

Newstead Town Board Meeting- July 14, 2014

A public hearing was called to order by the Newstead Town Board on Monday, July 14, 2014 at 7:38pm at the Newstead Town Hall.

Present: David Cummings- Supervisor
Justin Rooney- Councilman
James Mayrose- Councilman
Donald York- Councilman
Marybeth Whiting- Councilwoman
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 **site plan** for a 18,000 sq ft addition at **Whiting Door** located at 113 Cedar St.

The Clerk read the proof of publication. The Supervisor stated this project has been reviewed and recommended for approval by the Town Engineer, Building Department and Planning Board. Erie County Department of Environment and Planning's comments are as follows.

- A. Encourage the applicant to seek the least adverse impact from demolition material, particularly the asphalt paving to be removed, giving consideration to re-use or recycling before deferring to code-legal disposal.
- B. Verification from New York State Department of Environmental Conservation as to what, if any, review and permitting, and what particular control measures may be warranted, for the actions proposed, given the apparent overlap with a buffer area of a nearby New York State regulated wetland, as suggested in Wendel's July 10th, 2014 memorandum to the Town.
- C. Appropriate measures to assure standard construction practices minimized offsite siltation, and apply appropriate emergency clean-up measures, to protect soils and groundwater integrity, for any mechanical fluids which may accidentally spill/leak onsite during construction.
- D. Apply controls (e.g. siltation fencing) to avoid adverse impacts to soils offsite, particularly toward any wetland, active farmland, or waterway, or drainage ditch.
- E. Clarification from the applicant, written to town review minutes, or what surface treatment (such as seeded grass, gravel, pervious pavement, recycled asphalt, concrete) will replace the area where asphalt is being removed.
- F. Assurance that any new topsoil temporarily stockpiled will be adequately controlled to avoid it running offsite via stormwaters.
- G. Notation to the applicant checklist, completed to the best of the applicant's knowledge as being not applicable, that a New York State wetlands permit may be necessary prior to the Town issuing a building permit.

Town Engineer Scott Rybarczyk noted that letters D & E in the letter from Mark Lee at Erie County Planning were based on a prior set of plans and have since been addressed in the latest version of the plans.

Comments: No one spoke

Supervisor Cummings stated that since there were no public comments, this will be voted on at tonight's meeting.

There being no further comments Councilman Mayrose motioned to close the public hearing, seconded by Councilman York at 7:45pm.

The Supervisor called the public hearing to order on the request by Jeff Jendrowski for a **Special Use Permit at 11936 Rapids Rd** for placement of 2 wind turbines on the property at 7:45pm.

The Clerk read the proof of publication. The Supervisor stated this project has been recommended for approval by the Planning Board and some of the State and County Agencies have responded. We are still waiting for Erie County Planning to comment. The short form SEQR has been filed.

Comments:

Mike Mutter, Newstead Fire Chief questioned how to shut the power off in the event of an emergency.

Brian Stork, CEC Energy explained that they are connected directly into the grid and have two auto-disconnect switches in place. These will be located on the base of the turbine as well as the main power box.

There being no further comments Councilman Mayrose motioned to close the public hearing, seconded by Councilwoman Whiting at 7:52pm.

The Supervisor called the public hearing to order on the request by John Jendrowski for a **Special Use Permit at 12375 Meahl Rd** for placement of a wind turbine on the property at 7:52pm.

The Clerk read the proof of publication. The Supervisor stated this project has been recommended for approval by the Planning Board and some of the State and County Agencies have responded. We are still waiting for Erie County Planning to comment, The short form SEQR has been filed.

Comments: No one commented

There being no further comments Councilman Mayrose motioned to close the public hearing, seconded by Councilwoman Whiting at 7:55pm.

A **regular meeting** of the Newstead Town Board was called to order at 8:00pm with the same Board members present as listed above.

Councilwoman Whiting led the pledge to the flag.

Minutes from the previous regular meeting held on June 23, 2014 were presented for approval. A motion was made by Councilwoman Whiting, seconded by Councilman Mayrose to approve as presented. Carried Unanimously

Agenda Changes – Add K. Motion – Veteran’s Park Permit usage – August 16
B. & C. will not be addressed tonight.

Cummings-Aye, Rooney-Aye, Mayrose-Aye, Whiting-Aye, York-Aye 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.

A copy of the Erie County Department of Real Property Tax Services Report for 2014 was received.

The June 2014 Operations Report was received from Amherst Central Alarm Office reporting 47 calls for Akron Fire Co and 28 calls for Newstead Fire Co.

A reminder notice of upcoming training dates for Planning Board and Zoning Board members was received from the Association of Towns.

