

Newstead Town Board Meeting- May 26, 2015

A public hearing was called to order by the Newstead Town Board on Tuesday, May 26, 2015 at 7:55pm at the Newstead Town Hall.

Present: David Cummings- Supervisor
James Mayrose – Councilman
Justin Rooney- Councilman
Donald York- Councilman
John Jendrowski- 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 regarding a **site plan & special use permit request** to operate Smith Auto Sales & Service at **11372 Main Rd** owned by John Smith Jr.

The Clerk read the proof of publication. The Supervisor stated that a Special Use Permit was issued in 2013 but is now null & void due to inactivity on the project. The current site plan remains the same as the one in 2013. In 2015 the planning board voted to approve subject to recommendations and no engineering reviews are required.

Comments: No one appeared to speak.

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

The **regular meeting** of the Newstead Town Board was called to order at 7:58pm with the same members present as listed above.

Councilman Mayrose led the pledge to the flag.

Minutes from the previous regular meeting held on May 11, 2015 were presented for approval. A motion was made by Councilman Mayrose, seconded by Councilman York to approve as presented. Carried Unanimously

Minutes from the joint meeting with the village board held on May 18, 2015 were presented for approval. A motion was made by Councilman Mayrose, seconded by Councilman York to approve as presented. Carried Unanimously

Agenda Changes – a motion was made by Councilman Rooney, seconded by Councilman Mayrose to make the following agenda changes: Remove - N. Motion – Shared Services Agreement
NYSDOT – Town of Newstead, Add – N. Motion – Surplus Highway Equipment

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

Work Session: The Supervisor reported that at work session held last week the following items were discussed: Indigenous Peoples Day, water issues, buildings projects, parks issues, highway issues & joint facility contracts, planning items, grant items, IT services and management access, changes to

terms and conditions and any other matters brought before the Board. A joint meeting was held with the Village Board on May 18, 2015 following the work session where the following were discussed: celebration committee, IT, GIS, Joint Master Plan, Asset Management, Recycling, Sewer/Wastewater, grants, Joint Facility contract, courts, tax freeze, indigenous peoples day..

Agenda Items Question Period: no one spoke

Budget Transfers: a motion was made by Councilman Mayrose, seconded by Councilman Rooney to approve the proposed budget transfer per memo dated 5/26/15 from Bookkeeper Colleen Salmon.
Carried Unanimously

Approval of Bills – Councilman Mayrose reported that the Abstract(s) from Batch(es) #1511 from the May 11, 2015 meeting have been reviewed with the previously un-audited vouchers and everything was found in order. He presented Abstract Batch(es) #1514 for payment. Vouchers on this abstract(s) numbered from 511- 554, totaling \$47,191.85. Councilman York seconded to approve payment as follows:

Abstract Batch(es) #1514:
General Fund (A) -\$19,844.46, General Fund- Outside Village (B) \$117.35, Highway (DA) -\$0, Highway: Outside Village (DB) \$2,264.25, CAP-Murder Creek (HM) \$0, CAP- Scotland Rd (HS)- \$0, CAP- Water Improvement (HW)- \$0, CAP Water-Downey (HW01)- \$0, Drainage (SD)- \$0, Fire Protection (SF) \$24,070.95, Refuse (SR) \$0, Sewer Fund (SS) \$29.00, Sewer District #2 (SS02)- \$69.61, Trust & Agency(TA)- \$0 and Water Districts: Consolidated (SW00) \$796.23 (SW1) \$0, (SW2) \$0, (SW3) \$0, (SW4) \$0, (SW5) \$0, (SW6) \$0, (SW7) \$0, (SW7A) \$0, (SW8) \$0, (SW9) \$0, (SW10) \$0 Total: \$47,191.85
Carried Unanimously

COMMITTEE AND DEPARTMENT HEAD REPORTS:

Highway – completed 1445’ field ditching on Rapids Road, put up loose gravel signs, worked on hot patching, worked on the new bike path with the timber ax, repaired the seal and shroud on truck #9, mowed bike path and road sides, took inventory on water line parts, attended highway meeting and talked with DOT regarding shared services.

