

**Newstead Town Board Meeting- December 8, 2008**

A Public Hearing was called to order by the Newstead Town Board on Monday, December 8, 2008 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- Director of Planning & Building  
John Good- Code Enforcement Officer  
Dawn D. Izydorczak- Town Clerk  
Kathleen Lang- Deputy Clerk

Roll Call was taken with all board members present.

The Supervisor called the public hearing to order on the proposed Kreher’s office building project.

The Clerk read the proof of publication.

Comments: Kurt Kreher, a partner at Kreher’s Poultry Farm, stated expansion to the current location is prohibitive due to trucking lanes and pipelines. The new building helps to comply with current codes and improves the business for the future.

The Supervisor stated that there were no negative comments received on this expansion. The board will vote on the projects approval tonight.

There being no further comments a motion was made by Councilman Finger, seconded by Councilman Rooney to close the public hearing on the Krehers project at 7:55 pm.

Carried Unanimously

The Supervisor called the public hearing to order on the proposed Local Law No. 5 of 2008 at 7:55pm.

The Clerk read the proof of publication.

The Supervisor stated that anyone serving on active duty between the years 1946-1991 within certain terms and circumstances of the law would be eligible to apply.

Comments: No one spoke

There being no further comments a motion was made by Councilman Finger, seconded by Councilman George to close the public hearing on proposed Local Law No. 5 of 2008 at 7:58pm.

Carried Unanimously

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

Code Enforcement Officer John Good led the pledge to the flag.

Minutes from the previous regular meeting held on November 24, 2008 were presented for approval. A motion was made by Councilman George, seconded by Councilman Finger to approve as presented.

Carried Unanimously

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

A letter from Time Warner Cable announcing the 48 programming agreements they are currently re-negotiating.

The November 2008 Operations Report was received from Amherst Alarm Office reporting 39 calls for Akron Fire Co. and 21 calls for Newstead Fire Co.

A certified resolution was received from the Clarence Town Board regarding their support to restore County funding to the Cornell Cooperative Extension and Erie County Soil & Water department.

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

**Work Session:** The Supervisor reported that no work session was held last week due to the annual safety meeting.

**Privilege of the Floor** – Brian Wight of 7592 Scotland Road questioned the cost for the purchase of the Clarence Center Road property and stated he feels the town has not been following the Master Plan which would indicate the facility should go on the Buell Street property. He stated if the Catholic Church did not want the facility next to them they should have purchased the land back when it was for sale. Mr. Wight thinks the project is a good idea but disagrees with the change in location from Buell Street to Clarence Center Rd.

The Supervisor addressed the master plan issue and stated that deviations from the plan have been made over the years given the circumstances on some projects and when adjustments need to be made, they are made. If we had followed the master plan as written there would be no new town hall or a senior center.

Councilman Rooney commented that at that time the church did try to purchase the property but were not able to obtain it.

**Budget Transfers:** A motion was made by Councilwoman Esposito, seconded by Councilman Finger to approve the budget transfers outlined in a memo from Bookkeeper Colleen Salmon dated 12/8/08. Carried Unanimously

**Approval of Bills** -Councilwoman Esposito reported that the Abstracts from Batches #768, 769 & 770 from the November 24, 2008 meeting have been reviewed with the previously UN-audited vouchers and everything was found in order. She presented Abstract Batch #776 & 777. Vouchers on these abstracts numbered 1244- 1293 totaling \$130,510.68 and were presented by Councilwoman Esposito, seconded by Councilman Finger to approve payment as follows:

Abstract Batch #776 & 777:

General Fund (A) -\$21,037.67, General Fund- Outside Village (B) \$492.03, Highway (DA) -\$0, Capital Projects: CAP-WD#10-phase 2 (HI)- \$63,484.47, Murder Creek Stabilization (HM) - \$0, Highway: Outside Village (DB) \$1,700.09, Drainage (SD)- \$459.31, Fire Protection (SF) \$4,255.84, Refuse (SR) \$27,275.20, Sewer Fund (SS) \$0, Sewer District #2 (SS02)- \$2,317.00, and Water Districts (SW1) \$40.20, (SW2) \$88.44, (SW3) \$112.56, (SW4) \$112.56, (SW5) \$2,420.04, (SW6) \$305.52, (SW7) \$3,526.93, (SW7A) \$48.24, (SW8) \$32.16, (SW9) \$88.44, (SW10) \$2,713.98, Trust & Agency(TA)- \$0,

Total: \$130,510.68

Carried Unanimously

## **COMMITTEE AND DEPARTMENT HEAD REPORTS**

**Highway** – He stated that the Tonawanda Creek and Burdick Road area has been taken down to single lane traffic by the County for the foreseeable future due to unstable ground.

