

Newstead Town Board Meeting- April 11, 2005

A Public Hearing was called to order by the Newstead Town Board on Monday, April 11, 2005 at the Newstead Town Hall at 7:40PM.

Present: Gerald F. Summe, Supervisor
Tom George- Councilman
Harold Finger- Councilman
Scott Chaffee- Councilman
Mark Decker- Councilman
Rebecca Baker- Assessor
Christine Falkowski- Building Admin.
Dale Kruschke- Highway Supt.
Andrew Casolini- Town Engineer
Dawn Izydorczak- Town Clerk
Kathleen McLeod Lang- Deputy Clerk

The Supervisor called the Public Hearing to order at 7:40pm on the proposed site plan for the Dollar General project.

The Clerk read the proof of publication.

Comments: Brandon Moss, DOT Development, Coneck Lake, PA 16316, explained the proposed facility to be built. It will be a 9,100 square foot retail store with adequate parking facilities. The Town Board questioned aspects of their Angola project in comparison to Newstead project. This included fenced in garbage area, landscaping, inter-connection with McDonald's parking lot. There are provisions for additional parking in the future. There were also questions on the signage, snow removal and drainage.

There being no further comments, a motion was made by Councilman Finger, seconded by Councilman Chaffee to close the public hearing on the Dollar General project.

Carried Unanimously

The Supervisor called the Public Hearing to order at 8:05pm on the proposed site plan for the MGA Research project.

The Clerk read the proof of publication.

Comments: Rudy Arndt, Vice President of MGA and Gary George, Building Contractor on the project addressed the Board members and went over the plans for the project. The drainage issues are addressed as well as landscaping and parking. Grey and green color scheme to be used on this project.

There being no further comments, a motion was made by Councilman Decker, seconded by Councilman George to close the public hearing on the MGA Research project.

Carried Unanimously

Roll Call was taken with all board members present.

Rebecca Baker led the pledge to the flag.

A regular meeting of the Newstead Town Board was called to order at 8:14 pm with the same board members present as listed above.

Minutes from the previous regular board meeting held on March 28, 2005 and the joint village presentation minutes held on March 28, 2005 were presented for approval. A motion was made by Councilman Finger, seconded by Councilman Chaffee to approve as presented.

Carried Unanimously

Communications – The Town Clerk presented the following:

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A letter from the owners of Bright Meadows Golf Course advising the town board of their intent to re-apply for their liquor license at the 12287 Clarence Center Road location.

A fax transmission from Amherst Central Alarm reporting the calls for March 2005 for Akron Fire Co.- 33 and Newstead Fire Co.- 25

An announcement from NYCOM announcing its annual meeting at the Hilton Lake Placid from May 16th – 19th. Anyone interested in attending should see the Town Clerk for more information.

A letter of retirement has been received from Highway Deputy Superintendent Bob Kleparek effective April 29, 2005.

A memo from the Assessor and Building Administrator regarding the expiration of the 6-month probation period for the Building & Assessors Clerk, Jennifer Heberling.

A memo from Secretary to the Supervisor regarding her test results from the Erie County Civil Service Test for Bookkeeper to Supervisor.

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

Work Session: Supervisor Summe reported that a work session was held last week and the following issues were discussed: Local Law No. 2 for 2005, Special use permits in RA districts, major sub-division regulations, joint facilities project, water district #10, water tank, accessibility entrance new Town Hall, Plumbers Licenses, County Park property, drainage, and town park use plan.

Privilege of the Floor – Kevin Borth, 7553 Scotland Rd, questioned the proposed new drainage district. He stated the public hearing should not have been held the week of a school holiday due to fact many families were out of town and he felt the board did not have a true representation of opinions on the project. He feels it is an abuse of power for the town to grant this district and a miscarriage of justice.

The Supervisor questioned if Mr. Borth is currently in litigation with his neighbor over drainage issues. His response was yes. The Supervisor questioned if he himself visited Mr. Borth's property to attempt to resolve his problems. Mr. Borth's response was yes. Mr. Borth has had meetings with the drainage committee to discuss his issues in particular. The Supervisor stated the town has gone to extreme measures to help him solve his drainage problems and work thru the problem. The Supervisor does not understand his reference of "Abuse of Power" when the town is simply trying to alleviate the drainage issues in the town. They are establishing a line item in the Budget that would carry over funds year to year to fund projects instead of losing unspent moneys to the general fund each year. Mr. Borth, after speaking with his neighbor Mr. Green, also questioned the proposal to put a gravel box on the corner. He wondered what priority level his property is on the list. The Town Engineer Andrew Casolini explained what he told Mr. Green at the last meeting. Mr. Borth informed the town board that the constriction that is causing the problem is 200 feet upstream. The Supervisor will put Mr. Borth on the agenda for the Drainage Committee Meeting on May 3, 2005 at 6PM.

Approval of Bills -Councilman Decker reported that the Abstract from Batch #382 & 383 from the March 28, 2005 meeting has been reviewed with the previously UN-audited vouchers and everything was found in order. He presented Abstract Batch #387. Vouchers on these abstracts numbered 331-382, totaling \$80,885.00 and were presented for payment approval by Councilman Decker, seconded by Councilman Finger to approve payment.

Abstract Batch 387:

General Fund (A) -\$19,675.49, Fund (B) \$857.30, Highway (DA) -\$0, Highway: Outside Village (DB) \$2,649.45, Capital Projects- CAP-WD#10 (HI)- \$0, Town Hall (HK)- \$28,549.72, Fire Protection (SF) \$2,347.68, Refuse (SR) \$20,461.84, Sewer Fund (SS) \$2,520.00, Sewer District #2 (SS02)- \$252.00, and Water Districts (SW1) \$20.00, (SW2) \$88.44, (SW3) \$30.00, (SW4) \$112.56,

(SW5) \$2,420.04, (SW6) \$305.52, (SW7) \$426.12, (SW7A) \$48.24, (SW8) \$32.16, (SW9) \$88.44, (SW10) \$0, Totaling \$80,885.00.

