

## Newstead Town Board Meeting- March 28, 2005

A Public Hearing was called to order by the Newstead Town Board on Monday, March 28, 2005 at the Newstead Town Hall at 7:30PM.

Present: Gerald F. Summe, Supervisor  
Tom George- Councilman  
Harold Finger- Councilman  
Scott Chaffee- Councilman  
Mark Decker- Councilman  
Christine Falkowski- Building Admin.  
Dale Kruschke- Highway Supt.  
Andrew Casolini- Town Engineer  
Dawn Izydorczak- Town Clerk  
Kathleen McLeod Lang- Deputy Clerk

Roll Call was taken with all board members present.

Arlene Richardson led the pledge to the flag.

The Supervisor called the Public Hearing to order on the creation of a town-wide drainage district, which has been 15 months in creation.

The Clerk read the proof of publication.

Town Engineer Andrew Casolini explained proposed plan would not include any closed drainage systems. They will focus first on streams and ditches. The work will mostly be handled by the town highway department and village public works department.

Supervisor Summe has had an increasing number of calls on drainage problems each year.

Comments:

Charles Green, 7534 Scotland Road stated he had concerns that the nearby stream comes up and floods the fields each year near his residence. The Erie County Highway did some work on the bridge and road several years ago. He questioned if that area is slated for any work.

Mr. Casolini addressed his concerns with stating that the area is already on their agenda.

Justin Rooney, 32 Bloomingdale, questioned what is the first project on their agenda?

Mr. Casolini responded that Brucker Road, Aakron Rule, McNeeley Road and Hake are currently on the agenda for this year. Easements are obtained on these and the projects are proceeding. They are prioritizing projects based on need.

Arlene Richardson, 4678 South Newstead Road, stated that the Federal revenue sharing started projects years ago when she was Supervisor. She questioned Item #4 on the District Wide Drainage plan regarding the District Board. Will the current committee be that District Board?

Supervisor Summe stated the current committee would be a recommending board to the Town Board on projects.

Arlene also questioned Item #5-District Costs- Culvert repairs are a cost, but will this be covered?

The Supervisor responded it is clarified as "off the roadway" issues, and not a typical culverts. The Supervisor will look at re-wording that section to better define this section #5. Easements are critical to making these projects work along with cooperation of property owners. Establishment of District allows funding to be retained year to year.

There being no further comments, a motion was made by Councilman Finger, seconded by Councilman Chaffee to close the public hearing on the creation of a town-wide drainage district at 7:57pm.  
Carried Unanimously

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

Minutes from the previous regular board meeting held on February 28, 2005 and the special meeting held on March 7, 2005 were presented for approval. A motion was made by Councilman Decker, seconded by Councilman Chaffee to approve as presented.  
Carried Unanimously

**Communications** – The Town Clerk presented the following:

A letter from the owners of The Links at Ivy Ridge advising the town board of their intent to apply for a liquor license at the 12089 Main Road location.

A letter from Erie County's Executive office announcing its search for members to sit on the Erie Community College Board of Trustees. Interested Erie County residents aged 18 and older can submit a resume to: Thomas P. DeMartino, Esq., Office of the County Executive, 95 Franklin St., Buffalo, NY 14202. There is one seven year- term seat on the committee available.

A letter from the owners of R&J of WNY advising the town board of their intent to re-apply for their liquor license at the 11891 Main Road location.

A letter from TX Mobile/Sprint announcing new discounts and promotions for government employees. The information pamphlets have been distributed to town employees.

The 12<sup>th</sup> annual Southern Tier West Local Government Conference will be held this year at Houghton College for a full one day session on May 12, 2005. Anyone interested should see the Town Clerk for an information brochure and class offerings.

A Notice of Filing was received from the Department of State notifying the board that Local Law No. 1 of 2005 was filed on February 24, 2005.

A certified resolution was received from the Erie County Legislature confirming the approval and re-certification of the Alden-Newstead Agricultural District No.1 and Clarence-Newstead Agricultural District No. 14 with modification of the anniversary dates of November 18, 2004 and April 9, 2004 respectively.

An Acknowledgement of Notice of Intent was received from the NYS DEC regarding the Water District No. 10 waterline construction.

