

## Newstead Town Board Meeting- September 8, 2014

A public hearing was called to order by the Newstead Town Board on Monday, September 8, 2014 at 7:50pm at the Newstead Town Hall.

Present: David Cummings- Supervisor  
Justin Rooney- Councilman  
James Mayrose- Councilman  
Donald York- Councilman  
Nathan Neill- Attorney for the Town  
Mike Bassanello- Highway Supt  
Scott Rybarczyk- Town Engineer  
Dawn Izydorczak- Town Clerk  
Jennifer Heberling- Deputy Town Clerk

Roll Call was taken with all board members present.

The Supervisor called the **public hearing to order on the request for a Special Use Permit** for a used motor sales business at 12690 Main Rd by owner Michael Shields.

The Clerk read the Proof of Publication. The Supervisor stated this has been recommended for approval by the Planning Board on August 21<sup>st</sup> with 3 conditions that must be met.

Comments: Al Hopkins of Metzger Engineering was present to answer any questions on the project from the Board.

There were no questions and no one from the public spoke.

There being no further comments, a motion was made by Councilman Mayrose, seconded by Councilman York to close the public hearing at 7:58pm.

The Supervisor called the **public hearing to order on the proposed Local Law #6** over riding the tax cap at 7:58pm.

The Clerk read the Proof of Publication. The Supervisor explained this is something the town board votes to adopt every year just in case, although the town has never gone over the cap yet.

Comments: no one spoke

There being no further comments, a motion was made by Councilman Mayrose, seconded by Councilman York to close the public hearing at 8:03pm.

The regular meeting of the town board was called to order at 8:03pm with the same members present as listed above.

Councilman Rooney led the pledge to the flag.

Minutes from the previous regular meeting held on August 25, 2014 were presented for approval. A motion was made by Councilman Mayrose, seconded by Councilman York to approve as presented.  
Carried Unanimously

**Agenda Changes** – addition of i. highway garage sale resolution

A motion was made by Councilman York, seconded by Councilman Mayrose to add this item to the agenda.  
Carried Unanimously

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

A letter from Time Warner Cable notifying the town of the programmers and service providers they are currently in negotiations with for service.

An email from resident Laura Hibbard regarding her request for a speed reduction on Martin Rd from 55 mph to 45 mph due to increased traffic to the reservation and an increase in accidents at the corner of Scotland and Martin Roads.

An email from resident Michael Coppola questioning 2 new events that have been added to the Braun's Concert Cove schedule after the Noise Law was passed and inquiring if those events will be subject to the Noise Law.

A letter from the NYSDOT regarding the Town's request for a 3 color signal at Rt. 5 and Cummings Rd, stating that a traffic engineering study has been initiated to review the request.

A notice from Erie County Department of Environment & Planning regarding the 8-year review of Agricultural Districts and the Annual Open Enrollment period to be held from September 1<sup>st</sup> – September 30<sup>th</sup>.

The first quarter reports were received from the Erie County Community Development Consortium.

The NYS Local Governments Services will be having their training for Local Boards Thursday, October 9, 2014 from 5:00pm-9:30pm at the Niagara Community College campus in Sanborn, NY.

The Erie County Department of Senior Services will be seeking public comments on 2015 draft plans for programs and services for the aging on September 26, 2014 at the Erie County Central Library from 2:00-3:30pm and on October 30, 2014 at the Orchard Park Senior Center from 1:00-2:30pm.

A letter from Erie County regarding a meeting to be held September 10, 2014 from 5:15 – 6:30pm at the Amherst Senior Center to discuss a 5-year consolidated plan for the Erie County Consortium and the Town of Hamburg, the preparation of a consolidated plan for the ACT HOME consortium including Amherst, Cheektowaga & Tonawanda and preparation of a regional analysis of impediments to Fair Housing Choice for all of Erie County.

A letter from the Amherst Center for Senior Services regarding the upcoming contract renewal with the Erie County Department of Senior Services in early 2015.

A copy of a letter from Wendel to HD Supply Waterworks LTD regarding materials for the Draper & Downey Rd waterline projects.

A notice from Erie County Planning regarding 3 upcoming public forums to be held on September 16<sup>th</sup> at Evans Town Hall, September 18<sup>th</sup> at Lackawanna Public Library and September 22<sup>nd</sup> at Tonawanda City Hall regarding the needs and priorities for low and moderate income residents residing within the Erie County Community Block Grant Consortium.

The August 2014 Operations Report was received from Amherst Central Alarm Office reporting 51 calls for Akron Fire Co and 59 calls for Newstead Fire Co.

A motion was made by Councilman Mayrose, seconded by Councilman Rooney to accept and file the presented correspondence. Carried Unanimously

**Work Session:** The Supervisor reported that no work session was held last week due to the holiday however the following issues were discussed prior to tonight's meeting: water district issues, building projects, contracts, recreation, courts town/village committees, highway, dog control and any other issues brought before the Board. A short executive session was held prior to work session regarding contracts & personnel issues.