Carried Unanimously

COMMITTEE AND DEPARTMENT HEAD REPORTS

Highway –Nothing new

Assessor –Nothing new

Building Office –the following building report was presented by the Building Administrator Christine Falkowski:

Thomas Pouthier	4853 South Newstead	Garage Addition
Arrowhead Golf Course	12287 Clarence Center	Golf cart bldg
Carole Bain	13337 Main	Handicapped Ramp
Calvary Baptist church	12752 Lewis	Addition
Floyd Kidder	13331 Dorsch	Shed

Councilman Chaffee questioned a 30 foot long construction trailer sitting on side of McNeeley Rd. Christine Falkowski said she will look into it.

A motion was made by Councilman Decker, seconded by Councilman George to accept and approve the Building Report as presented. Carried Unanimously

Town Clerk- The March 2005 Dog Control Officers report was presented.

Attorney for the Town – Not present

COUNCILPERSONS

Chaffee – Nothing at this time

George –Nothing at this time

Finger-He is spending time on Town Park Schedule

Decker-Nothing at this time

SUPERVISOR – He and several other Town Supervisors went to Albany to inquire about CHIPS funding and lobbying for pension reforms. They also discussed Medicaid reforms and the Erie County crisis. The meetings were informative and very productive discussions.

UNFINISHED BUSINESS

Water District #10/ Water Tank-There will be a pre-construction meeting Friday, April 22, 2005 and April 28th short term financing closes.

Town Wide Drainage-Met on April 5th to discuss 2005 projects-Brucker Rd & Roll Rd.-Highway Superintendent indicates he will be starting in 2wks to lay a new wider pipe under Brucker Rd. The drainage will have to dry out before continuing. McNeeley Rd/Hunts Corner area project- start date approximate August 2005-very wet. Behind Akron Ford Gum-state date approximate August 2005-very wet.. The NYDEC Priority List for 2006 will be worked on by the Drainage Committee. Closed Drainage Systems were discussed. These would be any under farm lanes, railroad properties (includes Bike Paths) There are many in the district and they will start recording them. Andrew stated NYSDEC & FEMA meetings discussed Flood Insurance rate maps are being updated. They are looking at areas prone to flooding and areas where flooding is overstated.

Town Hall Project: Handicapped Accessible Entrance-Construction started today with target date for completion at the end of May. Schedule for curtain wall is needed.

Route 5 Zoning-They are going back to committee. Christine will schedule a new meeting and 2 properties still need attention.

Plumber's License-Nothing new

Shared Public Works Facility Committee-Meeting with the Village of Akron for presentation was held after last board meeting.

Shared Public Works Facility- RFP:

A motion was made by Councilman George, seconded by Councilman Finger approving the issuance of an RFP for study on a Joint Facility for the Village of Akron Department of Public Works and Town of Newstead Highway Department.

Ayes-5 Nays-0 Carried Unanimously

NEW BUSINESS:

Town Park Appropriation:

A motion was made by Councilman George, seconded by Councilman Chaffee to authorize the amending of the 2005 Budget to reflect the appropriation of \$2,845.00 to parks equipment and estimated revenues of \$5,351.21 which represents the sale of the mower to the town.

(Resolution Attached) Ayes-5 Nays-0 Carried Unanimously

Pond Permit Approval Process Amendment:

A motion was made by Councilman Decker, seconded by Councilman George approving the amendment of the pond permit process and delegating the authority for approval of pond permits to the Town Building Department. Permit applications must be accompanied by applicable fees; a plan prepared by a licensed engineer, and requires review and approval of the Town Engineer.

(Resolution Attached) Ayes-5 Nays-0 Carried Unanimously

Site Plan Approval – MGA Research:

A motion by Councilman Finger, seconded by Councilman George approving the proposed site plan for a metal building to be constructed at 12790 Main Rd by MGA Research per the conditions set forth in the resolution.

(Resolution Attached) Ayes-5 Nays- 0 Carried Unanimously

Site Plan Approval- Kelkenberg Homes Major Subdivision:

A motion by Councilman George, seconded by Councilman Chaffee approving the proposed site plan for a 5 lot major subdivision to be constructed by Kelkenberg Homes at Hunts Corners and Dye Roads and issuing a Negative SEQR Declaration on the project per the conditions set forth in the resolution.

(Resolution Attached) Ayes-5 Nays –0 Carried Unanimously

Adoption of Town-wide Drainage District:

A motion by Councilman Chaffee, seconded by Councilman George approving the proposed plan for a Town-wide Drainage District at an estimated annual cost to residents of \$8.10 subject to a permissive referendum.

(Resolution Attached) Ayes-5 Nays –0 Carried Unanimously

Andrew informed the Board the Drainage committee is drafting a culvert maintenance policy for bike path and railroad and backland culverts.

Question Period- Kevin Borth, 7553 Scotland Road, questioned parks issue and soccer fields. Supervisor Summe stated that several meetings have been held. The soccer fields are being rolled for the upcoming tournament so that it is able to be held. The Akron Central School field areas will also be used for the tournament. The Highway Department has been hard at work getting the park ready not only for soccer use but also any other organizations that will need to use the facilities over the summer months.

Mr. Borth commended the Board for picking up the County's slack. He appreciates the Town Boards efforts.

There being no further business to come before the board a motion was made by Councilman Finger, seconded by Councilman Decker to adjourn the meeting at 9:27 PM.

Carried Unanimously

Respectfully Submitted,

Dawn D. Izydorczak, Town Clerk