

## Newstead Town Board Meeting- August 24, 2015

The board entered an executive session at 7:00pm prior to the public hearing on a personnel matter concerning a specific employee. They exited executive session at 7:53pm with no action being taken.

A public hearing was called to order by the Newstead Town Board on Monday, August 24, 2015 at 7:54pm at the Newstead Town Hall.

Present: David Cummings- Supervisor  
Justin Rooney- Councilman  
Donald York- Councilman  
John Jendrowski- Councilman  
Nathan Neill- Attorney for the Town  
Scott Rybarczyk- Town Engineer  
Dawn Izydorczak- Town Clerk  
Jennifer Heberling- Deputy Clerk

Roll Call was taken with all board members present except for Councilman Mayrose who is out of town.

The Supervisor called the **public hearing** to order on regarding amendments to the Zoning Law relative to Agri-business and Glare to be known as Local Law #4 of 2015.

The Clerk read the proof of publication. These items have been reviewed by the Planning Board.

Comments:

Carl Klingenschmitt of 11520 Howe Rd., speaking as both the CAC chairman and as a land owner, he believes the definition of “agri-business” is too broad and needs to be limited to businesses that are attractive to an RA zone. He also believes the broad definition would move these to a Type 1 SEQR process. When asked by Councilman Jendrowski how it should be better defined he stated it should be limited to businesses that support agriculture only. The definition needs to be limited.

Andy Kelkenberg of 12607 Stage Rd. stated he agrees and he supports any business that supports agriculture such as tractor dealers, feed mills, milk production facilities, fertilizer plants, etc. that this law could bring into our town. These businesses are what keep farmers going. Don't worry about getting too defined with the definition though.

Councilman Jendrowski added that he likes the law the way it is written, especially if it brings jobs into our town. The goal is to see upcoming thriving businesses grow.

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

The Supervisor called to order the **regular meeting** of the Town Board at 8:03pm with all the same members present as listed above.

Supervisor Cummings led the pledge to the flag.

A presentation was made by the local Moose Lodge to local fire department & law enforcement personnel. They were given “Tommy Moose” stuffed animals to use in fire, accident & home events that involve children to try to help them through the ordeal.

Minutes from the previous regular meeting held on August 10, 2015 were presented for approval. A motion was made by Councilman Rooney, seconded by Councilman York to approve as presented. Carried

**Agenda Changes** – None

**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.

A notice of the 30 day inclusion period for application to an agricultural district in Erie County will be from September 1-September 30, 2015. Applications are available on the town website or at the Town Clerk's office.

A notice of public hearings from Erie County Dept. of Senior Services, which will be held on September 10<sup>th</sup> at the Cheektowaga Senior Center at 3349 Broadway from 1:00-2:30 and October 28<sup>th</sup> at the American Red Cross offices at 786 Delaware Ave from 2:00-3:30. Topics will include suggestions for improvement and new ideas for senior services and remarks on aging policies and issues.

A notice of road closure from Erie County informing the town that the Brooklyn St bridge will be closing for replacement on August 17<sup>th</sup> and scheduled to tentatively be completed by May 26, 2016.

A motion was made by Councilman York, seconded by Councilman Jendrowski to accept and file the presented correspondence. Carried

**Work Session:** The Supervisor reported that at work session held last week the following items were discussed: water/sewer issues, buildings projects at town buildings, master plans for town and parks, highway issues, planning projects, grant items, IT services and cleaning contract bids review, dog control truck purchase, Indigenous day, AED units, celebration committee chamber requests and any other matters brought before the Board.

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

**Budget transfers:** a motion was made by Councilman Jendrowski, seconded by Councilman York to approve the budget transfers as requested by Bookkeeper Colleen Salmon in a memo dated August 24, 2015. Carried

**Approval of Bills** – Councilman Jendrowski reported that the Abstract(s) from Batch(es) #1534 and 1538 have been reviewed with the previously un-audited vouchers and everything was found in order. He presented Abstract Batch(es) #1539 for payment. Vouchers on this abstract(s) numbered from 861- 904, totaling \$57,556.99. Councilman Rooney seconded to approve payment as follows:

Abstract Batch(es) #1539:  
General Fund (A) -\$18,230.23, General Fund- Outside Village (B) \$142.17, Highway (DA) -\$0, Highway: Outside Village (DB) \$8,712.44, CAP-Murder Creek (HM) \$0, CAP- Scotland Rd (HS)- \$0, CAP- Water Improvement (HW)- \$0, CAP Water-Downey (HW01)- \$3,527.48, Drainage (SD)- \$0, Fire Protection (SF) \$0, Refuse (SR) \$26,505.98, Sewer Fund (SS) \$26.25, Sewer District #2 (SS02)- \$366.72, Trust & Agency(TA)- \$0 and Water Districts: Consolidated (SW00) \$45.72, (SW1) \$0, (SW2) \$0, (SW3) \$0, (SW4) \$0, (SW5) \$0, (SW6) \$0, (SW7) \$0, (SW7A) \$0, (SW8) \$0, (SW9) \$0, (SW10) \$0 Total: \$57,556.99 Carried

#### **COMMITTEE AND DEPARTMENT HEAD REPORTS:**

**Highway** – Highway Superintendent Bassanello was out of town but the following report was given by Supervisor Cummings on his behalf: replaced cross culvert pipes on Downey Road and Clair Drive, worked on field ditch mowing, mowed parks, did ditching on Downey Road water line, oil and stoned Utley Road, Dye Road (from Clarence Center to McNeeley Road) and Martin Road (from Scotland to Genesee County line), helped Alden and Clarence oil and stone, mowed bike path, helped the Newstead Fire Company, dug out dirt at the library and replaced it with new dirt, did boom mowing, picked up plantings for library, did dirt work in town parks, swept roads, delivered recycling totes and will talk to the Supervisor with regards to the sale of surplus equipment.