The Determination Order and a certified resolution were received from the Village of Akron Board regarding the annexation of the sewer plant property into the village.

A letter from the operator of Dande Grill on the Green advising the town board of their intent to re-apply for their liquor license at the 13278 Carney Road location.

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

**Work Session:** Supervisor Summe reported that a work session was held last week and the following issues were discussed: Water District #10, Water Tank, new Town Hall rear entrance, Local Law No. 2 for 2005, Plumbers Licenses, County Park property, major sub-division regulations, drainage, Rt. 5 re-zoning meeting, Davison Road fire and Highway Supt. Issues.

**Privilege of the Floor** – David Parczyk, 92 East Avenue, spoke regarding an Akron Airport issue. He called the airport last week questioning whether the training sessions at the airport were supposed to be moved to Batavia. The person who answered the phone (RJ) basically ignored his questions and set the phone down and walked away, leaving him on the line. He feels nothing has changed in the airport committee's attitudes. He was treated rudely and feels now that the airport has their approvals and received all the items requested on their project, things are back to normal. Training has not been moved to Batavia as promised.

The Supervisor will call them and check into these concerns.

**Approval of Bills** -Councilman Decker reported that the Abstract from Batch #372 & 373 from the March 7, 2005 meeting has been reviewed with the previously UN-audited vouchers and everything was found in order. He presented Abstract Batch #382 & 383. Vouchers on these abstracts numbered 238-239 and 240-310, totaling \$789,766.23 and were presented for payment approval by Councilman Decker, seconded by Councilman Finger to approve payment.

Abstract Batch 382 & 383:

General Fund (A) -\$124,818.63, Fund (B) \$2,032.93, Highway (DA) -\$0, Highway: Outside Village (DB) \$3,782.33, Capital Projects- CAP-WD#10 (HI)- \$14,466.00, Town Hall (HK)- \$561,165.53, Fire Protection (SF) \$0, Refuse (SR) \$0, Sewer Fund (SS) \$23.78, Sewer District #2 (SS02)- \$70.67, and Water Districts (SW1) \$0, (SW2) \$0, (SW3) \$0, (SW4) \$0, (SW5) \$73,782.36, (SW6) \$0, (SW7) \$0, (SW7A) \$2,588.00, (SW8) \$0, (SW9) \$7,036.00, (SW10) \$0, Totaling \$789,766.23.

Carried Unanimously

## **COMMITTEE AND DEPARTMENT HEAD REPORTS**

**Highway** –Superintendent Dale Kruschke announced the Annual Tire Drop-Off date will be Saturday, April 30<sup>th</sup> from 9am-12pm and the White Metal Pick-up will begin May 2, 2005.

**Assessor** – Only 30% of exemption renewals in with only another month until deadline. Attended Manufactured Home Valuation seminar and will begin looking at the parks after July 1<sup>st</sup>. Scheduled a meeting with Wendel to discuss potential water tank issues. Town has opted to stay on a 3-year re-valuation schedule.

**Building Office** –the following building report was presented by the Building Administrator Christine Falkowski:

|                         |                  |                     |
|-------------------------|------------------|---------------------|
| Ivy Ridge Equities Corp | 12089 Main       | Golf Clubhouse      |
| Whiting Door Mfg Corp   | 113 Cedar St     | Industrial Building |
| Newstead Fire Co        | 5691 Cummings Rd | Storage Building    |

A motion was made by Councilman Chaffee, seconded by Councilman George to accept and approve the Building Report and Zoning Report as presented. Carried Unanimously

**Town Clerk**- Presented February Dog Control Report on behalf of DCO. 2005 Tax Collection is 92% complete. We have requested the collection extension from the County and anticipate collecting through June 30<sup>th</sup>. Web page still averaging 75 – 85 hits per month. Compliments received recently from new residents who used our web site and found all the information they were looking for to learn about the town. They found the web page very easy to navigate.

**Attorney for the Town** – Not present

## **COUNCILPERSONS**

**Chaffee** –Reported there are a couple of interested parties at this time in the Old Town Hall property. It was shown again today.

