

Newstead Town Board Meeting- January 12, 2009

A Public Hearing was called to order by the Newstead Town Board on Monday, January 12, 2009 at 7:50pm at the Newstead Town Hall.

Present: David Cummings– Supervisor
Harold Finger- Councilman
Justin Rooney- Councilman
Cheryl Esposito- Councilwoman
Nathan Neill- Town Attorney
Mike Bassanello- Highway Supt.
Scott Rybarczyk- Town Engineer
John Good- Code Enforcement Officer
Dawn D. Izydorczak- Town Clerk

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

The Supervisor called the public hearing on the proposed Buffalo Shooting Club project on Billo Rd to order at 7:50PM.

The Clerk read the proof of publication.

The Supervisor first apologized for an ad that someone placed in the Pennysaver with erroneous information in it that stated the meeting started at 7:00pm, when it in fact was not scheduled to start until 7:50pm as advertised in the Akron Bugle by the Town. He then explained the project course over the past two years at the Planning Board level and that board's recommendations.

Representatives from the Buffalo Shooting Club, their engineers and attorneys gave a lengthy presentation on the project. They explained actually both Newstead and Alden are involved in the project. The property is currently zoned R-A, which is an appropriate zoning for a gun club in Newstead with a Special Use Permit to be granted. They have had numerous studies done to show the project will have no environmental impact. The hours of operation are set to be Wednesday from 6pm-9pm, Saturdays from 10am-2pm and Sundays from 9am-1pm with 2 to 3 tournaments scheduled on an annual basis which would never extend hours on a tournament day past 3:30pm. Their average number of participants is 70 people, with a maximum on tournament days of 150 people. Issues they have addressed with the town, county, state and federal agencies are noise, the qualified abandonment of Billo Rd and reconstruction of the road, drainage, federal wetlands on the site, DEC remediation of the old quarry site (mining permit to be transferred to new owners) and lead remediation issues for the future. They understand everyone's concerns and have worked diligently to address all those concerns raised. Record keeping of all current and future testing will be kept on site for inspection by the town or anyone concerned.

Comments:

Rodney Szczepaniak of 4301 Billo Rd stated they can hear the Sheriffs when they practice as well as the many hunters in the area when they shoot. He questioned how they can say there will be little or no noise and also questioned why the club left Amherst to begin with.

The President of the Buffalo Gun Club, Patrick McHugh, addressed why they are moving is they outgrew their Amherst facility and were offered a good price for the property. Jeff Palumbo addressed the noise factors stating the Sheriffs and hunters use totally different types of guns and shots than the gun club does in addition to the Sheriffs facility being located on a hill, whereas the Gun Club facility will be located in a bowl type setting. Studies have found the noise from the NYS Thruway is louder and actually will mask any potential noise from the club.

Bill Lorenz of 4231 Billo Rd questioned if there will be a bond securing funds to clean up the site in case the gun club goes bankrupt or decides to leave the area. He also questioned if the permit is granted and the noise levels end up not being in acceptable ranges can the town shut them down?

The Supervisor stated no, but they would be made to comply to set standards and their agreements on the special use permit, which needs to be renewed annually.

Bruce Paycon who owns property on Wahl & Billo Roads stated he knows the water table there is very shallow and he is concerned with polluting the lakes which many people fish in, as well as the resale value of his property declining.

Eric Ahl of 4265 Billo Rd stated he feels 150 people shooting all day will be too much noise even if it is only for 1 or 2 days per year during tournaments.

Doug Brauer of 11454 Hiller Rd questioned if a depreciation study was done on the property values near the gun club when it was in Amherst. He state the gun noise is annoying and he believes property values will still go down. He asked if his taxes will go down.

The gun club representatives stated no property value studies were done in Amherst.

Bob Cox of Steiner Rd questioned the actual hours of operation and if those hours will be stipulated in the special use permit to be issued.

