

Newstead Town Board Meeting- November 28, 2016

A public hearing was called to order by the Newstead Town Board on Monday, November 28, 2016 at 7:45pm at the Newstead Town Hall.

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

Roll Call was taken with all board members present except for Councilman York.

The Supervisor called the **public hearing** to order on the proposed site plan for 11167 Main Rd owned by Kelly Schultz for 3 lean-to additions to existing buildings.

The Town Clerk read the proof of publication. The Supervisor stated this has been reviewed and recommended for approval by the Planning Board. Erie County Planning had no comments yet. They still have time to submit comments.

Comments: The Town Board discussed the latest master plan for the property and drainage plan. Kelly Schultz was present and looked at the plan the board had. He stated that there is another plan and he will get a copy to the board as soon as possible.

There being no further comments a motion was made by Councilman Jendrowski, seconded by Councilman Burke to close the public hearing at 7:51pm. Carried

The Supervisor called the **public hearing** to order at 7:51pm on the proposed Establishment of Sewer District #3 in the Town that would create service on Lewis Rd to Niagara Label.

The Town Clerk read the proof of publication. The Supervisor explained the creation of the District is to service Niagara Label on Lewis & Hake Rd and all costs of the district will be paid by those that hook into the sewer district.

Comments: Mr. Nesper and Chris Whitmarsh were present on behalf of Niagara Label and Mr. Nesper stated that 100% of the cost will be paid up front by Niagara Label. No one else will have to pay at this point unless they decide to hook into the line in the future.

There being no further comments a motion was made by Councilman Dugan, seconded by Councilman Burke to close the public hearing at 7:56pm. Carried

The Supervisor called the **public hearing** to order at 7:56pm on the proposed fire company contract renewals for 2017-2019 with Newstead Fire Company and the Village of Akron for Akron Fire Company.

The Town Clerk read the proof of publication. The Supervisor explained the negotiation process over the course of the year and that the Board feels this is a good contract renewal for all. Only some minor wording changes were made to the last contracts that make them more understandable for everyone involved.

Comments: Keith Hochreiter, President of Akron Fire co, thanked Joe Dugan and David Cummings for the very positive interaction throughout the process and helping to make the services better.

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

A **regular meeting** of the Town Board was called to order at 8:00pm with the same Board members present as listed above.

Mike Bassanello led the pledge to the flag.

Minutes from the regular meeting held on November 14, 2016 and the special meeting held on November 21, 2016 were presented for approval. A motion was made by Councilman Burke, seconded by Councilman Jendrowski to approve as presented. Carried

Agenda Changes – a motion was made by Councilman Burke, seconded by Councilman Jendrowski to make the following agenda changes: add motion to approve committee appointments and approve the sale of highway truck. Carried

Communications – The Town Clerk presented the following correspondence:

Two letters were received from Charter Communications 1. notifying the town of the upcoming rate changes effective 12/15/16 and 2. a list of the channels a program providers they are currently in negotiation with for service.

A notice from the Erie County Commissioner of Public Works notifying the town that the Swift Mills bridge project is completed and the bridge is back open to traffic effective November 16th.

A notice of Lead Agency status was received from the Town of Clarence on their proposed Solar Law along with a copy of the draft law.

Two (2) notices of solar law training sessions at the Orchard Park Municipal Building were received, with the first on December 6th at 7pm and the second on December 13th at 10am.

A letter was received from Ambulance WNY, Inc. outlining their plan for a new ambulance service and asking the towns support of its new basic life support inter-facility non-emergency transportation service in Erie County.

A letter from the NYSDOT informing the town that the speed study on Hiller Rd has been completed and as requested by the residents, the speed limit on Hiller Rd will be dropped to 45 mph.

A letter from the Akron Airport requesting municipal endorsements on 4 different projects.

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

Work Session: The Supervisor reported that at the last work session held the following items were discussed: buildings projects at town buildings; planning items- Cedar St. wind turbine & master plan update with the Village; grant items; and any other matters brought before the Board. The board also entered into a short executive session regarding personnel matters and contracts.

