

## **Newstead Town Board Meeting- August 25, 2014**

A public hearing was called to order by the Newstead Town Board on Monday, August 25, 2014 at 7:40pm 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 proposed amendments to the Ethics Law (Local Law #5).

The Clerk read the Proof of Publication. The Supervisor explained the proposed changes in the law.

Comments: Doug Ceisner of 100 East Ave questioned the number of members the change proposes. Supervisor Cummings responded from a 5 member board to a 7 member board.

There being no further comments, a motion was made by Councilman Mayrose, seconded by Councilman Rooney to close the public hearing at 7:53pm.

The Supervisor called the public hearing to order on the proposed amendments to the Sign Law (Local Law #4) at 7:53pm.

The Clerk read the Proof of Publication. The Supervisor explained the proposed changes in the law and the history of the law. The Planning Board spent 18 months crafting the new changes to bring the law up to date. The Town Board then reviewed and made a couple minor changes to that.

Comments: Doug Ceisner of 100 East Ave questioned what the changes are as he has not read the proposed law.

Town Attorney Neill addressed this and stated the old law addressed special requirements in the Route 5 overlay zone. All of that has been altered and this law will apply to all businesses in the town across the board, not just Route 5 businesses.

There being no further comments, a motion was made by Councilman Rooney, seconded by Councilman Mayrose to close the public hearing at 7:57pm.

The Supervisor called the public hearing to order on the proposed Special Use permit for a 140' wind turbine at 13923 Knapp Rd at 7:57pm.

The Clerk read the Proof of Publication. The Planning Board unanimously recommends this project and it has been sent to Erie County Planning for comment. It meets all criteria for windmills in the town windmill law.

Comments: no one from the public spoke. Wendel representative Scott Rybarczyk reminded everyone he still needs to see a set of stamped plans before a building permit can be issued on the project.

There being no further comments, a motion was made by Councilman Mayrose, seconded by Councilman York to close the public hearing at 8:02pm.

The regular meeting of the town board was called to order at 8:02pm with the same members present as listed above.

Highway Supt. Mike Bassanello led the pledge to the flag.

Minutes from the previous regular meeting held on August 11, 2014 were presented for approval. A motion was made by Councilman Mayrose, seconded by Councilman Rooney to approve as presented. Carried Unanimously

**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 a Veteran’s Town Hall meeting on Friday, September 5, 2014 at 10:00am at the Freedom Hall, VA WNY Healthcare System, 3495 Bailey Ave, Buffalo, NY.

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

**Work Session:** The Supervisor reported that at work session held last week the following issues were discussed: water district issues, building projects, parks, highway issues, planning issues, village-town committees, courts, and any other issues brought before the Board.

**Agenda Items Question Period:** none

**Budget Transfers:** a motion was made by Councilman Mayrose, seconded by Councilman York approving the budget transfers per memo from Bookkeeper Colleen Salmon dated 8/25/14. Carried Unanimously

**Approval of Bills** – Councilman Mayrose reported that the Abstract(s) from Batch(es) #1421 & 1423 from the August 11, 2014 meeting have been reviewed with the previously un-audited vouchers and everything was found in order. He presented Abstract Batch(es) #1426 & 1427 for payment. Vouchers on this abstract(s) numbered from 845 - 877, totaling \$32,583.02. Councilman York seconded to approve payment as follows:

Abstract Batch(es) #1426 & 1427:  
General Fund (A) -\$12,265.81, General Fund- Outside Village (B) \$1,212.92, Highway (DA) -\$0, Highway: Outside Village (DB) \$13,944.09, CAP-Murder Creek (HM) \$0, CAP- Scotland Rd (HS)- \$641.59, CAP- Water Improvement (HW)- \$2,861.89, CAP Water-Downey (HW01)- \$296.44, Drainage (SD)- \$1,145.57, Fire Protection (SF) \$0, Refuse (SR) \$0, Sewer Fund (SS) \$25.78, Sewer District #2 (SS02)- \$95.61, Trust & Agency(TA)- \$0 and Water Districts: Consolidated (SW00) \$93.32, (SW1) \$0, (SW2) \$0, (SW3) \$0, (SW4) \$0, (SW5) \$0, (SW6) \$0, (SW7) \$0, (SW7A) \$0, (SW8) \$0, (SW9) \$0, (SW10) \$0 Total: \$32,583.02 Carried Unanimously

**COMMITTEE AND DEPARTMENT HEAD REPORTS:**

**Highway** – Mike reported he is rejecting all the bids received on the gradall purchase and will continue talks with the highway committee on this. They are doing field ditching on Clarence Center Rd and they will install their first road ditch fill on Thursday. After that they will go right into work on the 2,000 feet of waterline installation and the work needed at Murder Creek for that project.

**Assessor** – Becky’s report was presented concerning SCAR hearing results, Special Districts Policy, GIS program updates, the NYS Tax Freeze Credit program details, September inventory work scheduled, exemption renewals schedule & updates.