Newstead Planning Board Chairman Tom Cowan stated yes they will be stipulating conditions such as hours of operation, maximum number of people allowed at one time, as well as several other issues in the permit. Tom stated the public comments and information gathered from tonight's hearing will be taken back to the Planning Board for consideration in the special use permit. They have gone thru all the reports and studies carefully and feel a thorough job has been done on this project. He agrees with the club that the Sheriffs facility uses a totally different shot with significantly higher noise values than the gun club shots that are used.

Alden Planning Board Chairman Ralph Witt stated when this project first came before his board he was initially opposed to the project, but thru the process at his Planning Board he has been impressed with the studies done and the efforts of the gun club. He has attended several "shooting study" sessions held on the Billo Rd site and was very surprised at the lack of sound other than the Thruway noise.

Jim Greco of Genesee Street in Lancaster stated anyone living in that area deals with the noise from the Sheriffs facility, the Thruway and Lancaster Speedway during the summer. He feels the noise from the speedway is far worse than any of the others and does not feel there will be a significant noise factor from this site.

The Supervisor stated all the comments from tonight will go back to the Planning Board and then that board will make recommendations to the Town Board. Anyone interested in finding out the meeting dates when this will be addressed can contact his office, but he is anticipating at least 2 -4 weeks before it is addressed again.

There being no further comments, a motion was made by Councilman Finger, seconded by Councilman Rooney to close the public hearing at 8:35pm. Carried

A regular meeting of the Newstead Town Board was called to order at 8:40pm with the same members present as listed above.

Town Engineer Scott Rybarczyk led the pledge to the flag.

Minutes from the previous regular meeting held on December 29, 2008 and the Organizational Meeting held on January 5, 2009 were presented for approval. A motion was made by Councilman Finger, seconded by Councilwoman Esposito to approve as presented. Carried

Communications – The Town Clerk presented the following:

A letter from Councilman Rooney stating he is declining his pay raise for 2009.

A notice from the Erie County Department of Senior Services announcing HEAP sign up dates and locations throughout Erie County in the month of January.

The 4th Quarter Report was received from Allied Waste reporting 1,809+/- residential units collected for with 426.75+/- tons of solid waste collected and 94.74 tons of co-mingled recyclable materials collected.

A packet was received from the Association of Towns regarding dates, sessions and agendas for its annual conference in New York City.

The December 2008 Operations Report was received from Amherst Fire Alarm Office reporting 50 calls for Akron Fire Co. and 24 calls for Newstead Fire Co.

A copy of "Current Issues in Economics and Finance- Second District Highlights" was received from the Federal Reserve Bank of New York.

A letter from Time Warner Cable announcing the 42 programmers agreements they are currently under negotiations with.

A memo from Erie County Department of Environment and Planning announcing on-line tutorials offered by the Department of State that will offer 4 hours of annual training for planning and zoning board members. They are also requesting officials and planning/zoning board members contact information for a mailing database.

A letter from the NYS Department of State acknowledging receipt and filing of Local Law #5 of 2008 on December 19, 2008.

A motion was made by Councilman Finger, seconded by Councilman Rooney to receive and file correspondence as presented. Carried

Work Session: The Supervisor reported that at the last work session held the following issues were discussed: water district issues, Joint Facilities project, grant submissions, planning issues, assessment issues, organizational matters, and any other items found necessary.

Privilege of the Floor – Chief Patrick Flynn from the Erie County Sheriff's office brought greetings from Sheriff Howard and informed the Board that 8 new deputies will be starting basic training soon in an effort to replace several deputies lost to retirement over the past few years. He will continue to keep the town informed as the year progresses.