A request for a beer/wine permit was received from Brian Murray for the Veterans Park shelter on August 24, 2014 for a family reunion.

A request for a beer/wine permit was received from Kathy Jackson for the Veterans Park shelter on August 16, 2014 for a graduation party.

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 no work sessions were held the last 2 weeks, however, the following issues were discussed prior to tonight’s meeting: water district issues, building projects, contracts, highway issues, planning issues, recreation, courts, town/village committees, vehicle use policy, ethics board recommendations, library board replacement, mandate relief, board minutes changes and any other issues brought before the Board. Also went into executive session regarding a personal issue.

Agenda Items Question Period: No one spoke

Budget Transfers: a motion was made by Councilman Mayrose, seconded by Councilwoman Whiting approving the budget transfers per memo from Bookkeeper Colleen Salmon dated 7/14/14. Carried Unanimously

Approval of Bills – Councilman Mayrose reported that the Abstract(s) from Batch(es) #1408 from the June 23, 2014 meeting have been reviewed with the previously un-audited vouchers and everything was found in order. He presented Abstract Batch(es) #1411 and 1413 with bond payment for payment. Vouchers on this abstract(s) numbered from 654 - 718, totaling \$287,861.01. Councilman York seconded to approve payment as follows:

Abstract Batch(es) #1411 & 1413 with bond payment:
General Fund (A) -\$125,739.43, General Fund- Outside Village (B) \$631.92, Highway (DA) -\$0, Highway: Outside Village (DB) \$114,645.38, CAP-Murder Creek (HM) \$0, CAP- Scotland Rd (HS)- \$0, CAP- Water Improvement (HW)- \$0, CAP Water-Downey (HW01)- \$884.00, Drainage (SD)- \$0, Fire Protection (SF) \$5,837.44, Refuse (SR) \$33,013.66, Sewer Fund (SS) \$0, Sewer District #2 (SS02)- \$0, Trust & Agency(TA)- \$0 and Water Districts: Consolidated (SW00) \$7,109.18, (SW1) \$0, (SW2) \$0, (SW3) \$0, (SW4) \$0, (SW5) \$0, (SW6) \$0, (SW7) \$0, (SW7A) \$0, (SW8) \$0, (SW9) \$0, (SW10) \$0 Total: \$287,861.01 Carried Unanimously

COMMITTEE AND DEPARTMENT HEAD REPORTS:

Highway – Mike thanked Pat Winney and Akron Soccer League for all their help in the park for July 4th. Crego, Howe and McNeeley Roads will be oiled and stoned next week.

Assessor – no report presented

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

Richard Flynn	13570 Stage	Roof
John Delamater	12750 Carney	Windows & patio doors
Stanley Tatara	4840 Schutt	Shed
James Marfurt	4870 N Millgrove	Permit renewal
Joseph Sheehan	5820 Crittenden	Pole barn
Kevin Kipfer	6557 Utlej	Pole barn/covered porch
Anthony Morgante	5048 Havenwood	Shed
Lillian Meland	11986 Main	Cert. of Occupancy
Andy Kelkenberg	12607 Stage	Pole barn
Mark Nowakowski	7065 Draper	Ditch fill
Pamela Seifert	7053 Draper	Ditch fill

The Town Board accepted the report as presented.

Town Clerk- Dawn presented the Dog Control Officers Quarterly report and stated the link to the Sherriff’s sex offender home page has been added to our website.

Attorney for the Town – nothing at this time

COUNCILPERSONS:

Rooney – he thanked the Celebration Committee and all the people and local organizations that assisted with the July 4th celebration, especially Amanda Harrington and Christopher Whitmarsh and spoke with the Newstead Fire Chief with regards to payment of a physicals bill.

Mayrose – he met with Highway Superintendent Mike Bassanello regarding the joint facility and other town projects, spoke with Judge Campbell regarding the status of the court data analysis, spoke with Chief Lauricella regarding police department and court data, met with CEO Ralph Migliaccio and Clerk Christine Falkowski regarding some current and upcoming planning department projects, attended a number of celebration committee meetings and wants to thank Amanda Harrington and the rest of the committee for putting together a fantastic 4th of July celebration and attended the Library Committee meeting.

York – he built the ramps for the soap box derby. He thanks everyone who participated or donated their time and efforts for the 4th of July celebration, including the sponsors who donated money.

Whiting – she spoke to Librarian Kristine Sutton regarding the HVAC, which has been fixed. She thanked everyone involved in the 4th of July celebration, especially the Celebration Committee, Lions, Rotary, and Chamber of Commerce. She has spoken to several recreation employees regarding the programs and the new website and spoke with Judge Campbell regarding court records. She spoke to several people from Quarry Hills regarding concert noise and spoke to Ray Braun regarding a benefit concert on held Saturday that ended at 10:30. She has received comments regarding the ethics board decision.