Assessor – no report was presented.

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

Clint Stanfield	12869 Clarence Center	Deck
Theresa Karl	5379 Crittenden	Shed
Ariana Albach	5735 Davison	Repair
David Albers	12908 Carney	Solar Panels
Donald Gillies	7914 Fletcher	Solar Panels
Country Meadows Lot#49	11922 Buckwheat	Manufactured Home
Cheryl Buyea	12446 Swift Mills	Solar Panels
Verizon Wireless/Richardson	4678 S Newstead	Cell Tower Maintenance
Joe Alba	12095 Rapids	Roof
Walter Conley	5706 Crittenden	Sunroom
Rothlands Links LLC	12089 Clarence Center	Tent
Stephen Stribing	13125 Steiner	Shed
Akron Airport	John St	Special Event
Tobias Schrock	8249 Greenbush	Pole Barn
Vince Heiderman	6734 Cedar	Lean-to & Roof
David Thering	11208 Clarence Center	Roof
Cory Dukat	11860 Sheila	Shed

The Town Board accepted the report as presented.

Town Clerk- nothing at this time

Attorney for the Town – nothing at this time

COUNCILPERSONS:

Rooney – nothing at this time

Mayrose – he met with Scott Buckley regarding IT issues and met with building department and Assessor staff, the Court Clerk, the Disaster Coordinators and highway department staff.

York – he attended the coalition meeting, library meeting, celebration meeting, Memorial Day breakfast and service.

Jendrowski – he met with Kristine Sutton regarding the library grant and Dave DeYoung regarding the replacement truck.

Supervisor- the April Supervisor’s Report is on file with the Town Clerk. He attended the joint meeting with the Village Board along with the rest of the board members. He met with the Pioneer Cemetery Board, the Disaster Coordinators, the grant writers, the Senior Director, the building department and spoke at the Memorial Day service.

UNFINISHED BUSINESS:

Buildings – grant for library walkway in process and working on moving the handicap door button at the senior center.

Planning – working on wind turbine law changes with the planning board and the Emerald Ash Borer meeting will be held at the Newstead Fire Hall on June 3rd.

Water/Sewer – starting water line on Downey Road on June 1st.

Grants – several are in process including for the park and bike path.

NEW BUSINESS:

Approval- Clarence Central Tax Collection Contract:

A motion was made by Councilman Mayrose, seconded by Councilman Rooney approving the 2015-2016 tax collection contract with Clarence Central School District to collect their Town of Newstead parcels, subject to the terms of the contract.

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

Variance Request- Wind Turbine-11734 Meahl Rd:

Summary of Area Variance Criteria:

1. Whether benefit can be achieved by other means feasible to applicant:
Cummings-Yes, Rooney-Subjective, Mayrose-Yes, York-Abstain, Jendrowski-No
2. Undesirable change in neighborhood character or detriment to nearby properties:
Cummings-Yes, Rooney-No, Mayrose-Yes, York-Abstain, Jendrowski-No
3. Whether request is substantial:
Cummings-Yes, Rooney-Yes, Mayrose-Yes, York-Abstain, Jendrowski-Yes
4. Whether request will have adverse physical or environmental effects:
Cummings-Yes, Rooney-No, Mayrose-Yes, York-Abstain, Jendrowski-No
5. Whether alleged difficulty is self-created:
Cummings-Yes, Rooney-Yes, Mayrose-Yes, York-Abstain, Jendrowski-Yes

A motion was made by Councilman Jendrowski, seconded by Supervisor Cummings to approve the variance request of 94 feet for placing a wind turbine at 11734 Meahl Rd owned by Christopher Milhollen, subject to the terms set forth in the resolution.

