

Newstead Town Board Meeting- October 28, 2019

The Board entered executive session at 6:45pm to discuss contractual issues and personnel issues on a motion from Councilman Jendrowski, seconded by Councilman Dugan. Carried

The Board exited executive session on a motion by Councilman Burke, seconded by Councilman Dugan at 6:57pm, having taken no action. Carried

A public hearing was called to order by the Newstead Town Board on Tuesday, October 28, 2019 at 6:58pm at the Newstead Town Hall.

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

Roll Call was taken with all board members present except Councilwoman Morlacci.

Supervisor Cummings called the **public hearing** to order on the proposed 2020 Budget.

The Clerk read proof of publication. Supervisor Cummings stated the budget does stay under the 2% tax cap. Since the tentative budget was released, we have received updated numbers for retirement and health care budget costs. These have created no overall change in the overall budget numbers, just changes within certain budget lines.

Comments: no one was present to speak

There being no further comments, a motion was made by Councilman Burke, seconded by Councilman Dugan to close the public hearing at 7:01pm. Carried

The **regular meeting** of the Newstead Town Board was called to order at 7:01pm with the same members present as listed above.

Councilman Dugan led the pledge to the flag.

Minutes from the regular meeting held on October 15, 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 Burke, seconded by Councilman Dugan to make the following agenda changes: remove the resolution for the solar farm project due to additional comments received today from NYS Ag & Markets regarding the project that need to be addressed. Carried

Communications – The Clerk presented the following correspondence:

A notice of public hearing was received from Erie County regarding modifications to the Agricultural District, with the hearing to be held at 21 S Grove St in East Aurora on November 4th at 6:00pm.

A notice of hearings on Senior Services programs was received from the Erie County Commissioner of Senior Services. Hearings will be held on October 23rd in Springville and November 1st at the Schiller Park Senior Center in Buffalo from 12:30-2:00pm.

Letters were received from Marathon Engineering regarding the Borrego Solar project planned for 12963 Main Rd.

A letter was received from Erie County Engineering regarding an upcoming project/road closure on Cedar St to replace a bridge over Ledge Creek. A pre-construction meeting is scheduled for October 29th at 10:00am in Buffalo at the County DPW office.

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 work session held last the following items were discussed: water & sewer project updates, planning item updates, building issues updates, grant updates, gas well inquiry, Limerick Hall, court bailiffs, Crittenden Rd, contracts and personnel items, plus any other items brought before the Board.

Agenda Items Question Period: no one present to speak

Budget transfers: a motion was made by Councilman Burke, seconded by Councilman Dugan to approve the budget transfer(s) as presented in a memo from Bookkeeper Colleen Salmon dated 10/28/19. Carried

Approval of Bills – Councilman Jendrowski reported that the Abstract(s) from Batch(es) #1973, 1974 & epayment for postage have been reviewed with the previously un-audited vouchers and everything was found in order. He presented Abstract Batch(es) #1976 for payment. Vouchers on this abstract(s) numbered from 1130-1168, totaling \$276,650.83. Councilman Dugan seconded to approve payment as follows:

Abstract Batch(es) #1976:

General Fund (A) -\$20,032.57, General Fund- Outside Village (B) \$19.29, Highway (DA) -\$0, Highway: Outside Village (DB) \$234,629.87, CAP- Trail Grant (HTG)- \$18,813.85, 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) \$995.00, Drainage (SD)- \$0, Fire Protection (SF) \$2,025.00, Refuse (SR) \$0, Sewer #1 Fund (SS) \$27.93, Sewer District #2 (SS02)- \$64.84, Sewer District #3 (SS03)- \$0, Trust & Agency(TA)- \$0 and Water Districts: Consolidated (SW00) \$42.48, (SW1) \$0, (SW2) \$0, (SW3) \$0, (SW4) \$0, (SW5) \$0, (SW6) \$0, (SW7) \$0, (SW7A) \$0, (SW8) \$0, (SW9) \$0, (SW10) \$0; Total:\$276,650.83

Carried

COMMITTEE AND DEPARTMENT HEAD REPORTS:

Highway – Mike presented his report stating the crews field ditched on Rapids Rd, mowed field ditches, road sides and parks, removed 3 trees from Tonawanda Creek with the help of the Town of Royalton crews, helped the Newstead Fire Co with the sewer problem, picked up trash & tires on Jones Rd, cut trees on Ayers Rd with the help of Erie County Highway & their bucket truck, helped Alden oil & stone, Lancaster mill & pave, Erie Co with Crittenden Rd mill & shoulder work, Elma mill & pave and the Village mill & pave, put up new 35 mph signs on Billo Rd, blacktopped cross cut on Dye Rd, delivered 2 recycling totes, picked up paper at ACS, and he will be attending meeting on Erie Counties new bridge replacement project on north Cedar St.