Supervisor – he worked with Dawn and Amy from the Sheriff's Department on establishing a link to the Sheriff's sex offender website on our town website. He spoke to Ed Rath regarding the park property purchase and budget changes. Survey work on the Swift Mills Bridge is done. Work for 2014 may happen but not for sure. He spoke to Newstead Fire Company officers regarding the senior center doors, spoke to Bruce Buyers regarding County Line Stones future expansion, met with both of the historians, received new AOT 2014/2015 directory, and received the 2013 equalization rates. He received calls regarding noise from Braun's, however noted that any of the complaints on Saturday after 10:30 was not Braun's it was music coming from a wedding reception at Arrowhead. He received an anonymous complaint regarding a property with unlicensed cars and junk, had a highway committee discussion, congratulated the Newstead Fire Company on receiving a \$152,000 grant and thanked everyone involved with the Celebration Committee on the job well done for the 4th of July celebration.

UNFINISHED BUSINESS:

Planning Projects – several items are in process of being addressed.

Conservation issues- Murder Creek- village removed trees on the North side for the access road. The project bond is in and we are just waiting for insurance certificates.

Water projects – bid opening for materials scheduled for July 23rd.

NEW BUSINESS:

Approval- 18,000 sq ft addition- Whiting Door:

A motion was made by Councilman Mayrose, seconded by Councilman York approving the site plan on the proposed a 18,000 sq ft addition by Whiting Door at 113 Cedar St subject to the terms set forth in the resolution.

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

Supervisor Cummings had a discussion with Mr. Whiting regarding the demeanor of the contractor representative who came in with the original site plan. They were very unprofessional, made several unnecessary derogatory comments and he hopes any future contact from them would be better. Mr. Whiting stated he will discuss this issue with them.

Public Hearing- Wind Turbine- 6649 Utley Rd Rapids Rd:

A motion was made by Councilman York, seconded by Councilwoman Whiting approving the calling of a public hearing on the proposed construction of a 140 ft wind turbine by David DeRose at 6649 Utley Rd, to be held on July 28, 2014 at 7:40pm and authorizing the Town Clerk to publish the legal notice.

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

Public Hearing- Wind Turbine- 12607 Stage Rd:

A motion was made by Councilwoman Whiting, seconded by Councilman Mayrose approving the calling of a public hearing on the proposed construction of a 140 ft wind turbine by Andy Kelkenberg at 12607 Stage Rd, to be held on July 28, 2014 at 7:45pm and authorizing the Town Clerk to publish the legal notice.

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

Public Hearing- Wind Turbine- 8016 Greenbush Rd:

A motion was made by Councilman Rooney, seconded by Councilman Mayrose approving the calling of a public hearing on the proposed construction of a 140 ft wind turbine by Ray Schrock at 8016 Greenbush Rd, to be held on July 28, 2014 at 7:55pm and authorizing the Town Clerk to publish the legal notice.

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

Approval- Lateral Restriction request:

A motion was made by Councilman Mayrose, seconded by Councilwoman Whiting approving the lateral restriction hardship exception request by Richard Felber for 11851 Nice Rd to access the waterlines for medical reasons.

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

Approval- Lateral Restriction request:

A motion was made by Councilman Mayrose, seconded by Councilwoman Whiting approving the lateral restriction hardship exception request by Richard Felber for 11861 Nice Rd to access the waterlines for medical reasons.

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

Approval- Comprehensive Assessment Policy:

A motion was made by Councilwoman Whiting, seconded by Councilman Mayrose approving the Comprehensive Assessment Policy as proposed.

Cummings-Aye, Rooney-Aye, Mayrose-Aye, Whiting-Aye, York-No Carried

Approval- Beer/Wine Permit-Veterans Park:

A motion was made by Councilman Mayrose, seconded by Councilwoman Whiting approving the request for a beer/wine permit for a family reunion on August 24, 2014 at Veterans Park.

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

Approval- Beer/Wine Permit-Veterans Park:

A motion was made by Councilwoman Whiting, seconded by Councilman Mayrose approving the request for a beer/wine permit for a graduation party on August 16, 2014 at Veterans Park.

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

Prior to the meeting tonight the board had a 10 minute executive session regarding a personnel issue.

Privilege of the Floor/Question Period: The following spoke:

Shirley Keller of Hunts Corners Road regarding a field ditch on Hunts Corners Rd and new potential youth services for the future.

There being no further business to come before the board a motion was made by Councilwoman Whiting, seconded by Councilman York to adjourn the regular meeting at 8:38pm.

Carried Unanimously

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