

## Newstead Town Board Meeting- May 11, 2009

A Public Hearing was called to order by the Newstead Town Board on Monday, May 11, 2009 at 8:05pm 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 Izydorzak- Town Clerk  
Jennifer Heberling- Deputy Clerk

Roll Call was taken with all board members present except Councilman George.

The Supervisor called the public hearing on a project located at 12690 Main Rd by owner Michael Shields to order at 8:05pm.

The Town Clerk read the proof of publication.

There were no comments from any state agencies. Wendel recommends approval.

Comments: No one spoke.

There being no other comments a motion was made by Councilman Finger, seconded by Councilman Rooney to close the public hearing on the Shields project at 8:07pm. Carried

A regular meeting of the Town Board was called to order at 8:07pm with all the same members present as listed above.

Supervisor Cummings led the pledge to the flag.

Minutes from the previous regular meeting held on April 27, 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 was received from Director of Senior Services Theo Abraham announcing her retirement from that position at the Senior Center effective June 30, 2009.

A notice of public hearing was received from the Town of Pembroke on several proposed local laws for their town to be held on May 13, 2009 at 7:00pm at the Pembroke Town Hall.

The April 2009 Operations Report was received from Amherst Central Alarm office reporting 45 calls for Akron Fire Co and 27 calls for Newstead Fire Co.

A letter from resident Chad Crofford requesting a speed study be done on Cedar Street from the Village-Town border to past Brucker Rd.

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

**Work Session:** The Supervisor reported that at the work session held last week the following issues were discussed: water district issues, Joint Facilities, grant submissions, planning issues, Newstead Library projects, village-town issues, personnel issues and any other items found necessary. A joint meeting of the Town & Village Boards was held following the work session.

**Privilege of the Floor** – Vicki Lombard expressed her concerned about getting water extended on Downey Road to her vacant lot on which she is planning on building a home on this year.

**Budget Transfers:** a motion was made by Councilman Finger, seconded by Councilwoman Esposito approving the budget transfers as requested by Bookkeeper Colleen Salmon in a memo dated 5/11/09. Carried

**Approval of Bills** -Councilwoman Esposito reported that the Abstracts from Batches #823, 824 & 825 from the April 27, 2009 meeting have been reviewed with the previously UN-audited vouchers and everything was found in order. She presented Abstract Batch #829. Vouchers on this abstract numbered 448- 497 totaling \$74,625.31 and were presented by Councilwoman Esposito, seconded by Councilman Rooney to approve payment as follows:

Abstract Batch #829:

General Fund (A) -\$14,700.51, General Fund- Outside Village (B) \$64.25, Highway (DA) -\$0, Capital Projects: CAP-WD#10-phase (HI)- \$0, Library Basement (HR04)- \$0, Murder Creek Stabilization (HM) - \$0, Highway Garage- Cap (HG) - \$0, Highway: Outside Village (DB) \$17,336.08, Drainage (SD)- \$0, Fire Protection (SF) \$4,314.80, Refuse (SR) \$31,752.97, Sewer Fund (SS) \$0, Sewer District #2 (SS02)- \$0, and Water Districts (SW1) \$40.20, (SW2) \$88.44, (SW3) \$112.56, (SW4) \$112.56, (SW5) \$2,420.04, (SW6) \$305.52, (SW7) \$426.12, (SW7A) \$48.24, (SW8) \$32.16, (SW9) \$88.44, (SW10) \$2,802.42, Trust & Agency(TA)- \$0  
Total: \$74,625.31 Carried

**COMMITTEE AND DEPARTMENT HEAD REPORTS:**

**Highway** – summer hours in effect: Mon- Thurs, from 7am - 5pm. The crews are working on getting the trucks ready to start road work on May 26<sup>th</sup> with oil & stone. He has received no update on the Cedar Street bridge work except they may be using Swift Mills now as a detour road.

**Assessor** – nothing to report. May 26<sup>th</sup> is Grievance Day.

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

Tom Depczynski	7223 Sandhill	pellet stove inspection
Brian Criswell	11470 Tonawanda Creek	pole barn
Benderson Development	12963 Main	Signs
Golden Pond Estates	Lot #179	Roof
Golden Pond Estates	Lot #181	Roof
Golden Pond Estates	Lot #110	Roof
Ty Critelli	12445 McNeeley	Addition
Justin Gerstung	7238 Cedar	Deck
Golden Pond Estates	Lot #29	Alteration
Brian Seymour	12458 Buckwheat	Roof
Allison & Adam Massaro	13482 Bloomingdale	porch + dormer
Michael Scroger	7464 Maple	a/g pool
George & Maryann Hudson	7991 Greenbush	fence replacement

The Town Board accepted the report as presented.

**Town Clerk**- nothing to report

**Attorney for the Town** – nothing to report.

**COUNCILPERSONS:**

**George**- Not present

**Finger-** Asked about the work Leroy Mast did at the Town Hall. He worked on the lights and he is going to install a new temporary light on the flag as a trial to see if it will work better. The library restrooms are coming along well. They may be finished by the end of May.

