

Newstead Town Board Meeting- December 10, 2012

A public hearing was called to order by the Newstead Town Board on Monday, December 10, 2012 at 7:35pm at the Newstead Town Hall.

Present: David Cummings- Supervisor
Justin Rooney- Councilman
James Mayrose- Councilman
Richard Baran- Councilman
Donald York- Councilman
Scott Rybarczyk- Town Engineer
Michael Bassanello- Highway Supt.
Dawn Izydorczak- Town Clerk
Jennifer Heberling- Deputy Town Clerk

Roll Call was taken with all board members present.

Supervisor Cummings called the **public hearing** to order on the **proposed Emergency Services Ambulance Contract for 2013**.

The Clerk read the proof of publication. Supervisor Cummings explained the work that went into the contract and that all interested parties have recommended approval of the contract.

Comments: no one spoke

There being no further comments a motion was made by Councilman Mayrose, seconded by Councilman Rooney to close the public hearing at 7:40pm. Carried Unanimously

Supervisor Cummings called the **public hearing** to order on the **proposed site plan for 4 storage buildings to be built at 11061 Main Rd by Kelly Schultz** at 7:40pm.

The Clerk read the proof of publication. Supervisor Cummings explained this is phase 1 of a new master plan for the Schultz property complex. He also read comments submitted by the County and the DEC and stated the fire companies do not recommend approval at this time due to concerns with fire related issues.

Comments: Gary Baehr of 78 Cedar St and the Akron Fire Co. spoke regarding the proximity of existing fire hydrants being over 400 feet and the proposed driveways being too narrow for fire suppression equipment to navigate through. They also would like to see sprinklers and or a fire suppression system for the buildings. He also questioned the type of building materials the buildings are to be constructed with.

Paul Case of Metzger Engineering, Engineer on the project, was present to outline the proposed project and master plan which was presented to the Planning Board in June. He stated it is their intent to work out the fire issues raised and address them.

Supervisor Cummings questioned the disturbance area of the full master plan for the property versus the small individual projects that are being pieced together and how that effects the SEQR process and fire requirements under the code.

Scott Rybarczyk of Wendel addressed the grey area of the stormwater requirements and stated he can inquire with the DEC for their opinion.

The Supervisor told Mr. Case they need to know the types of building materials that are going to be used and he also questioned the usage of the spaces for retail sales versus “storage”. There are also signage discrepancies between what is on the master plan and what is on the proposed plan for this project for the entryways.

Councilman Rooney questioned handicapped parking and “no parking” fire lane provisions as none are called out on the plans.

The Board members informed Mr. Case they would like to see all of these things addressed for everyone’s safety before they proceed any further with any approvals.

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

Supervisor Cummings called the **public hearing** to order on the **proposed Local Law #9 of 2012 regarding a Special Events Law** at 7:58pm.

The Clerk read the proof of publication. Supervisor Cummings explained the purpose of this law and also stated the Town Planning Board has recommended **not** to approve due to the fact they feel it is unnecessary, will be unenforceable and may cause unforeseen consequences if enacted.

Comments: Willis Utter, 49 Quarry Hill, questioned the meaning of special events and doesn't feel it adequately covers the concerts at Braun's. He feels we need to address more specifically the numerous ongoing events as well as parking issues.

Linda Jackson, 86 Quarry Hill questioned "acceptable" noise levels and stated she should not have to wear ear plugs in her house. She does not care how long the concerts go, it is the noise level that matters.

Mary McQuire, 209 Quarry Hill stated that if the Planning Board rejects they should be made to come over and listen to the next concert and listen to the atrocious language.

Supervisor Cummings stated the Town Board always asks the Planning Board for their opinions on projects and laws but do not always rule together on all issues.

Jim Richards , 108 Quarry Hill stated that if the law has teeth then the Erie County Sheriff's say they will enforce it and so should the Troopers. He also stated that on many nights fire access on Braun's site is non-existent so how does that effect fire code issues?

Supervisor Cummings stated that safety & security issues would be addressed during the permitting process and that this first draft of the law is a start and will hopefully evolve into what is necessary to address these types of events.

Mary McQuire questioned the annual 3 day party that is held at Hickey's every summer and if this law would apply to them as well. She feels concerts are very different than "special events".