(Resolution Attached) Cummings-No, Rooney-No, Mayrose-No, York-Abstain, Jendrowski- Aye
Failed to Pass

Variance Request- Wind Turbine-8268 Fletcher Rd:

Summary of Area Variance Criteria:

1. Whether benefit can be achieved by other means feasible to applicant:
Cummings-Yes, Rooney-No, Mayrose-Yes, York-Abstain, Jendrowski-No
2. Undesirable change in neighborhood character or detriment to nearby properties:
Cummings-Yes, Rooney-No, Mayrose-Yes, York-Abstain, Jendrowski-No
3. Whether request is substantial:
Cummings-Yes, Rooney-Yes, Mayrose-Yes, York-Abstain, Jendrowski-Yes
4. Whether request will have adverse physical or environmental effects:
Cummings-Yes, Rooney-No, Mayrose-Yes, York-Abstain, Jendrowski-No
5. Whether alleged difficulty is self-created:
Cummings-Yes, Rooney-Yes, Mayrose-Yes, York-Abstain, Jendrowski-Yes

A motion was made by Councilman Mayrose, seconded by Supervisor Cummings to approve the variance request of 86 feet for placing a wind turbine at 8268 Fletcher Rd owned by Darren Kanehl, subject to the terms set forth in the resolution.

(Resolution Attached) Cummings-No, Rooney -Aye, Mayrose-No, York-Abstain, Jendrowski- Aye
Failed to Pass

Variance Request-Wind Turbine-7722 Moore Rd:

Summary of Area Variance Criteria:

1. Whether benefit can be achieved by other means feasible to applicant:
Cummings-Yes, Rooney-No, Mayrose-Yes, York-Abstain, Jendrowski-No
2. Undesirable change in neighborhood character or detriment to nearby properties:
Cummings-Yes, Rooney-No, Mayrose-Yes, York-Abstain, Jendrowski-No
3. Whether request is substantial:
Cummings-Yes, Rooney-Yes, Mayrose-Yes, York-Abstain, Jendrowski-Yes
4. Whether request will have adverse physical or environmental effects:
Cummings-Yes, Rooney-No, Mayrose-Yes, York-Abstain, Jendrowski-No
5. Whether alleged difficulty is self-created:
Cummings-Yes, Rooney-Yes, Mayrose-Yes, York-Abstain, Jendrowski-Yes

A motion was made by Councilman Jendrowski, seconded by Supervisor Cummings to approve the variance request of 75 feet and 72 feet for placing a wind turbine at 7722 Moore Rd owned by Bonnie Dee, subject to the terms set forth in the resolution.

Councilman Mayrose stated before the vote that this is a 39 acre parcel and there is more than enough room to place the turbine somewhere else on the property.

(Resolution Attached) Cummings-No, Rooney -No, Mayrose-No, York-Abstain, Jendrowski- No
Failed to Pass

Variance Request-Wind Turbine-12067 Nice Rd:

Summary of Area Variance Criteria:

1. Whether benefit can be achieved by other means feasible to applicant:
Cummings-Yes, Rooney-No, Mayrose-Yes, York-Abstain, Jendrowski-No
2. Undesirable change in neighborhood character or detriment to nearby properties:
Cummings-Yes, Rooney-No, Mayrose-Yes, York-Abstain, Jendrowski-No
3. Whether request is substantial:
Cummings-Yes, Rooney-Yes, Mayrose-Yes, York-Abstain, Jendrowski-Yes
4. Whether request will have adverse physical or environmental effects:
Cummings-Yes, Rooney-No, Mayrose-Yes, York-Abstain, Jendrowski-No
5. Whether alleged difficulty is self-created:
Cummings-Yes, Rooney-Yes, Mayrose-Yes, York-Abstain, Jendrowski-Yes

A motion was made by Councilman Rooney, seconded by Supervisor Cummings to approve the variance request of 192.5 feet for placing a wind turbine at 12067 Nice Rd owned by Dan Andrusz, subject to the terms set forth in the resolution.