**Rooney-** He called Erie County regarding the Davison & Howe Road intersection for Mr. Serwon. He is waiting for a response.

**Esposito-** Nothing at this time

**SUPERVISOR-** The April Supervisors Report is on file with the Town Clerk. He has attended several meetings over the past 2 weeks, most of which will be addressed later in the meeting.

### **UNFINISHED BUSINESS:**

**Water District #10-** Phase 4/Consolidation- nothing new. Waiting for feedback on grants. The board addressed the request of Vicky Lombard for extension of the waterline on Downey Rd. The board explained that in the past none of the residents past Ms. Lombard's lot were interested in the waterlines being extended to their homes. Supervisor Cummings will contact those residents to verify if that is still true. Erie County has given their permission for the extension as long as all requirements are met. They all agreed the line would only need to go to the property line and not all the way to the other side of her lot as long as proper engineering plans are submitted to the board and approved. Wetlands are not a factor.

**Shared Public Works Facility Committee-** The highway crews did some brush hogging of the lot this week. They are waiting for the property to close to continue.

**GIS-** training is ongoing throughout May.

**Murder Creek Grant-** They are still waiting for the letters to come from the State. Deadline date for the new grant is August 1<sup>st</sup>. If they are awarded, it work would start next construction season.

### **NEW BUSINESS:**

#### **12690 Main Rd- Shields- Site Plan Approval:**

A motion was made by Councilman Rooney, seconded by Councilman Finger approving the site plan dated 3/16/09 presented on the proposed project at 12690 Main Rd by Michael Shields for a 2,520 sq. ft. pole barn subject to the conditions set forth in the resolution.

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

#### **13613 Main Rd- NOCO- Site Plan Approval:**

A motion was made by Councilman Finger, seconded by Councilwoman Esposito approving the site plan dated 8/6/08 presented on the proposed project at 13613 Main Rd by NOCO Energy Corp for a 30,000 gallon propane storage tank, subject to the terms set forth in the resolution.

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

#### **11187 Main Rd- Schultz- Site Plan Approval:**

A motion was made by Councilwoman Esposito, seconded by Councilman Finger approving the site plan dated 3/27/09 presented on the proposed project at 11187 Main Rd by Kelly Schultz for a 9,000 sq. ft. events building subject to the terms set forth in the resolution.

(Resolution Attached) Cummings-Aye, George-Absent, Finger-Aye, Rooney -No, Esposito-Aye  
Carried

Councilman Rooney expressed his concerns with being consistent on parking issues on all commercial projects and he would like to see a new amended site plan submitted that shows the handicapped parking spots on the site plan. Supervisor Cummings agreed.

**Disaster Coordinator Salaries Approval:**

A motion was made by Councilman Rooney, seconded by Councilman Finger approving the salary of \$1,500 annually for the Disaster Coordinator and \$900 annually for the Assistant Disaster Coordinator positions payable quarterly.

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

**Change in Assessors Hours:**

A motion was made by Councilman Finger, seconded by Councilwoman Esposito approving the change in the Assessors hours effective 5/26/09 thru 12/31/09 to Monday from 8am – 2pm, Tuesday from 8am – 4:30pm and Thursday from 8am – 2pm. Additional hours may be worked with approval from the Supervisor.

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

**Senior Director Approvals:**

A motion was made by Councilman Finger, seconded by Councilwoman Esposito accepted with regrets the retirement notification from Senior Director Theo Abraham effective 6/30/09 and approved the Supervisor to start proceedings to advertise for the position with the qualifications set by Erie county Personnel Department with a starting salary of \$40,000/year.

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

The Supervisor announced the search committee as himself, Councilman Finger, Current Senior Director Theo Abraham, Judy Geyer & Donna Doll of the Senior Executive committee.

**Building Permit Application Changes Approval:**

A motion was made by Councilwoman Esposito, seconded by Councilman Finger approving the changes as presented by the Code Enforcement Officer, Building Administrator and Assessor for the building permit application to be used by the building department effective immediately.

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

**Lateral Restriction Hardship Approval- 11621 Rapids Rd:**

A motion was made by Councilman Rooney, seconded by Councilwoman Esposito approving the lateral restriction hardship application request for property located at 11621 Rapids Rd, based on the bank requirement letter submitted with the application.

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

**Water District #10 Extension/Hook-up Request:**

A motion was made by Councilman Rooney, seconded by Councilman Finger to give preliminary approval to extend the water district #10 lines to 7369 Downey Rd pending the submission of acceptable engineering drawings and the submission of a PIP permit application as would be required on the project.

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

**Question Period-** no one spoke

The board will be going into work session immediately following the meeting.

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 8:52pm.

Carried

Respectfully Submitted,  
Dawn D. Izydorcak, Town Clerk