

Newstead Town Board Meeting- August 26, 2013

A public hearing was called to order by the Newstead Town Board on Monday, August 26, 2013 at 7:57pm 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
Nathan Neill- Town Attorney
Michael Bassanello- Highway Supt.
Jennifer Heberling- Deputy Town Clerk

Roll Call was taken with all board members present.

The Supervisor called the public hearing to order on a site plan request for a special use permit to operate an existing dog kennel at 12390 Hunts Corners Rd.

The Deputy Clerk read the proof of publication. Supervisor Cummings explained the planning board has recommended approval as this is an existing kennel in operation for years, it is just changing ownership.

Supervisor Cummings stated that the Planning Board voted unanimously to recommend approval to the Town Board. No coordinated review was needed and Erie County had no recommendations.

Comments: Ursula Golodolinski of 12415 Hunts Corners Road came to speak against the dog kennel. She believes there is enough noise already and no one wants to live next to a dog kennel. The Supervisor advised her that the kennel has been in that location for over 40 years and asked her how long she is lived in her home. She replied that she has lived in her home for 10 years. Duwayne Grabenstatter of 12447 Hunts Corners Road asked if this was to renew an existing permit or to expand the current kennel.

Taryn Vohwinkel of 12350 Hunts Corners Road spoke as her and her husband live in the house next door and are in the process of purchasing the property that has the kennel. They plan to fix up the kennel and have no plans to expand. They are going to install motion lights and a security system. Mr. Grabenstatter stated that the property does look better but he is concerned with the noise. Taryn said they are planning on putting vinyl fencing around the property to help reduce the noise. Chris Roszak of Hoag Avenue appeared to speak as his father has owned this property since 1989. He told the board that whether this site plan/special use permit application is passed or denied, this property will continue to be run as a kennel. There are wet lands on the property that will prohibit a house from ever being built.

Duwayne told that board that as far as the site plan is concerned, he agrees with what they are doing.

There being no one else to comment, a motion was made by Councilman Rooney seconded by Councilman Mayrose to close the public hearing at 8:08pm.

The Supervisor called the public hearing to order on Local Law #3 of 2013 regarding adoption of the 2% tax cap waiver.

The Deputy Clerk read the proof of publication. Supervisor Cummings explained the need for passing this local law, especially this year where the cap has dropped down to 1.66% effectively and that this is not the first time the Town Board has passed this tax waiver.

Comments: Edmund Burke of 27 Crescent Drive believes this is a very prudent thing to pass based on what the Supervisor stated.

There being no one else to comment, a motion was made by Councilman Mayrose, seconded by Councilman York to close the public hearing at 8:12pm.

The regular meeting of the Newstead Town Board was called to order at 8:12pm with the same members present as listed above.

Highway Superintendent Bassanello led the pledge to the flag.

Minutes from the previous regular meeting held on August 12, 2013, were presented for approval. A motion was made by Councilman Mayrose, seconded by Councilman Baran to approve as presented.
Carried Unanimously

Communications – The Deputy Town Clerk presented the following correspondence:

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

Certified resolutions regarding support for a resolution to the Erie County Snow Plowing & De-Icing contract were received from the Towns of Clarence, Eden, Colden, Holland and .

A petition with 31 signatures from residents living on South Ayers Rd (28) and Steiner Rd (3) requesting a speed reduction on South Ayers Rd from 55mph to 35mph.

A letter from NYS Department of Taxation & Finance announcing the Town's 2013 Assessment Equalization rate as 100%.

A notice of a seminar entitled "Doing Business with the New York Environmental Facilities Corporation (EFC)" to be held October 3rd in East Syracuse. If anyone is interested in attending please see the Clerk.

A Preliminary & Final Notice of Intent approval letter was received from the Department of Agriculture & Markets regarding the proposed waterline construction project on Draper & Downey Roads.

A revised 2014-2016 snow plow contract was received from the Commissioner of Public Works.

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

Work Session: The Supervisor reported that at the work session held last week the following issues were discussed: water district issues, building projects, planning issues, grants, recreation, park master plan, old highway garage issues, senior van policy, Hearts to Hands contract, event fees, snow seekers request, neighborhood notification policy details, the next joint village-town meeting, budget review and any other issues brought before the Board.