Agenda Items Question Period: no one spoke

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 11/28/16. Carried

Approval of Bills – Councilman Jendrowski reported that the Abstract(s) from Batch(es) #1668 & 1670 have been reviewed with the previously un-audited vouchers and everything was found in order. He presented Abstract Batch(es) #1672 for payment. Vouchers on this abstract(s) numbered from 1266-1299, totaling \$143,830.35. Councilman Burke seconded to approve payment as follows:

Abstract Batch(es) #1672:

General Fund (A) -\$77,766.27, General Fund- Outside Village (B) \$17,472.40, Highway (DA) -\$0, Highway: Outside Village (DB) \$45,562.35, CAP- Scotland Rd (HS)- \$0, CAP- Water Improvement (HW)- \$0, CAP Water-Downey (HW01)- \$0, CAP- Water- Cedar (HW02)- \$0, Drainage (SD)- \$0, Fire Protection (SF) \$0, Refuse (SR) \$0, Sewer #1 Fund (SS) \$28.13, Sewer District #2 (SS02)- \$2,955.05, Trust & Agency(TA)- \$0 and Water Districts: Consolidated (SW00) \$46.15, (SW1) \$0,

Grants- the State representative on the trailways grant was here tonight to discuss the project. Nothing new with the parks and the CDBG tour has been held and the paperwork is in.

NEW BUSINESS:

Approval- Fire Company Contract Renewals:

A motion was made by Councilman Dugan, seconded by Councilman Jendrowski approving the proposed fire contract renewals with Newstead Fire Company and the Village of Akron for Akron Fire Company for 2017-2019, subject to the terms set forth in the resolution and authorizing the Supervisor to execute the agreements.

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

Approval - Highway Labor Union Contract Renewal:

A motion was made by Councilman Jendrowski, seconded by Councilman Burke approving the proposed Labor Union contract with the Highway employees for 2017-2019, subject to the terms set forth in the resolution and authorizing the Supervisor to execute the agreement.

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

Approval - Establishment of Sewer District #3:

A motion was made by Councilman Burke, seconded by Councilman Jendrowski approving the Establishment of the proposed Sewer District #3 on Lewis Rd subject to approval of an agreement with the Village of Akron and authorizing the Supervisor to execute the agreement.

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

Approval - Sewer District #3 Agreement with Village of Akron:

A motion was made by Councilman Jendrowski, seconded by Councilman Burke approving the proposed agreement with the Village of Akron to receive waste materials from Sewer District #3 on Lewis Rd subject to the terms set forth in the agreement and authorizing the Supervisor to execute the agreement.

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

Public Hearing- Local Law #3 of 2016- Rescinding Local Law #2 of 2016:

A motion was made by Councilman Burke, seconded by Councilman Dugan approving the calling of a public hearing on the proposed Local Law #3 of 2016 that would rescind Local Law #2 of 2016, with the hearing to be held on December 12, 2016 at 7:55pm at the town hall and authorizing the Clerk to publish the legal notice.

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

Authorize Request For Proposals for Comprehensive Master Plan Update:

A motion was made by Councilman Dugan, seconded by Councilman Jendrowski approving the Notice to Bidders for Requests for Proposals to update the Town and Village joint Master Plan and authorizing the Clerk to publish the legal notice.

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

Approval- Organizational Meeting for 2017:

A motion was made by Councilman Burke, seconded by Councilman Jendrowski approving the Organizational Meeting for 2017 be held on January 9, 2017 along with the swearing in ceremony.

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

Joint T/V Committee Appointments:

A motion was made by Councilman Dugan, seconded by Councilman Burke approving the appointment of Supervisor Cummings and Councilman Jendrowski to serve on the joint CEO search committee and Supervisor Cummings and Councilman Burke to sit on the joint master plan committee with the Village representatives.

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

Sale of Surplus Highway Equipment:

A motion was made by Councilman Jendrowski, seconded by Councilman Burke approving the Highway Superintendent to accept the online bid through Auctions International of \$22,000 for the 2000 Sterling truck and wing and plow accessories and authorizing him to execute any necessary paperwork to complete the sale.

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

Privilege of the Floor/Question Period:

Highway Superintendent Bassanello commended the Board for getting the highway union contract settled before the end of the year.

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 8:40pm.

Carried

Respectfully Submitted,

Dawn D. Izydorczak, RMC, Town Clerk