

## Newstead Town Board Meeting- October 13, 2014

A public hearing was called to order by the Newstead Town Board on Monday, October 13, 2014 at 7:00pm at the Newstead Town Hall.

Present: David Cummings- Supervisor  
Justin Rooney- Councilman  
James Mayrose- Councilman  
Donald York- 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 on the amendments to the noise law under local law #7 of 2014.

The Clerk read the Proof of Publication. The Supervisor gave a brief description of the proposed amendment, which included one change being the addition of Section 9, #10.

Comments: Michael Schilling of 20 Mechanic St questioned how this law is being enforced. He made a complaint regarding a 95db reading he took across the street from the Kelly Schultz pumpkin farm and it was not addressed. Councilman Mayrose responded to this and stated the complaint was not addressed because he does not live across the street from the pumpkin farm. The complaint would have had to have been made by one of the residents that live there. They also discussed parking issues and pedestrians having to cross Main Rd.

Supervisor Cummings stated that the town has not received any complaints from the pumpkin farm in many years.

Councilman Rooney stated that at the time the pumpkin farm began operating a plan was put into place with the building department to address noise, parking issues and traffic control.

Sue Fay Allen of Howe Rd thanked the board for clearing things up and passing the law. It was a very long, hard process for all involved.

Supervisor Cummings stated all laws are works in progress. You must be willing to relook at them from time to time to keep them as effective as possible.

Jodie Holiday from Lockport, NY frequents Braun's establishment and supports their operation.

Councilman Rooney asked for clarification that if this version goes into effect any signed contract in place prior to the law passing is exempt. That is correct.

Councilman York supports Ray's right to have concerts but must do what is best for all the residents and the Board has any obligation to the residents of our town, not Lockport or Kenmore or anywhere else.

Ray Braun stated a law is a law, what good is it if it is not enforced.

Councilman Mayrose stated it will be enforced as it is stated in the law and the law states it is enforced from the property line of the complainant owner.

A resident from 20 Sprucewood in Leisurewood questioned if he can complain about the music he hears at his campsite from Hickey's property?

Town Attorney Nathan Neill stated it should not matter whether you own or rent as long as you live at the residence you are complaining from so yes he could complain.

Supervisor Cummings stated the Board will address some of the issues brought up tonight.

There being no further comments, a motion was made by Councilman Rooney, seconded by Councilman York to close the public hearing at 7:30pm.

The regular meeting of the town board was called to order at 8:00pm with the same members present as listed above.

Town Clerk Dawn Izydorczak led the pledge to the flag.

Minutes from the previous regular meeting held on September 22, 2014 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 Mayrose, seconded by Councilman Rooney to delete item H. and add item I. for waterline inspection services contract. 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 letter from resident Annette Adamczak requesting use of the Veteran's Park field area for a CPR flash mob event to be held on October 19th at 1:00pm.

A letter from the Department of State acknowledging receipt of Local Laws #4 & #5 effective September 19, 2014.

A letter from the Department of State acknowledging receipt of Local Law #6 effective October 2, 2014.

A letter from NYS DOT acknowledging the towns request for a speed study on Clarence Center Rd. The study has been initiated and they will notify the town of their findings once it is concluded.

A notice of a seminar on "Bicyclists Bring Business: Canalway Trail Tourism for your Downtown" which will be held from 6:00-8:00pm Tuesday, October 14<sup>th</sup> at the Niawanda Park Pavilion, 600 Niagara St in Tonawanda.

The September Operations Report was received from Amherst Central Alarm Office reporting 38 calls for Akron Fire Co and 27 calls for Newstead Fire Co.

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 no work session held last week, however the following issues were discussed on September 29<sup>th</sup> and prior to tonight's meeting: water district issues, building projects, planning issues, parks master plan and Skyline Park, highway issues, joint issues with village, 2015 budget, cemetery issues and any other issues brought before the Board.