**Agenda Items Question Period:** no one spoke

**Budget Transfers:** a motion was made by Councilman Mayrose, seconded by Councilman York approving the budget transfers per memo from Bookkeeper Colleen Salmon dated 9/8/14. Carried Unanimously

**Approval of Bills** – Councilman Mayrose reported that the Abstract(s) from Batch(es) #1426 & 1427 from the August 25, 2014 meeting have been reviewed with the previously un-audited vouchers and everything was found in order. He presented Abstract Batch(es) #1430 & 1431 for

payment. Vouchers on this abstract(s) numbered from 896 - 935, totaling \$25,116.26. Councilman Rooney seconded to approve payment as follows:

Abstract Batch(es) #1430 & 1431:

General Fund (A) -\$10,474.09, General Fund- Outside Village (B) \$65.00, Highway (DA) -\$0, Highway: Outside Village (DB) \$955.69, CAP-Murder Creek (HM) \$0, CAP- Scotland Rd (HS)- \$0, CAP- Water Improvement (HW)- \$0, CAP Water-Downey (HW01)- \$784.45, Drainage (SD)- \$232.03, Fire Protection (SF) \$0, Refuse (SR) \$0, Sewer Fund (SS) \$0, Sewer District #2 (SS02)- \$105.00, Trust & Agency(TA)- \$0 and Water Districts: Consolidated (SW00) \$0, (SW1) \$0, (SW2) \$0, (SW3) \$0, (SW4) \$0, (SW5) \$12,500.00, (SW6) \$0, (SW7) \$0, (SW7A) \$0, (SW8) \$0, (SW9) \$0, (SW10) \$0 Total: \$25,116.26 Carried Unanimously

**COMMITTEE AND DEPARTMENT HEAD REPORTS:**

**Highway** – Mike presented an attached report on road ditching and field ditching projects that have been completed between 8/25/14 thru 9/8/14. He will be out of town from September 16<sup>th</sup> – 19<sup>th</sup> for the fall conference. Dean will be in charge while he is gone.

**Assessor** – no report presented. The Supervisor noted that the office has been busy getting the exemption renewal mailings out.

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

Andy Kelkenberg	12607 Stage	Wind turbine
David DeRose	6649 Utley	Wind turbine
Ray Schrock	8016 Greenbush	Wind turbine
Tina Ball	11365 Main	Deck
Justin McNaughton	11513 Stage	Roof
John Jendrowski	12375 Meahl	Special use permit
Jeff Jendrowski	11936 Rapids	Special use permit
David DeRose	6649 Utley	Special use permit
Andy Kelkenberg	12607 Stage	Special use permit
Ray Schrock	8016 Greenbush	Special use permit
Kenneth Dubrinski	6638 Draper	Roof
Kyle Rogers	13620 Steiner	Roof
Diana Newman	13764 Main	Windows
Stephen Stribing	13125 Steiner	Pole barn
David Zobel	7565 Cedar	Pole barn
David Rabideau	5005 Havenwood	Shed
David Rabideau	5005 Havenwood	Porch cover
Marjorie Kreher	11340 Main	Roof
Trudith Bates	7768 Fletcher	Garage

The Town Board accepted the report as presented.

**Town Clerk**- She and DCO DeYoung met with the Village Board this evening regarding some of the dog law amendments and issues.

**Attorney for the Town** – nothing at this time

**COUNCILPERSONS:**

**Rooney** – there will be an EMS committee meeting next week prior to work session, he attended the park transfer event and thanked Legislator Ed Rath, Senator Mike Ranzenhofer, Assemblywoman Jane Corwin and County Executive Mark Poloncarz for all their efforts in transferring the property from the County to the Town. This will be great for the community

**Mayrose** – he also attended the park transfer event and thanked all of our State and County officials for all their efforts throughout the process. He met with CEO Migliaccio on several issues and has scheduled the annual court audit with the clerks.

**York** – he met with Swift Mills Rd residents to discuss the postponed scheduling of the bridge work and understands their frustration. He questioned Supt Bassanello about the gradall and if he is fixing the current one or still looking at purchasing one. Mike replied he is still looking at possibly purchasing.

**Supervisor**- he attended the park transfer event, met with Chase Bank and several other bank representatives, and met with Town of Barre officials to answer their questions on water consolidation issues. He received the results of a roof review of our buildings. He met with the NYS Police on some issues and met with Pembroke officials on the County Line Stone expansion project. He met with American Legion representatives, the accountants on the upcoming budget and met with the CEO on several issues. He spoke with residents on the road and speed issues.

**UNFINISHED BUSINESS:**

**Joint Facility**- Mike reported Johnson Controls was in to do maintenance and discussed the gas regulators. He answered some questions from National Fuel as well.

**Planning Projects**- nothing new

**Conservation issues**- Murder Creek- Phase 2 is set to begin work Wednesday September 10<sup>th</sup> and should only last a week to 10 days..

**Water projects**- contracts were sent out for materials on Draper & Downey Rd project. The materials are set to be delivered to the joint facility so that construction can start approximately September 22<sup>nd</sup>.

