills – Councilman Jendrowski reported that the Abstract(s) from Batch(es) #1828 & 1829 have been reviewed with the previously un-audited vouchers and everything was found in order. He presented Abstract Batch(es) #1830 & 1831 plus postage transfer for payment. Vouchers on this abstract(s) numbered from 509- 562, totaling \$29,578.85. Councilman Burke seconded to approve payment as follows:

Abstract Batch(es) #1830 & 1831 plus postage transfer:
General Fund (A) -\$18,467.95, General Fund- Outside Village (B) \$87.92, Highway (DA) -\$0,
Highway: Outside Village (DB) \$7,851.75, 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, CAP- Water-Knapp- (HW03) \$0, Drainage (SD)- \$3,036.94, Fire Protection (SF) \$0,
Refuse (SR) \$0, Sewer #1 Fund (SS) \$27.19, Sewer District #2 (SS02)- \$65.93, Trust &
Agency(TA)- \$0 and Water Districts: Consolidated (SW00) \$41.17, (SW1) \$0, (SW2) \$0, (SW3) \$0,
(SW4) \$0, (SW5) \$0, (SW6) \$0, (SW7) \$0, (SW7A) \$0, (SW8) \$0, (SW9) \$0, (SW10) \$0;
Total:\$29,578.85 Carried Unanimously

COMMITTEE AND DEPARTMENT HEAD REPORTS:

Highway – Mike reported the crews have been doing shoulder work on several roads and will be doing an overlay on Stage Rd and a total re-lay on Berghorn Rd in the coming days.

Councilman Burke questioned the work done on truck #7 and Mike explained what happened to the Board and how it was fixed.

Assessor – Tina presented a report stating grievance day was relatively calm with only 4 residents attending meetings with the Board of Assessment Review. She also negotiated a stipulation on a grievance filed by Rite Aid.

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

Amy Engler	11328 Main	Mudroom & Porch
John & Molly Schrock	7389 Sandhill	Pole barn addition

Margaret Colf	7160 Sandhill	Siding
Janet & Michael Higgins	5792 Buell	A.G. Pool
Gordon & Jane Dorr	11430 Stage	New garage wall & door
Jeff & Bonnie Dee	7722 Moore	Bathroom remodel
Mike Kozlowski	6776 Cedar	Roof & siding
Paul Hennessy	11621 Rapids	Pole barn
Patrick Brenda	13588 Stage	demolition
Patricia Cimerman	11253 Crego	Ditch Fill
Michael Bochniarz	6253 Dye	Ditch Fill
Robert Monkelbaan	11495 Miland	Garage addition
Mark Gee	4673 Ayers	Pole barn
MPR 12089, LLC	12089 Clarence Center	2 tents
Martin & Carey Dugan	13595 Stage	Roof
Donna Adams	11110 Keller	Generator

The Town Board accepted the report as presented.

Town Clerk- nothing at this time

Town Attorney – nothing at this time

COUNCILPERSONS:

Jendrowski- he spoke with Washington St and East Ave residents on recent noise from the airport, met with Christine on building department issues, spoke with Adam Burg on insurance coverage for highway equipment and the blanket policy, spoke with Mike Borth about the gutter situation on the building east of the library, met with the Mayor, Trustee Middaugh & Village Attorney Borden on public safety issues, which will be a topic at the next joint meeting.

Dugan – he attended the County Executives town hall meeting on his school consolidation proposal which did not go over very well with those present including school board members from both schools. To pass this would require approval from both the Akron & Alden School Boards and a electoral vote from both communities.

Councilman Dugan expressed his condolences to the Neill family on the sudden passing of Nathan, our Town Attorney.

Burke – Councilman Burke expressed his profound sadness on the sudden passing of Nathan Neill, our Town Attorney. His wise council will be greatly missed. His prayers are with the Neill family. Councilman Burke also attended the Memorial Day ceremonies this past weekend.

Morlacci- Councilwoman Morlacci expressed her condolences to the Neill family. She also reported that the Rotary Club would be doing some community service by placing some plantings at the Library.