**Agenda Items Question Period:** no one spoke

**Budget Transfers:** a motion was made by Councilman Mayrose, seconded by Councilman York approving the budget transfers per memo from Bookkeeper Colleen Salmon dated 10/13/14. Carried Unanimously

**Approval of Bills** – Councilman Mayrose reported that the Abstract(s) from Batch(es) #1437 with wire transfers from the September 22, 2014 meeting have been reviewed with the previously un-audited vouchers and everything was found in order. He presented Abstract Batch(es) #1440, 1444 and postage epayment for payment. Vouchers on this abstract(s) numbered from 998 - 1065, totaling \$169,482.27. Councilman Rooney seconded to approve payment as follows:

Abstract Batch(es) #1440, 1444 plus postage epayment:  
General Fund (A) -\$25,547.67, General Fund- Outside Village (B) \$635.00, Highway (DA) -\$0, Highway: Outside Village (DB) \$17,383.36, CAP-Murder Creek (HM) \$57,983.85, CAP- Scotland Rd (HS)- \$0, CAP- Water Improvement (HW)- \$0, CAP Water-Downey (HW01)- \$28,527.28, Drainage (SD)- \$1,053.88, Fire Protection (SF) \$6,377.44, Refuse (SR) \$24,610.57, Sewer Fund (SS) \$4.13, Sewer District #2 (SS02)- \$233.74, Trust & Agency(TA)- \$165.00 and Water Districts: Consolidated (SW00) \$6,960.35, (SW1) \$0, (SW2) \$0, (SW3) \$0, (SW4) \$0, (SW5) \$0, (SW6) \$0, (SW7) \$0, (SW7A) \$0, (SW8) \$0, (SW9) \$0, (SW10) \$0 Total: \$169,482.27

Carried Unanimously

**COMMITTEE AND DEPARTMENT HEAD REPORTS:**

**Highway** – Mike submitted a report as attached: They cleaned a small tree out of Dorsch Creek and broke up a beaver dam 3 times in Dorsch Creek west of the Pohl Rd bridge. Mowing continued in the town parks, cemeteries and road sides and field ditches. They cleared 275 feet of road ditch on Utley Rd and reset 3 pipes on Rt.93 by the waterline. They installed 930 feet of 8” waterline, 2 valves and 1 hydrant on Draper Rd. Mike thanked the town employees and Jon and Fred from the Village crews for their help as well as Ron Snyder for his assistance. The town road inventory went from 29.33 to 29.75 miles with the additions of Sheila Lane and Havenwood Rd. He worked the shred-it event and Hazardous Waste drop-off event.

**Assessor** – no report was presented.

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

Don Schultz	6827 Cedar	Garage addition
Anthony Pingitore	4954 S Newstead	Permit renewal
Robert Daniel	11481 Rapids	Garage roof frame
Ben & Sandy Miles	13923 Knapp	Wind turbine
Eric Pirson	11732 Rapids	Permit renewal
John Jeziorowski	13523 Dorsch	Wood stove
Bob Schoenthal	11360 Stage	Roof
Pat Pasinski	11986 Main	Sign
Robert Roddie	12727 Koepsel	Roof
Lou Cederman	6963 Sandhill	Garage
Patrick Bendiak	8265 Cedar	Generator
ANJ Properties, LLC	12606 Main	Repair
Debbie Gumkowski	12412 Swift mills	Roof
Joe Hawes	12594 Meahl	Roof
Thomas Zackey	11973 Stage	Pole barn
Jim Houck	12434 Meahl	Demolition
Erin Boyd	12105 Rapids	Deck/wheelchair ramp
Curtis Berghorn	8161 Greenbush	Roof
Katherine DeRose	6649 Utley	Shed & lean-to

The Town Board accepted the report as presented.

**Town Clerk**- school tax collection penalty free period ends October 15<sup>th</sup>. Dog enumeration cards are being returned at a brisk pace with 39 new licenses issued within 11 days.

**Attorney for the Town** – the closing on the old highway garage property will take place on Thursday this week.

**COUNCILPERSONS:**

**Rooney** – he spoke with several people on the noise law, attended the hazardous waste drop-off, and worked on the parks master plan. On Wednesday the County budget will be released so the town can look at the proposed county road and bridge projects for 2015.

**Mayrose** – he attended the joint facility meeting, library meeting, walked the bike path properties, and met with Ralph & Christine on several issues.

**York** – he attended the Dee Wright Center Open House and inspected the bike path property and the murder creek project.