Privilege of the Floor – The following residents from Quarry Hill Estates were present for an on-going dialogue regarding the noise from the concerts at Braun's Concert Cove on Main Rd: Linda Jackson, Jim Richards, Mary McGuire, Alvin Dahn and Ron Stanzek. They all thanked the board for coming out 2 weeks ago and taking noise meter readings from in the park. They are interested in what the board is doing now and wondering if there is any limit as to how early the day of the concert the band can start. Some days the bands start tuning up as early as 2:00 in the afternoon.

Supervisor Cummings explained that the board believed when Mr. Braun put up the tent, all the problems would be solved and instead it has been made worse with complaints coming from other parts of the town now as well. He also thanked the residents that have allowed the board members into their homes. He hopes at this point that the 11pm issue has been taken care of and they are currently working on contracting with a noise consultant. He is hoping that the consultant will be able to draft a plan to solve the noise issues.

Budget Transfers: a motion was made by Councilman Mayrose, seconded by Councilman Baran to approve the budget transfers per the memo from Bookkeeper Colleen Salmon dated August 26, 2013.
Carried Unanimously

Corrected Totals Sheet: a motion was made by Councilman Mayrose, seconded by Councilman Baran to approve the corrected totals sheet submitted by Bookkeeper Colleen Salmon dated August 26, 2013. Carried Unanimously

Approval of Bills – Councilman Mayrose reported that the Abstract from Batch(es) # 1309, 1310 and 1316 from the August 12, 2013 meeting have been reviewed with the previously un-audited vouchers and everything was found in order. He presented Abstract Batch(es) #1315 & 1318 for payment. Vouchers on this abstract(s) numbered from 817 – 849, totaling \$47,569.08. Councilman York seconded to approve payment as follows:

Abstract Batch(es) #1315 & 1318:
 General Fund (A) -\$6,364.29, General Fund- Outside Village (B) \$, Highway (DA) -\$0, Highway: Outside Village (DB) \$6,898.15, Capital Projects: CAP- Highway Garage- (HG) - \$27,204.90, CAP- Murder Creek (HM) \$0, CAP- Equipment Purchase (HR02)- \$0, CAP- Library Basement (HR04) \$0, CAP- Scotland Rd (HS)- \$1,263.78, CAP- Town Hall (HT)- \$0, CAP- Water Improvement (HW)- \$5,601.99, Drainage (SD)- \$0, Fire Protection (SF) \$0, Refuse (SR) \$0, Sewer Fund (SS) \$25.33, Sewer District #2 (SS02)- \$72.92, Trust & Agency(TA)- \$47.36 and Water Districts: Consolidated (SW00) \$90.36, (SW1) \$0, (SW2) \$0, (SW3) \$0, (SW4) \$0, (SW5) \$0, (SW6) \$0, (SW7) \$0, (SW7A) \$0, (SW8) \$0, (SW9) \$0, (SW10) \$0
 Total: \$47,569.08 Carried Unanimously

COMMITTEE AND DEPARTMENT HEAD REPORTS:

Highway – met with the Highway Association, Supervisors and Erie County Legislators regarding the snow plowing contract, met with Councilman Mayrose and Ryan Buckley at the town park regarding placement of a flag pole, still working on drainage issues and field ditching and preparing for Labor Day.

The Code Enforcement Officer wanted to thank the highway crew for the ditching work they did on the Clarence Center Road bike path to help with the drainage situation in that area.

Assessor – no report presented.

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

Niagara Label	12715 Lewis	Addition
People, Inc	12021 Buckwheat	Addition
Joan Parker	4493 Billo	One family home
Joan Parker	4493 Billo	Driveway
Kreher’s Poultry Farm	11072 Main	Tank removal
Aaron Goldyn	5680 Cummings	Pole barn
Kreher’s Poultry Farm	11072 Main	Office addition
Don Colligan	6732 Utley	Garage & porch
Eric Pirson	11732 Rapids	Permit renewal
Patrick Galla	5475 Barnum	Permit renewal
John Smith	11267 Clarence Center	Permit renewal

The Town Board accepted the report as presented.

Town Clerk- the new Municipay online payment links are up and running on the town website and sales of EZ Passes have started.