A meeting will be held at the Royalton Town Hall on December 15<sup>th</sup> at 6:00PM to discuss the total rebuild of the Cedar Street bridge (Blue) in Spring of 2009.

**Assessor** – no report presented

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

Schrock Metal Products  
Richard Forrestel

13557 Bloomingdale  
6497 Scotland

Security cage  
Fill

The Town Board accepted the report as presented.

**Town Clerk-**The November Dog Control Officer Report was presented and the unlicensed dog list is nearing completion. All school tax collections have been finalized and turned over to the schools along with the billings from the town. The office is getting ready for year end and New Year activities.

**Attorney for the Town** –Nothing at this time.

### **COUNCILPERSONS**

**George-** Nothing at this time

**Finger-** Nothing at this time

**Rooney-** Nothing at this time

**Esposito-** Nothing at this time

**SUPERVISOR-** November Supervisors Report is on file with the Town Clerk. The Recreation Board will be meeting this Thursday at 7:30 at the Town Hall.

### **UNFINISHED BUSINESS**

**Water District #10-** Phase 4/Consolidation-The grant application has been accepted by local office in Batavia and it is out the state for approval.

**Shared Public Works Facility Committee-** The public meeting held last Thursday was attended by approximately 50 people. The presentation panels and public comment sheets are available for review from the meeting at the town hall and village hall.

**GIS-** all equipment purchases have been received. We are now on to set up & then training.

**Grants-** The Murder Creek grant additional comments have been amended and the application completed and submitted. The recreational grant has been submitted for trails work.

### **NEW BUSINESS:**

#### **Site Plan Approval- Newstead Self Storage Expansion:**

A motion was made by Councilwoman Esposito, seconded by Councilman Finger approving the proposed site plan dated 10/3/08 and drainage plan dated 10/15/08 for expansion of the Newstead Self Storage/Green Kangaroo self storage units at 13399 Main Rd based on comments submitted. (Resolution Attached) Cummings-Aye, George-Aye, Finger-Aye, Rooney -Aye, Esposito-Aye  
Carried Unanimously

#### **Local Law #5 of 2008- SEQRA Determination:**

A motion was made by Councilman Rooney, seconded by Councilman George issuing a Declaration of Non-Significance of Local Law under SEQRA regarding the proposed Local Law #5 of 2008 entitled "Cold War Veterans Law of the Town of Newstead" and authorizing the Supervisor to complete and execute the EAF forms. (Resolution Attached) Cummings-Aye, George-Aye, Finger-Aye, Rooney -Aye, Esposito-Aye  
Carried Unanimously

#### **Adoption of Local Law #5 of 2008:**

A motion was made by Councilman Rooney, seconded by Councilman Finger authorizing the adoption of the proposed Local Law #5 of 2008, Cold War Veterans Law of the Town of Newstead. (Resolution Attached) Cummings-Aye, George-Aye, Finger-Aye, Rooney -Aye, Esposito-Aye  
Carried Unanimously

Councilman George stated that he supports the troops and all the other exemption groups, however he wants to remind everyone that all exemptions that are offered further shift the tax burden onto those not in the exemption categories in the Town of Newstead.

**Site Plan Approval- Krehers Office Building:**

A motion was made by Councilman Finger, seconded by Councilman George approving the proposed site plan dated 11/5/08 for construction of a new 7,488 sq. ft. office building at 5411 Davison Rd owned and operated by Kreher's Poultry Farm based on comments submitted. (Resolution Attached) Cummings-Aye, George-Aye, Finger-Aye, Rooney -Aye, Esposito-Aye  
Carried Unanimously

**Clarence Center Rd Property Purchase:**

A motion was made by Councilman George, seconded by Councilman Rooney approving the submission of an Option to Purchase to Lorraine Cowan for vacant land located on Clarence Center Rd in the amount of \$3,000.00, with said cost to be split 50/50 with the Village of Akron. Cummings-Aye, George-Aye, Finger-Aye, Rooney -Aye, Esposito-Aye Carried Unanimously

**2009 Organizational Meeting:**

A motion was made by Councilman George, seconded by Councilman Finger approving the scheduling of the 2009 Organizational Meeting on Monday, January 5, 2009 at 7:30pm. The regular work session will follow this meeting. Cummings-Aye, George-Aye, Finger-Aye, Rooney -Aye, Esposito-Aye Carried Unanimously

A short work session will follow the meeting and then the Board will enter into executive session.

**Question Period-** Peter Henley of 13760 Indian Falls Road questioned the next step in the process on Clarence Center Road property purchase.

The Supervisor stated that there is a 45 day period to option to purchase the property and the boards will continue working to move forward on an inter-municipal agreement.

There being no further business to come before the board a motion was made by Councilman George, seconded by Councilwoman Esposito to adjourn the meeting at 9:50 PM.  
Carried Unanimously

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