(Resolution Attached) Cummings-No, Rooney -No, Mayrose-No, York-Abstain, Jendrowski- Aye
Failed to Pass

Approval- Wind Turbine-7269 Sandhill Rd:

A motion was made by Councilman Jendrowski, seconded by Councilman Mayrose approving the request for 140' wind turbine at 7269 Sandhill Rd owned by Don York, subject to the terms set forth in the resolution.

Councilman Mayrose stated this originally needed a variance but the site of the tower has been moved so the fall zone is on owner's property so the variance has request was removed.

Supervisor Cummings stated what is being approved is what was proposed in February.

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

Approval- Lead Agency/Site Plan/Special Use Permit-11372 Main Rd:

A motion was made by Councilman York, seconded by Councilman Rooney issuing a negative SEQR declaration and approving the request for site plan/special use permit for a used auto sales & service at 11372 Main Rd owned by John Smith Jr., subject to the terms set forth in the resolution.

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

Lead Agency – Site Plan- 11234 Main Rd:

A motion was made by Councilman Rooney, seconded by Councilman Mayrose to declare Lead Agency and conduct a coordinated review with regards to the construction of 11 new self-storage buildings totaling 44,725 sq. ft. located at 11234 Main Road.

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

Public Hearing- Site plan- 11234 Main Rd:

A motion was made by Councilman Rooney, seconded by Councilman Mayrose approving the calling of a public hearing regarding the proposed construction at 11234 Main Rd, to be held on June 8, 2015 at 7:50pm and authorizing the Clerk to publish the legal notice.

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

Award of Masonry Restoration Contract:

A motion was made by Councilman York, seconded by Councilman Mayrose approving the bid by Highland Masonry for the masonry restoration work on the Town Hall building in the amount of \$23,800.00.

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

Approve the Observation of Indigenous Peoples Day:

A motion was made by Councilman Rooney, seconded by Supervisor Cummings approving that the Town of Newstead will recognize and celebrated Indigenous Peoples Day on the 2nd Monday every October and form a committee to develop educational programs throughout the year.

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

Award of Roofing Contract:

A motion was made by Councilman Jendrowski, seconded by Councilman Mayrose approving the bid by Young Enterprises to reroof the shelter building at the 40 Skyline Drive park in the amount of \$8,600.

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

Appointment- Disaster Coordinator:

A motion was made by Councilman Mayrose, seconded by Councilman York approving the appointment of Daniel Kowalik to the position of Disaster Coordinator for the remainder of 2015 at a salary of \$1672 prorated.

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

Approval- Training- ZBA member:

A motion was made by Councilman Mayrose, seconded by Councilman York approving the request to attend a training session by ZBA Chairman Bill Kaufman.

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

Approval-Highway Department Surplus Equipment:

A motion was made by Councilman Mayrose, seconded by Councilman Rooney to allow the Town Highway Superintendent to declare the following equipment as surplus and to sell such items through the Auction International:

1. 1987 Gradall
2. (Home Made) Pull trailer (no registration or license)
3. 2009 Ford F350 Pick up with plow
4. 2010 Kubota Zero Turn 20331 Mower
5. (1) Fuel Tank Gas & Diesel (both 55 gallons)

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

Privilege of the Floor/Question Period:

Scott Ludtka of 7757 Moore Rd. questioned the variance requests with significant amounts. What will prevent these from coming back? Supervisor Cummings said the moratorium that is currently in place will postpone any new applications. The Town Board, Planning Board and CEO will be working on the new law which will then go to a public hearing.

Mr. Ludtka also suggested the town call local bricklayers to do the work needed on the town hall or develop specifications for the repointing to add the depth of grinding to be done.

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 9:00pm in honor of all the veterans who have passed. Carried Unanimously

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