Attorney for the Town – nothing

COUNCILPERSONS:

Rooney – he exchanged several correspondences with Akron Fire Company and Newstead Fire Company in regards to the fire contracts, stopped in to observe court on criminal night, held a fire contract work session with Councilman Mayrose, took noise readings near Braun’s on Howe Road

and Havens Rd during last week's concerts, spoke with some of the Quarry Hills residents on Friday night and listened to their concerns, went to Mrs. Jackson's home after the last board meeting where she invited the board to listen to the noise, and had correspondence with a resident on Utley Road looking for a status update on the meeting from weeks ago. He thanked Allen Kidder for his time Saturday and for sharing some of his knowledge in regards to the Akron Airport. He also attended President Barack Obama's presentation at UB.

Mayrose – Spoke with residents of Quarry Hill regarding noise issues for Braun's Concert Cove, Spoke with Debbie Forrestel at the joint facility regarding the progress with the standard operating procedure manual, Met with Mike Bassanello and the Football leagues to discuss field placement and usage for the upcoming season, Met with Eagle Scout Ryan Buckley regarding his project at Veterans Park, Toured Kreher Farms and reviewed plans for a new building project, Attended the Code hearing in Amherst regarding the water tank at the Akron Airport, Attended court and spoke with Judge Campbell about court issues, Met with Councilman Rooney to discuss the fire company contract, and attended the murder creek bid opening

Baran – he went to Quarry Hills two weeks ago after the board meeting, reported that the roof at the town park is finished and thanked the highway crew for reinstalling the gutters.

York – he went to Quarry Hills after the last board meeting and he appreciates the residents patience with regard to the noise issue and is still waiting for a second opinion on the Swift Mills bridge.

Supervisor – he met with the town historian regarding her budget, attended the Erie County Highway meeting regarding the snow plowing contract, went up to Quarry Hills after the last board meeting, met with Kris Beyer regarding green space fees and went to a meeting at Kreher's Poultry Farm.

UNFINISHED BUSINESS:

Joint Facility- nothing

Planning Issues- Received proposed code changes from the planning board.

Conservation issues- Emerald Ash Borer- they are addressing some issues with the GPS equipment. Murder Creek- a report was received from Apex for inspections done between 7/17/13 – 8/13/13.

There will be a special meeting on September 3rd at 6pm to award the bid for Murder Creek phase 2.

Water projects – there are 2 items that will be taken care of under new business and they are continuing to finalize everything and will submit test results to the DOH.

NEW BUSINESS:

Approval- Site Plan Special Use Permit for 12390 Hunts Corners Rd:

A motion was made by Councilman York, seconded by Councilman Baran approving the site plan dated 8/31/09 and special use permit for a dog kennel located at 12390 Hunts Corners Rd and operated by Taryn Vohwinkel, subject to the terms set forth in the resolution.

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

Northern Erie Sno-Seekers 2013 Season:

A motion was made by Councilman Mayrose, seconded by Councilman Baran approving the request by the Northern Erie Sno-Seekers group to use the bike path areas for their 2013-14 snowmobiling season, subject to the terms set forth in the resolution.

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

Notice to Bidders for Murder Creek Project:

A motion was made by Councilman Baran, seconded by Councilman York authorizing the Notice to Bidders for the rebidding of the Murder Creek Phase 2 project be published as required by law, nunc pro tunc.

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

Public Hearing- Consolidated Water District No. 1:

A motion was made by Councilman Rooney, seconded by Councilman Mayrose authorizing the calling of a public hearing on the proposed improvements to Consolidated Water District No. 1 on Downey and Draper Roads, to be held on September 9th at 7:50pm at the Town Hall.

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

Approval- WD Ext Health Dept Permit:

A motion was made by Councilman Mayrose, seconded by Councilman Baran authorizing the calling of a public hearing on the proposed improvements to Consolidated Water District No. 1 on Downey and Draper Roads, to be held on September 9th at 7:50pm at the Town Hall.

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

Approval- Refer Speed Study Petition to Erie County:

A motion was made by Councilman Mayrose, seconded by Councilman York authorizing the Town Clerk to forward the request for a speed study on South Ayers Rd to Erie County.

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

Approval- Highway Department Labor Union Contract:

A motion was made by Councilman Baran, seconded by Councilman York approving the proposed agreement between the Town and Teamsters Local 264 for the period of 1/1/2012- 12/31/2016 and authorizing the Supervisor to sign the contract.

(Resolution Attached) 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 Rooney to adjourn the regular meeting at 8:57pm.

Carried Unanimously

Respectfully Submitted,
Jennifer Heberling, Deputy Town Clerk