Gary Baehr , 78 Cedar St and the Akron Fire Co questioned if different language could be added to provide for adequate notice requirements and inclusion of all the fire departments in the notification process. He also asked if this would apply to events like the Ride for Roswell which does not originate in the town but passes thru the entire community. He offered the fire companies assistance in formulating the permit application/process from a fire/EMS point of view.

Linda Jackson questioned the fines & penalties in the law and if they are stiff enough.

Supervisor Cummings stated that noise will be a totally separate issue and law that will be worked on if necessary, once this first step of a permitting law is in effect.

There being no further comments a motion was made by Councilman Rooney, seconded by Councilman York to close the public hearing at 8:27pm. Carried Unanimously

Supervisor Cummings called the **public hearing** to order on the **proposed Local Law #10 of 2012 regarding amendments to the penalties provisions of the Zoning Law** at 8:27pm.

The Clerk read the proof of publication. Supervisor Cummings explained the purpose for these changes to the law are to help expedite local court zoning cases.

Comments: no one spoke

There being no further comments a motion was made by Councilman Mayrose, seconded by Councilman Rooney to close the public hearing at 8:30pm. Carried Unanimously

A **regular meeting** of the Newstead Town Board was called to order at 8:30pm with the same members present as above.

Highway Supt. Bassanello led the pledge to the flag.

Minutes from the previous regular meeting held on November 26, 2012 were presented for approval. A motion was made by Councilman Baran, seconded by Councilman Mayrose to approve as presented. Carried Unanimously

Communications – The Town Clerk presented the following correspondence:

A letter was received from Time Warner Cable regarding programming changes in the upcoming months.

A letter from TVGA Consultants was received on November 28th providing information regarding their engineering services for municipalities.

A motion was made by Councilman Rooney, seconded by Councilman Baran 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 annual safety meeting. An executive session was held prior to tonight's meeting regarding highway contract negotiations, CEO contract with the Village, the park land purchase and review of the engineering proposals.

Privilege of the Floor – one resident was present regarding a proposed Hunts Corners Rd subdivision. She was referred over to the Planning Board meeting.

Budget Transfers: a motion was made by Councilman Mayrose, seconded by Councilman Rooney to approve the budget transfers per the memo from Bookkeeper Colleen Salmon dated December 10, 2012. Carried Unanimously

Approval of Bills – Councilman Mayrose reported that the Abstract from Batch(es) # 1232 from the November 26, 2012 meeting has been reviewed with the previously un-audited vouchers and everything was found in order. He presented Abstract Batch(es) #1237, 1239 & electronic bond payment for payment. Vouchers on this abstract numbered from 1324 – 1376 totaling \$72,004.64 and were presented by Councilman Mayrose, seconded by Councilman Baran to approve payment as follows:

Abstract Batch(es) #1237, 1239 & electronic bond payment:
General Fund (A) -\$21,148.23, General Fund- Outside Village (B) \$1020.00, Highway (DA) -\$0, Highway: Outside Village (DB) \$21,441.98, Capital Projects: CAP- Highway Garage- (HG) - \$4,652.56, CAP-Murder Creek (HM) \$0, CAP- Equipment Purchase (HR02)- \$0, CAP- Library Basement (HR04) \$0, CAP- Scotland Rd (HS)- \$0, CAP- Town Hall (HT)- \$0, CAP- Water Improvement (HW)- \$3,720.00, Drainage (SD)- \$0, Fire Protection (SF) \$4,561.36, Refuse (SR) \$470.04, Sewer Fund (SS) \$1,100.62, Sewer District #2 (SS02)- \$142.50, Trust & Agency(TA)- \$4,500.00 and Water Districts: Consolidated (SW00) \$6,846.54, (SW1) \$0, (SW2) \$0, (SW3) \$0, (SW4) \$0, (SW5) \$0, (SW6) \$0, (SW7) \$2,400.81, (SW7A) \$0, (SW8) \$0, (SW9) \$0, (SW10) \$0
Total: \$72,004.64 Carried Unanimously

COMMITTEE AND DEPARTMENT HEAD REPORTS:

Highway – the open house for the refuse contract changes went very well on December 1st and was well attended. The next one is this Saturday December 15th from 9:00am – 12:00pm at the facility again. Mike thanked all the Board members who attended and the residents who stopped in.