Supervisor- he attended a NEST meeting, met with Senior Center staff on the kitchen equipment, met with the grant writers, attended the Memorial Day ceremonies where he received a flag for the town, attended the Senior Health Fair today, spoke with the Mayor on several issues, and met with Colleen, Nathan & the Bond Council on bonding issues.

UNFINISHED BUSINESS:

Buildings- nothing new

Planning- the public meeting on the Master Plan will be scheduled and held by the end of June. The new Code Enforcement Officer starts on Friday this week.

Water/Sewer- nothing new

Grants- the CDBG kitchen equipment bid will be awarded tonight, all others there is nothing new.

NEW BUSINESS:

Award Bid- Kitchen Equipment Purchase under CDBG:

A motion was made by Councilman Dugan, seconded by Councilman Burke authorizing the Supervisor to purchase the following: microwave \$247.35 and natural gas double convection oven \$6,231.85+\$300 delivery fee from BHS Foodservice Solutions; Ice cuber \$2,229.47, commercial dishwasher \$5,921.16 and refrigerator \$1,797.30 + \$11 delivery fee from Webstaurant; Natural gas range oven \$5,300.00 from Restaurant Depot.

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

Approval- Knox Box Opt Outs:

A motion was made by Councilman Burke, seconded by Councilwoman Morlacci approving the requests for the “opt out” option for the installation of Knox Box systems at the following locations: 12968 Main Rd, 11891 Main Rd, 11200 Main Rd, 13722 Main Rd, John St Akron Jaycee’s building. Cummings-Aye, Dugan -Aye, Burke-Aye, Jendrowski- Aye, Morlacci-Aye Carried Unanimously

Approval- Beer/Wine Permit Request- :

A motion was made by Councilman Dugan, seconded by Councilman Burke approving the request by Deborah Forrestel for a beer/wine permit at Skyline Park for a graduation party on August 11th. Cummings-Aye, Dugan -Aye, Burke-Aye, Jendrowski- Aye, Morlacci-Aye Carried Unanimously

Approval- Amended Job Description- Director of Emergency Services:

A motion was made by Councilman Burke, seconded by Councilman Dugan approving the amended job description for the position of Director of Emergency Services as proposed to the Board. Cummings-Aye, Dugan -Aye, Burke-Aye, Jendrowski- Aye, Morlacci-Aye Carried Unanimously

Approval- Summer Park help:

A motion was made by Councilman Burke, seconded by Supervisor Cummings approving the hire of Dale Schmigel as part time help for the summer park season effective immediately. Cummings-Aye, Dugan -Aye, Burke-Aye, Jendrowski- Aye, Morlacci-Aye Carried Unanimously

Privilege of the Floor/Question Period: Bruce Paycon of 8137 Center Rd in Holland spoke regarding his 2 parcels on Wahl Rd that he is attempting to sell. His for sale signs are being destroyed and/or taken down by his neighbor Myron. He has complained to the CEO about the condition of the neighboring property and reported oil spills from it to the DEC. He is getting no results from either Alden or Newstead.

Supervisor Cummings stated our CEO has been out there as well as he himself and the town is working on addressing the issues. He told Mr. Paycon he needs to submit formal complaint letters in writing to both and especially Alden because several of the issues fall under their jurisdiction.

Councilman Dugan asked what results he has gotten from the DEC.

Mr. Paycon responded they have found some oil in the ground but the neighbor has been moving a lot of dirt and much of it has been covered up. He stated the neighbor did move the cars and a lot of the junk but moved it from the Newstead side to the Alden side of the property.

A **moment of silence** was held to recognize the passing of our Town Attorney Nathan Neill. Supervisor Cummings stated we have lost the backbone of our town. Nathan was a dear friend and colleague and he will be greatly missed.

There being no further business to come before the board for the regular meeting a motion was made by Councilman Dugan, seconded by Councilwoman Morlacci to adjourn the regular meeting at 8:34pm.
Carried Unanimously

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