**Assessor** – Becky presented a report- no small claims assessment review applications were filed this year. She also outlined the current situations of Article 7's against the town, exemption renewals, options for the revaluation project and her work on a new consolidated information dropbox for all Assessor's in Erie County to access and share information.

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

Kelly Pinto	11520 Main	Roof
John Mussell	7259 Maple	One Family home
Jason Koons	8372 Greenbush	Pole barn
Jim Okiec	7509 Maple	Interior drainage
John Mussell	7247 Maple	One Family home
Thomas Muck	5040 S Newstead	Roof
Micheal Shields	12690 Main	Roof
Daniel Bork	7620 Greenbush	Above ground pool & deck
Steve Baldo	11234 Main	Self-storage bldgs., pond, septic
Kristina Bragg	8294 Greenbush	Decks
Ken Stevenson	11175 Hiller	Exterior drainage
Paul Meerboth	5639 cummings	Permit renewal
Dale Fryling	13235 Main	Roof

The Town Board accepted the report as presented.

**Town Clerk-** the Senior Van was busy for its first two weeks of Saturday use. Hunting license sales are in full swing and we anticipate receiving the school tax bills any day now.

**Attorney for the Town** – spoke to the attorney for the Newstead Fire Company and spoke to the new village attorney regarding the Time Warner negotiations in Alden.

#### **COUNCILPERSONS:**

**Rooney** – he has an Indigenous People meeting on Wednesday and are close to having a recommendation on the changes to the town seal, thanked Erie County for reviewing the Brooklyn Street Bridge and thanked the Erie County Sheriffs mounted officers that were patrolling in Akron Falls Park.

**Mayrose** – absent

**York** – he attended the Newstead coalition meeting, looked at ash trees in the park, spoke to people regarding the Cedar Street water issues and looked at the Downey Road water line.

**Jendrowski** – he spoke to the assessor last Friday regarding reval issues, spoke to the CEO regarding 2 building projects, attended the recreation board meeting and discussed budget and where rec will be held next year, looked at illumination issues and noticed the signs on McNeeley haven't been fixed yet. He also spoke to the state police to get an update on a situation on Stage Road.

**Supervisor-** he met with town engineer, worked on upcoming budget, met with the assessor, the disaster coordinators regarding a multi-jurisdictional hazard mitigation team and addressed several citizen concerns. He feels a meeting needs to be scheduled with the recreation board, director and those involved with the parks to discuss next year's issues as soon as possible.

#### **UNFINISHED BUSINESS:**

**Buildings-** the work at the town hall is completed, the roof at senior center still pending and library work will be going to bid for grant.

**Planning-** the Kelkenberg site plan is being reviewed by fire company and the comments from tonight's public hearing will be reviewed.

**Water-** Downey Rd has been approved by ECWA and is done. The board will speak to the Village regarding the Lewis/Hake Rd sewer proposal.

**Grants-** the tree grant work is starting and we are waiting on several other grant responses.

**Indigenous Peoples Day-** a schedule of planned activities for its first celebration on October 12<sup>th</sup> will be shared with the Board and then advertised throughout the town and village.

A meeting needs to be scheduled with the Celebration Committee board soon.

**NEW BUSINESS:**

**Approval- Site Plan- Tim Hortons- 12950 Main Rd:**

A motion was made by Councilman Rooney, seconded by Councilman York approving the site plan dated June 11, 2015 for the development of a 1,776 sq. ft. Tim Hortons Café & Bake Shop at 12950 Main Rd, conditional on agreement that in the event a parallel roadway is constructed to the rear of the business the applicant will agree to connect to such parallel roadway to provide for ingress and/or egress onto Buell St and subject to all additional terms set forth in the resolution.

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

**Public Hearing- Local Law #5 of 2015- Windmill amendments:**

A motion was made by Councilman York, seconded by Councilman Rooney approving the calling of a public hearing on the proposed Local Law #5 of 2015 amending the windmill law of the town, which will be held on September 14, 2015 at 7:40pm at the town hall, and authorizing the Clerk to publish notice of the hearing.

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

**Approval- 2016 Cleaning Contract:**

A motion was made by Councilman Jendrowski, seconded by Councilman Rooney approving the proposed cleaning contract to begin on 1/1/2016 with Jani-King of Buffalo, Inc. for a monthly cost of \$1,371.07 for 1 cleaning per week, subject to the terms set forth in the resolution.

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

**Lateral Restriction Applications Approval:**

A motion was made by Councilman Rooney, seconded by Councilman York approving the application for a lateral restriction exception for water district #10 for 7247 Maple Rd and 7259 Maple Rd for two new homes.

Cummings-Aye, Rooney -Aye, Mayrose-Absent, York-Aye, Jendrowski- Aye Carried

**Privilege of the Floor/Question Period:** no one spoke

There being no further business to come before the board a motion was made by Councilman Rooney, seconded by Councilman York to adjourn the regular meeting at 8:45pm.

Carried Unanimously

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