Budget Transfers: A motion was made by Councilwoman Esposito, seconded by Councilman Finger approving the year end budget transfers per a memo from Bookkeeper Colleen Salmon dated 1/12/2009. Carried

Approval of Bills -Councilwoman Esposito reported that the Abstracts from Batches #779 & 780 from the December 29, 2008 meeting have been reviewed with the previously UN-audited vouchers and everything was found in order. She presented Abstract Batch #782 & 784 for 2008 and #783 & 785 for 2009. Vouchers on these abstracts numbered 1333-1382 for 2008 and 1-23 for 2009 totaling \$201,179.98 and were presented by Councilwoman Esposito, seconded by Councilman Finger to approve payment as follows:

Abstract Batch #782, 783, 784 & 785:

General Fund (A) -\$34,934.99, General Fund- Outside Village (B) \$626.76, Highway (DA) -\$0, Capital Projects: CAP-WD#10-phase 2 (HI)- \$0, Murder Creek Stabilization (HM) - \$0, Highway: Outside Village (DB) \$11,698.20, Drainage (SD)- \$0, Fire Protection (SF) \$4,440.24, Refuse (SR) \$26,470.35, Sewer Fund (SS) \$0, Sewer District #2 (SS02)- \$142.50, and Water Districts (SW1) \$40.20, (SW2) \$88.44, (SW3) \$112.56, (SW4) \$112.56, (SW5) \$118,562.04 (SW6) \$305.52, (SW7) \$426.12, (SW7A) \$48.24, (SW8) \$32.16, (SW9) \$88.44, (SW10) \$3,050.66, Trust & Agency(TA)- \$0

Total: \$201,179.98

Carried

COMMITTEE AND DEPARTMENT HEAD REPORTS:

Highway – nothing to report

Assessor – report presented on tentative equalization rate for 2009 from ORPS indicating current assessments are very close to market values and everything is right where it should be.

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

John Smith Jr.	11372 Main	Sign
Buffalo Drilling Co.	12264 Main	Fuel tank
John Potera	7654 Maple	Roof

The Town Board accepted the report as presented.

Town Clerk- 2008 Annual Report was given to Board members.

Attorney for the Town – nothing at this time

COUNCILPERSONS:

George- not present

Finger- has been working with Supervisor Cummings on meeting with contractors to perform work at library lower level. He has also been addressing water damage issues on some other town buildings.

Rooney- distributed Recreation Board minutes. The next meeting of the Rec Board is February 19th. He thanked Evan Falkowski for writing all the reports on the men’s basketball league for the Bugle articles. He took the challenge and has been doing a great job according to Dan Roland.

Esposito- she has been receiving a lot of positive feedback on the ice skating rink being open again and thanked the Supervisor for his role in getting the rinks open again.

SUPERVISOR- attended the monthly NEST meeting, an Association of Erie County Governments meeting on the federal stimulus package and how it will affect the county as well as the towns. All towns in WNY submitted several projects for consideration under the stimulus plan including Newstead, which will all be forwarded to Congresswoman Slaughter who is the head of the Ways & Means Committee. He met new Legislator Ray Walter today who came into the town hall to meet all the staff and get acquainted with those in his district.

The Supervisor also reported on several pieces of erroneous information that was reported in the Buffalo News regarding action on staff appointments at the Organizational Meeting. A retraction was printed on Thursday by the paper.

UNFINISHED BUSINESS:

Water District #10- Phase 4/Consolidation- continuing with USDA Rural Development on funding as well as submitting packet to stimulus projects list.

Shared Public Works Facility Committee- nothing new.

GIS- all equipment is being set up and a meeting will be scheduled at end of January to set training schedules.

Grants- several applications have been submitted on projects and we are now waiting for comments or results of the applications.

NEW BUSINESS:

Highway Expenditures for 2009:

A motion was made by Councilman Finger, seconded by Councilwoman Esposito authorizing the expenditure of funds from New York State for the repair of various roads throughout the town and authorizing the board and Highway Supt. to execute the agreement form.

(Resolution Attached) Cummings-Aye, George-Absent, Finger-Aye, Rooney -Aye, Esposito-Aye
Carried

2009 Contract with Wendel Duchscherer:

A motion was made by Councilman Rooney, seconded by Councilman Finger authorizing the renewal of the contract with Wendel Duchscherer for engineering services for 2009 and authorizing the Supervisor to execute the agreement contract.