**Supervisor-** the September Supervisor's Report is on file with the Town Clerk. He attended the monthly Supervisor's meeting, walked the bike path property with Councilman Mayrose, met with the Town of Pembroke Board and the Alden Town Supervisor, attended a seminar at Trident Insurance Co, met with Lawley on new health insurance options for employees, and attended a joint facility meeting.

**UNFINISHED BUSINESS:**

**Joint Facility-** nothing new

**Planning Projects-** code change proposals will be forthcoming.

**Building Projects-** minor work has been done at the Denio and Senior Center roof will be done soon. Security Cameras are being installed at the town hall. This has been prompted by several incidents that have happened over the past few months on Court nights inside and outside of the building.

**Conservation issues- Murder Creek-** Carl reported Phase 2 work has begun and is essentially complete. Bushes on top of the south bank and trees will be taken care of by Erie County Soil & Water. There will be no flood control or reduction and they expect this will be topped in high water events. These measures only address erosion control. D & H did come in under budget on the project.

**Water projects-** Scott reported work on Draper & Downey Rd project has started on Draper and they are more than half done with that segment. A pre-construction meeting was held with ECWA on the project and everyone is on board and in the loop on this project.

**NEW BUSINESS:**

**CDBG Funding Projects 2015:**

A motion was made by Councilman York, seconded by Councilman Rooney approving the ranking of the Rural Transit Van service as #1 on the 2015 project funding list.

(Resolution Attached) Cummings-Aye, Rooney-Aye, Mayrose-Aye, York-Aye

Carried Unanimously

**Approval- RFP for Services- Bike Path:**

A motion was made by Councilman Mayrose, seconded by Councilman Rooney approving the requests for proposals on the bike path project for professional Architectural/Engineering Services for design and construction of pedestrian/bicycle pathway along the abandoned peanut line rail corridor owned by the Town.

(Resolution Attached) Cummings-Aye, Rooney-Aye, Mayrose-Aye, York-Aye

Carried Unanimously

**Support of Niagara Military Affairs Council:**

A motion was made by Councilman Rooney, seconded by Councilman York supporting the Niagara Military Affairs Council in their effort to support the growth and prosperity of the Niagara Falls Air Reserve Station and its personnel.

(Resolution Attached) Cummings-Aye, Rooney-Aye, Mayrose-Aye, York-Aye

Carried Unanimously

**Public Hearing- Kelkenberg- Home Based Business:**

A motion was made by Councilman York, seconded by Councilman Mayrose approving the calling of a public hearing on the proposed home based business at 12607 Stage Rd operated by Andy & Marilyn Kelkenberg, to be held on October 27, 2014 at 7:40pm at the Town Hall and authorizing the Clerk to publish the legal notice.

(Resolution Attached) Cummings-Aye, Rooney-Aye, Mayrose-Aye, York-Aye

Carried Unanimously

**Public Hearing- Buck's- Site Plan:**

A motion was made by Councilman Mayrose, seconded by Councilman York approving the calling of a public hearing on the proposed site plan for expansion at 13634 Main Rd operated by Buck's Motorsports, to be held on October 27, 2014 at 7:45pm at the Town Hall and authorizing the Clerk to publish the legal notice.

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

**Approve- Staff Training:**

A motion was made by Councilman Mayrose, seconded by Councilman York approving the attendance of 6 office staff members for training on October 24<sup>th</sup>.

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

**Appoint- Library Board member:**

A motion was made by Councilman Mayrose, seconded by Councilman York approving the appointment of Bob Tiedt to the Library Board effective immediately with a term ending 12/31/2016.

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

**Approve-Waterline Inspection Services Contract:**

A motion was made by Councilman Rooney, seconded by Councilman Mayrose approving the contract with Wendel for an amount not to exceed \$20,000.00 for inspection services on the Draper Rd & Downey Rd waterline projects.

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

**Privilege of the Floor/Question Period:**

Dr. Edmund Burke questioned how long the recordings will be kept from the security camera feeds. Supervisor Cummings explained that has not been decided yet. He and Dawn will sit down with Ken and make those decisions once the system is fully installed and ready to run.

There being no further business to come before the board a motion was made by Councilman Rooney, seconded by Councilman Mayrose to adjourn the regular meeting at 8:35pm.

Carried Unanimously

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