**George** –Nothing at this time

**Finger**-The roof repair at the Highway Garage is working well. Has had meetings with the Seniors on operational issues. He also met with Parks groups on County and Town Parks use and schedules.

**Decker**-Nothing at this time

**SUPERVISOR** – There are 3 months of Supervisor Reports in Town Clerks office for review. The Town and County Tax bills were printed for 2005 showing a 6% difference, which should have been a decrease, not an increase. He has attended several meetings with Erie County officials in the last 2-3 weeks on parks and snowplowing issues. The Town of Newstead plows more county roads than any other town its size. He has informed the county we need to know if there will be changes to our

salt orders for remainder of year and what changes are needed for next years Budget. He has also met with County, Town, and Village officials, the Soccer boards and Baseball boards. It does not look like the County is enthusiastic about letting the groups use the parks and he should know tomorrow what the outcome will be.

**UNFINISHED BUSINESS**

**Water District #10/ Water Tank-**The notices went out to Sergi Construction. Meetings are being scheduled to discuss issues and begin construction.

**Town Wide Drainage-**This was discussed earlier and will wait for adoption to discuss with the committee.

**Town Hall Project-** Accessible entry for courtroom will start next week with work done by June.

**Change Order to Existing Contracts for Town Hall Project:**

A motion was made by Councilman George, seconded by Councilman Finger to approve the following change orders to existing contracts: Boxhorn-\$99,000.00, GPS-\$2,000.00, Triton Mechanical-\$850.00

Ayes-5                      Nays-0                      Carried Unanimously

**Route 5 Zoning-**Meeting with Wendy next week on issue for updates and slide presentation of tour.

**Plumber's License-**It is continuing with more information next meeting.

**Shared Public Works Facility Committee-**Dave Duchchserer to give a presentation after regular meeting with Village of Akron.

**NEW BUSINESS:**

**Site Plan Amendment & Neg Dec- Arrowhead Golf Course:**

A motion was made by Councilman Chaffee, seconded by Councilman George approving the proposed amendments to the Arrowhead Golf Course site plan for a 5,376 sq. ft. golf cart building and issuing a negative SEQR declaration on the project as amended.

(Resolution Attached)                      Ayes-5                      Nays-0                      Carried Unanimously

**Public Hearing –Dollar General:**

A motion by Councilman Decker, seconded by Councilman George to hold a Public Hearing on April 11, 2005 at 7:40 PM at Newstead Town Hall to hear comments on the proposed site plan for a retail store to be constructed at 12968 Main Rd by Dollar General.

(Resolution Attached)                      Ayes-5                      Nays- 0                      Carried Unanimously

**Town Park Appropriation:**

A motion was made by Councilman Finger, seconded by Councilman Decker to authorize the amending of the 2005 Budget to reflect the appropriation of a \$10,000 grant received for the Town Park property to purchase park amenities.

(Resolution Attached)                      Ayes-5                      Nays-0                      Carried Unanimously

**Public Hearing- MGA Research:**

A motion by Councilman George, seconded by Councilman Finger to hold a Public Hearing on April 11, 2005 at 7:50 PM at Newstead Town Hall to hear comments on the proposed site plan for a metal building to be constructed at 12790 Main Rd by MGA Research.

(Resolution Attached)                      Ayes-5                      Nays –0                      Carried Unanimously

**Assessor Training Request:**

A motion was made by Councilman Decker, seconded by Councilman Chaffee approving the request by Assessor Rebecca Baker to attend a training session named “Intro to Farm Appraisal” in Batavia, NY.

Ayes-5                      Nays-0                      Carried unanimously

**Waiving Waiting Period**

A motion was made by Councilman Chaffee, seconded by Councilman George, to waive the 30-day waiting period of Dande Grill on the Green for their liquor license.

Ayes-5                      Nays-0                      Carried unanimously

**Question Period-** No one spoke

This meeting will be followed by a joint meeting of the Village and Town Boards.

There being no further business to come before the board a motion was made by Councilman Finger, seconded by Councilman Chaffee to adjourn the meeting at 8:33 PM.

Carried Unanimously

Respectfully Submitted,

Dawn D. Izydorczak, Town Clerk