(Resolution Attached) Cummings-Aye, George-Absent, Finger-Aye, Rooney -Aye, Esposito-Aye
Carried

2009 Contract with Grant Services of WNY:

A motion was made by Councilwoman Esposito, seconded by Councilman Rooney authorizing the renewal of the contract with Grant Services of WNY for grant writing services for 2009 and authorizing the Supervisor to execute the agreement contract.

(Resolution Attached) Cummings-Aye, George-Absent, Finger-Aye, Rooney -Aye, Esposito-Aye
Carried

2009 Nutrition Contract for Senior Center:

A motion was made by Councilman Finger, seconded by Councilman Rooney authorizing the renewal of the 2009 Nutrition Contract with Erie County for nutrition services at the Newstead Senior Center and authorizing the Supervisor to execute the agreement contract.

Cummings-Aye, George-Absent, Finger-Aye, Rooney -Aye, Esposito-Aye Carried

Planning Board Appointment:

The term of Rick Meahl on the Planning Board expired 12-31-2008. Mr. Meahl has declined reappointment. A motion was made by Councilman Rooney, seconded by Councilwoman Esposito to appoint Erik Polkowski to serve as a Planning Board Member for a seven-year term expiring 12/31/2014.

Cummings-Aye, George-Absent, Finger-No, Rooney -Aye, Esposito-Aye Carried

Zoning Board Appointment:

The term of Erik Polkowski on the Zoning Board of Appeals expired 12-31-2008. A motion was made by Councilman Rooney, seconded by Councilwoman Esposito to appoint Adam Burg to serve as a Zoning Board Member for a five-year term expiring 12/31/2012.

Cummings-Aye, George-Absent, Finger-Aye, Rooney -Aye, Esposito-Aye Carried

Amendments to 2009 Fee Schedule:

A motion was made by Councilman Finger, seconded by Councilwoman Esposito approving the requested amendments to the 2009 Town of Newstead Fee Schedule due to errors discovered in the version adopted at the Organizational meeting.

Cummings-Aye, George-Absent, Finger-Aye, Rooney -Aye, Esposito-Aye Carried

Court Personnel Incentive Raises Requests:

A motion was made by Councilman Finger, seconded by Councilwoman Esposito approving the request by court clerks Sandy Pietrowski & Judy Bell for incentive raises as provided for in the terms & conditions of employment.

(Resolution Attached) Cummings-Aye, George-Absent, Finger-Aye, Rooney -Aye, Esposito-Aye
Carried

Highway Personnel Step Raises Requests:

A motion was made by Councilman Rooney, seconded by Councilman Finger approving the Request and recommendation by the Highway Superintendent to remove Chris Bower from probation and grant him a step increase in pay as provided for in the union contract for highway employees.

Cummings-Aye, George-Absent, Finger-Aye, Rooney -Aye, Esposito-Aye Carried

Recreation Board Appointment:

A motion was made by Supervisor Cummings, seconded by Councilman Rooney to appoint John Chubb to the Recreation Board for a term to expire on 12/31/2011.

Cummings-Aye, George-Absent, Finger-Aye, Rooney -Aye, Esposito-Aye Carried

National Grid Street Light Proposal Authorization:

A motion was made by Councilman Finger, seconded by Councilwoman Esposito approving the proposal by National Grid for the addition of six 150 watt lamps to be added to existing poles located along Buell Street between Skyline Drive and Main Rd and authorizing the Supervisor to sign the agreement.

Cummings-Aye, George-Absent, Finger-Aye, Rooney -Aye, Esposito-Aye Carried

Question Period- no one spoke

The Board went into executive session to discuss the Highway Contract negotiations. They exited executive session at 9:35pm.

There being no further business to come before the board a motion was made by Councilman Finger, seconded by Councilwoman Esposito to adjourn the meeting at 9:35pm.

Carried

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