Assessor – no report was presented

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

Robert Baranyi	4010 Pohl Rd	One family home
James Marfurt	4870 North Millgrove	Permit renewal
Stephen Ward	7627 Greenbush	Permit renewal

Dave DeRose
Anthony Kaminski
Gail Kohler
Scott Buckley

6649 Utley
5659 Cummings
11221 Stage
13760 Indian Falls

2 pole barns
Permit renewal
Roof
Cert of Occupancy

The Town Board accepted the report as presented.

Town Clerk- Dawn reported she received communication that the town has tentatively been approved for a NYSERDA rebate on the new copy machine in the amount of \$3406.16.

Attorney for the Town – not present

COUNCILPERSONS:

Rooney – he attended the safety meeting, Newstead’s installation dinner, the refuse open house, a recreation task force meeting with a final plan to be submitted soon, and a park master plan meeting.

Mayrose – he attended the library board meeting, recreation task force meeting, park master plan meeting, highway contract meeting, joint facility meeting with Mike & Jon, court meeting with Judges & staff, Newstead’s installation dinner, and the engineering RFP opening. He also attended the safety meeting and refuse open house.

Baran – work at the Denio building and library are proceeding, he attended the safety meeting

York – he attended the library board meeting and met with ECWA on the PRV project

Supervisor- The November Supervisor’s Report is on file with the Town Clerk. He attended the safety dinner, engineering RFP opening, court meeting with the judges & staff, joint facility meeting, contract negotiations with the Highway Union. He also attended several County meetings.

UNFINISHED BUSINESS:

Water Districts – Scott has a meeting with the ECDOH on December 20th to go over the pressure models, E & R is working on the final punch-list items on the PRV’s and the Havens Rd line is in and they are just waiting for the results of the samplings taken.

Joint Highway Facility- a meeting with the employees is scheduled.

Planning Issues- nothing new

NEW BUSINESS:

Approval- Twin City Ambulance Contract:

A motion was made by Councilman Mayrose, seconded by Councilman Rooney approving the proposed 2013 EMS Contract for Ambulance Service with Twin City Ambulance and authorizing the supervisor to execute the contract.

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

Approval- Destroyer Park Golf Signage amendment:

A motion was made by Councilman Baran, seconded by Councilman York approving the proposed amendments to the signage requirements previously set by the Town Board for the Destroyer Park Golf project, as set forth in the resolution.

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

Approval- E & WG Foundation Grant Contract:

A motion was made by Councilman York, seconded by Councilman Mayrose accepting the grant awarded by E & WG Foundation for the next phase of work on the Library lower level and authorizing the Supervisor to execute the contract.

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

Approval- Execute Contract for County Park Land Purchase Agreement:

A motion was made by Councilman Rooney, seconded by Councilman Mayrose approving the proposed purchase agreement contract with Erie County to purchase park land from the County and authorizing the Supervisor to execute the contract with the County.

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

Approval- BAR Appointment:

A motion was made by Councilman Mayrose, seconded by Councilman Rooney approving the reappointment of Neal Kreher to the Board of Assessment Review, effective 10/1/12 thru 9/30/2017.

Cummings-Aye, Rooney -Aye, Mayrose-Aye, Baran-Aye, York-Aye Carried Unanimously

Approval- Special Use Permits for 2013:

A motion was made by Councilman Baran, seconded by Councilman Rooney approving the attached list of Special Use Permit renewals for 2013.

Cummings-Aye, Rooney -Aye, Mayrose-Aye, Baran-Aye, York-Aye Carried Unanimously

Approval- Akron Soccer League use of Veterans Park:

A motion was made by Councilman Rooney, seconded by Councilman Baran approving the use of the Newstead Veterans Park by the Akron Soccer League for their 2013 annual tournament.

Cummings-Aye, Rooney -Aye, Mayrose-Aye, Baran-Aye, York-Aye Carried Unanimously

Approval- New Computerized Zoning Map:

A motion was made by Councilman Mayrose, seconded by Councilman Rooney approving the attached newly computerized Zoning Map for the Town of Newstead.

Cummings-Aye, Rooney -Aye, Mayrose-Aye, Baran-Aye, York-Aye Carried Unanimously

Question Period – no one spoke

There being no further business to come before the board a motion was made by Councilman Mayrose, seconded by Councilman Baran to adjourn the regular meeting at 8:59pm.

Carried Unanimously

Respectfully Submitted,
Dawn D. Izydorczak, Town Clerk