

## Newstead Town Board Meeting- February 9, 2009

A Public Hearing was called to order by the Newstead Town Board on Monday, February 9, 2009 at 7:50pm at the Newstead Town Hall.

Present: David Cummings– Supervisor  
Tom George- Councilman  
Harold Finger- Councilman  
Justin Rooney- Councilman  
Cheryl Esposito- Councilwoman  
Nathan Neill- Town Attorney  
Mike Bassanello- Highway Supt.  
Scott Rybarczyk- Town Engineer  
Christine Falkowski- Building & Planning Administrator  
John Good- Code Enforcement Officer  
Dawn D. Izydorczak- Town Clerk  
Kathy Lang- Deputy Clerk

Roll Call was taken with all board members present.

The Supervisor called the public hearing on the proposed construction of a 11,200 sq. ft. warehouse at 13661 Main Rd by Fancher Properties, LLC.

The Clerk read the proof of publication.

Comments: No one spoke.

Supervisor Cummings stated that this proposed construction was recommended by the Planning Board with comments provided by that board and the fire company.

There being no other comments a motion was made by Councilman Finger, seconded by Councilman Rooney to close the public hearing at 8:00pm.

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

Town Engineer Scott Rybarczyk led the pledge to the flag.

Minutes from the previous regular meeting held on January 26, 2009 were presented for approval. A motion was made by Councilman Finger, seconded by Councilwoman Esposito to approve as presented. Carried Unanimously

**Communications** – The Town Clerk presented the following:

A letter from Dande Farms Restaurant notifying the town of its intent to renew its liquor license for the business located at 13278 Carney Rd.

A legal notice from the Town of Pembroke announcing a public hearing on proposed Local Law #1 of 2009 at the Town Hall, February 11, 2009 at 7:00pm.

A letter from NYS DOT acknowledging receipt of the towns request for a speed study on Barnum Rd and stating a speed study has been initiated with results and recommendations to follow soon.

A letter for the Erie County Legislature, along with a copy of a resolution passed by the Erie County Legislature and an information packet on the Strategic Development Act proposed legislation for the establishment of an Erie County Planning Board was received and forwarded to all interested town officials.

A packet of information was received from the Buffalo Urban League, Inc. containing materials on scholarships opportunities and upcoming events.

The January 2009 Amherst Fire Alarm Office report was received reporting Akron Fire Co. receiving 42 calls and Newstead Fire Co. receiving 27 calls.

A motion was made by Councilman George, seconded by Councilman Finger to receive and file correspondence as presented. Carried Unanimously

**Work Session:** The Supervisor reported that at the last work session held the following issues were discussed: meeting with Assessment Advisory Committee, planning issues, water district issues, Joint Facilities project, grant submissions, highway contract, Village/Town services consolidation issues, personnel issues and any other items found necessary.

**Privilege of the Floor** –No one spoke

**Budget Transfers:** none

**Approval of Bills** -Councilwoman Esposito reported that the Abstracts from Batches #792, 793, 794 & 795 from the January 26, 2009 meeting have been reviewed with the previously UN-audited vouchers and everything was found in order. She presented Abstract Batch #804. Vouchers on this abstract numbered 82- 133 totaling \$88,630.54 and were presented by Councilwoman Esposito, seconded by Councilman Finger to approve payment as follows:

Abstract Batch #804:

General Fund (A) -\$23,652.61, General Fund- Outside Village (B) \$500.98, Highway (DA) -\$0, Capital Projects: CAP-WD#10-phase 2 (HI)- \$0, Town Hall Addition (HT)- \$0, Murder Creek Stabilization (HM) - \$0, Highway: Outside Village (DB) \$22,111.17, Drainage (SD)- \$0, Fire Protection (SF) \$4,314.80, Refuse (SR) \$28,146.08, Sewer Fund (SS) \$3,428.20, Sewer District #2 (SS02)- \$0, and Water Districts (SW1) \$40.20, (SW2) \$88.44, (SW3) \$112.56, (SW4) \$112.56, (SW5) \$2,420.04 (SW6) \$305.52, (SW7) \$426.12, (SW7A) \$48.24, (SW8) \$32.16, (SW9) \$88.44, (SW10) \$2,802.42, Trust & Agency(TA)- \$0

Total: \$88,630.54

Carried Unanimously

**COMMITTEE AND DEPARTMENT HEAD REPORTS:**

**Highway** – The tire drop off date for 2009 will be May 2<sup>nd</sup> from 9:00am -12:00pm at the highway garage. The white goods pick up dates will be held on May 4<sup>th</sup> and September 14<sup>th</sup> this year.