Assessor – Tina presented a report read by the Supervisor stating she and Julie are still working on valuation of residential properties. They are also in the process of collecting and approving exemptions being returned. She provided the Board with sales data from 9/5/19-9/30/19.

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

Michael Masci	6130 Utley	One family home
Marc Bristow	5010 Havens	I.G. Pool
CMK Builders of Alden	11517 Howe Rd	One family home
Donald Camagna	5845 Barnum	One family home
KKBM Propeties	12188 Buckwheat	Roof

Mark Kloss	12400 Buckwheat	Wood burning stove in PB
Thomas Forrestel	6497 Scotland	Pole barn
Zachary Berberich	11810 Clarence Ctr	Remodel/renovation

The Town Board accepted the building report as presented.

Town Clerk- nothing at this time

Town Attorney(s) – nothing at this time

COUNCILPERSONS:

Jendrowski- he spoke with Louis Henley several times on the fire contract, has left messages for Gary Baehr regarding copies of the Akron Fire contract being left at the Village with their committee members, attended the Zoning Board of Appeals meeting, helped address some power outage issues at the Library, which he thanks the Village DPW for their help, and thanked Joe for getting together all the information for the meeting with the Villages fire committee members.

Dugan – he spoke with Village Trustee Folger several times regarding the fire contract to start setting up meetings.

Burke – he met with the Teamsters negotiator on the union contract, attended Judge Campbell’s traffic court as an observer, spoke with the CAC chairman regarding drainage issues on the south side of Howe Rd. A meeting will be scheduled to go over drainage policies.

Morlacci- not present

Supervisor- he worked tying up loose ends on the budget, attended the Association of Erie County Governments meeting, worked on several grants in process.

UNFINISHED BUSINESS:

Buildings- sewer issues addressed at NFC/Senior Center.

Planning- working to finish up several items

Water/Sewer- ADESA- Scott is working to secure bonds & insurance for STC with a tentative start date of mid-December. He is working with ECWA to address some issues they have with the modeling for the waterline project. He will call ECWA tomorrow for an update on the Cedar St pump station memo.

Grants- the new bike path sections will be opening soon with the exception of the main entry on Buell St. Bikers will still be able to get on the path there from the parking lot entry, not the roadway. The parks information has been resubmitted to NYS for grant costs on that project. CDBG has been submitted and we should here something back relatively soon.

NEW BUSINESS:

Approval- Site Plan- 12963 Solar Farm: TABLED

Public Hearing- Newstead Fire Co Contract:

A motion was made by Councilman Dugan, seconded by Councilman Jendrowski approving the calling of a public hearing on the proposed fire contract with Newstead Fire Co, with the public hearing to be held on November 12, 2019 at 6:40pm at the Town Hall and authorizing the Clerk to publish notice of hearing in the Akron Bugle.

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

Approval- Erie County Snow Plow Contract:

A motion was made by Councilman Jendrowski, seconded by Councilman Dugan authorizing the Supervisor to execute on behalf of the town, the proposed Erie County Snow Removal contract for 9/1/2019-8/31/2022.

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

Public Hearing- Site Plan/SUP- OSR Distillery at 7010 Scotland Rd:

A motion was made by Councilman Burke, seconded by Councilman Dugan approving the calling of a public hearing on the proposed craft distillery project to be located at 7010 Scotland Rd owned by Dean & Deborah Hyder, with the public hearing to be held on November 12, 2019 at 6:30pm at the Town Hall and authorizing the Clerk to publish notice of hearing in the Akron Bugle.

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

Approval- Lateral Restriction Exception- 6130 Utley Rd:

A motion was made by Councilman Burke, seconded by Councilman Dugan approving the request for a Lateral Restriction Hardship Exception within Water District #5 for 6130 Utley Rd owned by Michael D. Masci, based on supporting documentation submitted.

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

Privilege of the Floor/Question Period: Mike Bassanello asked about the Howe Rd drainage issue and why he wasn't informed. Supervisor Cummings stated it just came to our attention and he will be included in the meeting that is being scheduled to make some updates on the town's drainage policies.

The Board went into executive session on a motion from Councilman Jendrowski, seconded by Councilman Dugan to discuss personnel regarding the bailiff/constable position. Carried

The Board exited executive session at 8:10pm on a motion from Councilman Jendrowski, seconded by Councilman Burke having taken no action. Carried

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 8:10pm. Carried

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