**NEW BUSINESS:**

**Public Hearing- CDBG Hearing:**

A motion was made by Councilman Rooney, seconded by Councilman Mayrose approving the calling of a public hearing on the potential uses for Community Development Block Grant funding for 2015, to be held on September 22, 2014 at 7:55pm and authorizing the Clerk to publish to legal notice.

(Resolution Attached) Cummings-Aye, Rooney-Aye, Mayrose-Aye, York-Aye  
Carried Unanimously

**Public Hearing- Local Law # 7- Noise Law Amendment:**

A motion was made by Councilman Mayrose, seconded by Councilman York approving the calling of a public hearing on the proposed amendment to the Noise Law to be known as Local Law #7 of 2014, to be held on October 13, 2014 at 7:00pm and authorizing the Clerk to publish to legal notice.

(Resolution Attached) Cummings-Aye, Rooney-Aye, Mayrose-Aye, York-Aye  
Carried Unanimously

**Approval- Erie County Parkland Transfer:**

A motion was made by Councilman York, seconded by Councilman Rooney approving the transfer of 131.37 acres of Erie County parkland located between Skyline Drive and Main Rd to the Town of Newstead at a cost of \$194,750.00 and authorizing the Supervisor to execute the deed transfers and any other necessary paperwork.

(Resolution Attached) Cummings-Aye, Rooney-Aye, Mayrose-Aye, York-Aye  
Carried Unanimously

**SEQRA & Adoption- Local Law #4 of 2014- Sign Law Amendments:**

A motion was made by Councilman Mayrose, seconded by Councilman York issuing a determination of non-significance under SEQR as an unlisted action regarding the adoption of Local Law #4 of 2014 amending the sign law of the Town.

(Resolution Attached) Cummings-Aye, Rooney-Aye, Mayrose-Aye, York-Aye  
Carried Unanimously

A motion was made by Councilman Mayrose, seconded by Councilman Rooney approving the adoption of Local Law #4 of 2014 amending the sign law of the Town.  
(Resolution Attached) Cummings-Aye, Rooney-Aye, Mayrose-Aye, York-Aye  
Carried Unanimously

**Adoption- Local Law #5 of 2014- Ethics Law Amendments:**

A motion was made by Supervisor Cummings, seconded by Councilman Mayrose approving the adoption of Local Law #5 of 2014 amending the Ethics Law of the Town.  
(Resolution Attached) Cummings-Aye, Rooney-Aye, Mayrose-Aye, York-Aye  
Carried Unanimously

**Approve- Special Use Permit- 13923 Knapp Rd:**

A motion was made by Councilman Rooney, seconded by Councilman York approving the request for a special use permit to install a 140' wind turbine at 13923 Knapp Rd by Ben Miles, subject to the terms set forth in the resolution.  
(Resolution Attached) Cummings-Aye, Rooney-Aye, Mayrose-Aye, York-Aye  
Carried Unanimously

**Approve- Special Use Permit- 12690 Main Rd:**

A motion was made by Councilman York, seconded by Councilman Mayrose approving the request for a special use permit to operate a used motor sales business at 12690 Main Rd by Michael Shields, subject to the terms set forth in the resolution.  
(Resolution Attached) Cummings-Aye, Rooney-Aye, Mayrose-Aye, York-Aye  
Carried Unanimously

**Approve- Senior Center Assistant:**

A motion was made by Councilman Mayrose, seconded by Councilman York approving the hiring of Sarah Young as Senior Center Assistant PT effective September 8, 2014 at a rate of \$9.25/hour.  
Cummings-Aye, Rooney-Aye, Mayrose-Aye, York-Aye  
Carried Unanimously

**Approve- Sale of 26 Jackson St:**

A motion was made by Councilman Rooney, seconded by Councilman Mayrose approving the sale of 26 Jackson St (old highway garage) to David Glian a.k.a. "Automan" as bid on Auctions International, for a final auction bid of \$77,800, subject to the terms set forth in the resolution and subject to public referendum.  
Cummings-Aye, Rooney-Aye, Mayrose-Aye, York-Aye  
Carried Unanimously

**Privilege of the Floor/Question Period:**

Samantha Dugan of Rapids Rd questioned the Board what the plan is if another group home wants to move into Newstead.

Supervisor Cummings stated if another group home were presented a public hearing would be held and the group proposing the new home would be required to do a public presentation on the project. He admits last time they did not do a public hearing, assuming these recent homes would be the same as the previously established group homes in the community for years. They have learned a lesson that not all group homes are the same.

Councilman Rooney agreed they would make sure who any of the new potential clients would be in these homes and strive to not have any more sex offenders placed in homes in our area.

Councilman Mayrose agreed as well the town would do its due diligence to make a better decision in the future concerning these group homes.

Councilman York concurred this time a more public forum would be held on these projects. There being no further business to come before the board a motion was made by Councilman Mayrose, seconded by Councilman York to adjourn the regular meeting at 8:47pm.

Carried Unanimously

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