Councilman George questioned the salt usage so far this season and Mike will report that for the next meeting.

**Assessor** – reported on the Assessment Advisory Committee meeting results and their recommendation not to do an update project in 2010. They recommend holding off until 2011.

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

Buffalo Drilling	12340 Main	Special Use Permit renewal
Dale Fryling	13235 Main	Fire repair

The Town Board accepted the report as presented.

**Town Clerk**- Presented January 2009 Dog Control Officers report. Tax bills will be mailed this week. Reported that new tax information site is available on-line at <http://www.tslco.net/newstead.htm>. On-line credit card payments will be accepted at this link in the near future. Dawn will be attending Association of Towns conference next week.

**Attorney for the Town** – Attorney Neill addressed the proposed Erie County Planning Board issue. He stated that under the proposed plan the small towns will have only minor representation on the board, 1 person out of 7 on the board. This would provide loose representation in rural development areas and the proposal clearly states the board focus would be on re-development, not new development. This would restrict funding for small town projects. The Town Board should address this proposal with their comments prior to the public hearing date.

**COUNCILPERSONS:**

**George-** regarding the County Planning Board issue, he stated he feels you need to be healthy as a larger community to be strong as smaller communities and he looks forward to discussing the issue at work session.

**Finger-** He addressed inspections of Town owned buildings with the Code Enforcement Officer.

**Rooney-** Nothing at this time

**Esposito-** The Celebration Committee has a new website. The link will be posted to the Town web site. It is: [www.celebrateakron.org](http://www.celebrateakron.org)

**SUPERVISOR-** He attended the Supervisors meeting in Elma and has been working on local contracts due in 2009 with Dawn & Nathan.

**UNFINISHED BUSINESS:**

**Water District #10-** Phase 4/Consolidation- nothing new at this time

**Shared Public Works Facility Committee-** The RFP is out and we are waiting for proposals, which are due February 17<sup>th</sup>. By the end of February the selection committee will give their recommendations for design/construction management consultants and the contracts process will be initiated.

**GIS-** meeting this Thursday to go over equipment set up and set training schedules.

**NEW BUSINESS:**

**Site Plan Amendment- 12264 Main Rd- Buffalo Well Drilling:**

A motion was made by Councilwoman Esposito, seconded by Councilman Finger approving the amended site plan dated 12/5/08 for Buffalo Well Drilling to construct a 2,925 sq. ft. addition to a building located at 12264 Main Rd.

(Resolution Attached) Cummings-Aye, George-Aye, Finger-Aye, Rooney -Aye, Esposito-Aye  
Carried Unanimously

**Neg Dec & Site Plan Approval- 13661 Main Rd-Fancher Properties:**

A motion was made by Councilman Finger, seconded by Councilman George approving the annexed Negative SEQR Declaration and approving the site plan dated 12/4/08 and received on 1/21/09.

(Resolution Attached) Cummings-Aye, George-Aye, Finger-Aye, Rooney -Aye, Esposito-Aye  
Carried Unanimously

**Neg Dec, Site Plan & Special Use Permit Approval- Buffalo Shooting Club:**

A motion was made by Councilman Rooney, seconded by Councilwoman Esposito approving the annexed Negative SEQR Declaration, approving the site plan dated 10/20/08 and granting a Special Use Permit to operate a gun club at the Billo Road location, subject to the conditions set forth under the resolution.

(Resolution Attached) Cummings-Aye, George-No, Finger-Aye, Rooney -Aye, Esposito-Aye  
Carried

**Revaluation Project Postponement:**

A motion was made by Councilman George, seconded by Councilman Finger authorizing the publication of the press release and approving the postponement of the scheduled 2010 revaluation project for the Town of Newstead properties until 2011, based on the recommendations by the Assessment Advisory Committee.

(Resolution Attached) Cummings-Aye, George-Aye, Finger-Aye, Rooney -Aye, Esposito-Aye  
Carried Unanimously

**Liquor License Renewal Approval:**

A motion was made by Councilman Finger, seconded by Councilwoman Esposito approving the request for renewal of the liquor license held by Dande Farms Restaurant for 2009.

Cummings-Aye, George-Aye, Finger-Aye, Rooney -Aye, Esposito-Aye Carried Unanimously

**Question Period-** No one spoke

The Town Board went into Executive Session to discuss personnel matters.

There being no further business to come before the board a motion was made by Councilman Rooney, seconded by Councilman Finger to adjourn the meeting at 8:50 pm.

Carried Unanimously

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