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

Akron-Newstead Senior Center	5691 Cummings	Sign
F. Weinreber	12521 Meahl	Wood burning stove

Adam Nuwer	12180 Nice	One family home
Paul Meerboth	5639 Cummings	Garage
Raymond Stricker	7258 Cedar	Solar panels
Hibschweiler	12191 Rapids	Sunroom
Rizzo	5670 Cummings	Permit renewal
Kelkenberg	12734 Main	Addition
Szelagiewicz	4173 S Newstead	Hot tub
Egan	7858 Brackett	Geothermal/solar
Neill	6424 Hake	Remodel
Hoffman	8255 Burdick	Carport
Liberti	6760 Utlely	Excavation/fill

The Town Board accepted the report as presented.

**Town Clerk-** nothing at this time.

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

**COUNCILPERSONS:**

**Rooney** – work has continued on the Parks Master Plan. He attended the Akron-Newstead-Clarence Fire Chiefs meeting where they discussed joint purchasing amongst the fire companies of equipment and gear. He spoke with several residents on noise, road & field flooding and had a request for a copy of the estimate for the repairs on the gradall from a resident.

**Mayrose** – he spoke with Judge Campbell and met with Trustee Forrestel regarding the status of the court data analysis. He met with Highway Supt. Mike Bassanello regarding the waterline and road ditching projects. He attended the bid opening for the waterline project. He met with Assessor Becky Baker regarding some assessment questions he received from the community and met with Jon Cummings regarding the Murder Creek project.

**York** – he checked into the status of the Swift Mills Rd bridge project. The engineering is completed but the project will not be on the County’s schedule until spring due to other projects they are currently working on that take precedence.

**Supervisor-** The July Supervisor’s Report is on file with the Town Clerk. He spoke with Auctions International several times to finalize the sale of Jackson St. He met with the genealogy group and is hoping to set them working with the historians. He met several times with the Senior Director on personnel /staffing issues and for interviews for new assistants. He thanked Councilman Rooney for attending and presenting the service award plaques to the Akron Community Band members, Ken Kasperek and Beverly Fredericks for 50 years of service each.

**UNFINISHED BUSINESS:**

**Joint Facility-** nothing new

**Planning Projects-** work will begin soon on the security cameras grant project.

**Conservation issues-** Murder Creek- Phase 2 is set to begin work September 8th. It will take 10 – 14 days to complete.

**Water projects-** Scott is working on finalizing the materials purchase contract and getting the materials delivered to the highway garage.

**NEW BUSINESS:**

**Sale of 26 Jackson St:**

A motion was made by Councilman York, 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.

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

Carried Unanimously

**Public Hearing- Local Law #6- Tax Override:**

A motion was made by Councilman Mayrose, seconded by Councilman York approving the calling of a public hearing on the NYS Tax Override (Local Law #6), to be held on September 8, 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- Special Use- 12690 Main Rd:**

A motion was made by Councilman Rooney, seconded by Councilman Mayrose approving the calling of a public hearing on the request for a special use permit to operate a used motor sales business at 12690 Main Rd by Michael Shields, to be held on September 8, 2014 at 7:50pm and authorizing the Clerk to publish to legal notice.

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

Carried Unanimously

**Approve-NYSDOT- Rt 93 & 5 request:**

A motion was made by Councilman Rooney, seconded by Councilman Mayrose authorizing the Supervisor to send a letter of request to the NYSDOT for a change in signage regarding parking restrictions along both sections of the Rt. 93 & Rt. 5 intersection.

Cummings-Aye, Rooney-Aye, Mayrose-Aye, York-Aye

Carried Unanimously

**Approve- Senior Center Assistant:**

A motion was made by Councilman Rooney, seconded by Councilman Mayrose approving the hiring of Karen DeYoung as a Senior Center Assistant PT effective September 1, 2014 at a rate of \$9.25/hour.

Cummings-Aye, Rooney-Aye, Mayrose-Aye, York-Aye

Carried Unanimously

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

Doug Ceisner of 100 East Ave questioned highway employees attending a County Highway Association picnic during the day on town time and in a town vehicle. He also questioned why the Highway Supt. takes home a town vehicle every night and how much of a premium the town paid on the auction of Jackson St.

Highway Supt Bassanello addressed that crew members have attended that picnic since 1978 and that the supt. has always taken the vehicle home.

Supervisor Cummings stated on the auction no premium was paid by the town, it was a buyer's premium.

Kevin Frost of 12251 McNeeley Rd questioned his application from May for a ditch fill permit and when it would be done. Asked if he could hire a contractor himself to do it and then the town can inspect it.

His project is set to start at the beginning of September.

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 8:35pm.

Carried Unanimously

Respectfully Submitted,

Dawn D. Izydorczak, RMC, Town Clerk