

Newstead Town Board Meeting- October 27, 2014

A public hearing was called to order by the Newstead Town Board on Monday, October 27, 2014 at 7:43pm 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 **Kelkenberg Farm** Special Use Permit.

The Clerk read the Proof of Publication. The Supervisor gave a brief description of the proposed permit and stated the Planning Board has recommended approval of this permit. Property owners within 1,000 ft of the business have been notified and the County still has a couple weeks to reply with comments.

Comments: Russ Ormsby of 48 Cedar St & 12516 Stage Rd questioned what the permit allows and if there is a planned expansion. Supervisor Cummings responded no there is no expansion. This permit will only allow them to do what they currently have been doing.

No other comments were given.

There being no further comments, a motion was made by Councilman Rooney, seconded by Councilman Mayrose to close the public hearing at 7:48pm.

The Supervisor called the **public hearing** to order on the **Buck's Motorsports** Site Plan proposal at 7:48pm.

The Clerk read the Proof of Publication. The Supervisor gave a brief description of the proposed project and stated parts of the project are 5 feet too close to the road under the current code. The Planning Board has recommended approval of this project, the Zoning Board approved the variance and Erie County Planning had no comments on the project.

Comments: no one spoke

There being no further comments, a motion was made by Councilman Mayrose, seconded by Councilman York to close the public hearing at 7:52pm.

The Supervisor called the **public hearing** to order on the proposed **Budget for 2015** at 7:52pm..

The Clerk read the Proof of Publication. The Supervisor gave a brief description of the proposed changes in the budget and tax rate from 2014.

Comments: no one spoke

Supervisor Cummings stated the budget will be voted on at the November 10th meeting.

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

The Board entered executive session for a brief discussion on a specific personnel issue. They exited executive session at 8:05 pm with no decisions being made.

The regular meeting of the town board was called to order at 8:05pm with the same members present as listed above.

Councilman Mayrose led the pledge to the flag.

Minutes from the previous regular meeting held on October 13, 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 York to make the following agenda changes: addition of the SEQR resolution for Local Law #7. 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 the Erie County Department of Environment & Planning along with the CDBG report for 6/1/14 – 9/30/14.

A letter from the Niagara Military Affairs Council thanking the Association of Erie County Governments and local municipalities for their support of the Councils advocacy of the Niagara Falls Air Reserve Station.

A letter and copy of the recorded merging deed were received from Hopkins & Sorgi on the Michael Shields Used Auto Sales project.

A letter from residents Kevin & Cindy Frost regarding a complaint about, and neighbor dispute over, a roadside ditching issue on their street.

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

Work Session: The Supervisor reported that at the work session held last week the following issues were discussed: water district issues, planning issues, parks master plan, building projects, highway issues, 2015 budget, grants, staff training, recreation staff approvals and any other issues brought before the Board.

Agenda Items Question Period: none

Budget Transfers: a motion was made by Councilman Mayrose, seconded by Councilman Rooney approving the budget transfers per memo from Bookkeeper Colleen Salmon dated 10/27/14. Carried Unanimously

Approval of Bills – Councilman Mayrose reported that the Abstract(s) from Batch(es) #1440, 1444 with postage payment from the October 13, 2014 meeting have been reviewed with the previously un-audited vouchers and everything was found in order. He presented Abstract Batch(es) #1446 for payment. Vouchers on this abstract(s) numbered from 1066 - 1102, totaling \$52,902.09. Councilman Rooney seconded to approve payment as follows:

Abstract Batch(es) #1446:
General Fund (A) -\$24,534.95, General Fund- Outside Village (B) \$593.99, Highway (DA) -\$0, Highway: Outside Village (DB) \$1,944.69, CAP-Murder Creek (HM) \$0, CAP- Scotland Rd (HS)- \$0, CAP- Water Improvement (HW)- \$0, CAP Water-Downey (HW01)- \$23,130.53, Drainage (SD)- \$0, Fire Protection (SF) \$0, Refuse (SR) \$0, Sewer Fund (SS) \$2,535.71, Sewer District #2 (SS02)- \$87.88, Trust & Agency(TA)- \$0 and Water Districts: Consolidated (SW00) \$74.34, (SW1) \$0, (SW2) \$0, (SW3) \$0, (SW4) \$0, (SW5) \$0, (SW6) \$0, (SW7) \$0, (SW7A) \$0, (SW8) \$0, (SW9) \$0, (SW10) \$0 Total: \$52,902.09 Carried Unanimously

COMMITTEE AND DEPARTMENT HEAD REPORTS:

Highway – Mike reported they predominately finished the Draper Rd waterline with pressure test, chlorination and samples being done. The Line passed and they are just waiting for ECWA approval to connect. They mowed the bike path, worked in the shop getting trucks ready for winter and did normal mowing. The doors at the new park have been re-keyed. They helped the village with their leaf pickup and helped the Newstead Fire Co on drainage issues. Mike attended a seminar with other town employees on managing emotions and he attended the Highway Association meeting where 3 of their representatives met with Erie County on road & bridge needs. He submitted the Swift Mills bridge, Burdick Rd (where it is one lane) and the bridge on Cedar St (Jersey Bar) as our 3 main projects in need of attention from the County. They are back on winter hours.

Assessor – no report was presented.

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

Arrowhead Golf Club	12292 Clarence Center	Special event permit
Dorothy Jago	12652 Koepsel	Roof
Jess Holchuck	13188 Stage	Roof
Brad Rehwaldt	11054 Howe	Patio & Porch
Cheryl Tadusz	7140 Scotland	Roof
Todd Miller	10979 Keller	Interior drainage
Fronczak	12806 Brucker	Roof
Keith Rosenberg	7970 Greenbush	Roof
Justin Gerstung	7238 Cedar	Pool Deck

The Town Board accepted the report as presented.

Town Clerk- Dawn presented the Dog Control Officers quarterly report for July-September 2014 and specifically noted Dave’s thank you to Dean Schultz & the highway crew for replacing a window, door and exhaust vent at the dog kennel as well as his meeting with the Village Board on issues with rescues operating in the village.

Attorney for the Town – nothing at this time

COUNCILPERSONS:

Rooney – he spoke with a resident on the McNeeley Rd drainage issue, residents on the noise law, worked on parks plan and met on the County Line Stone expansion project.

Mayrose – he met with the joint facility committee, attended the library board meeting and welcomed new member Bob Tiedt, and visited the site of the McNeeley Rd drainage issues.

York – he visited the site of the McNeeley Rd drainage issues and asked the Highway Supt about the status of the gradall. Mike responded it is still at Lacey’s and at this point he is not going to spend any more money on it.

Supervisor- he met with the Town of Pembroke on the County Line Stone expansion project, researched fees in other towns, met with the grant writers, met with the librarian, met with the town historian, met with the Erie County Parks Commissioner and visited the site of the drainage issues on McNeeley Rd.

Special Presentation:

Senator Mike Ranzenhofer arrived and presented the Town Board with a Pen Certificate from Governor Andrew Cuomo in honor of the legislation signed by the Governor authorizing the sale of part of the County park to the Town of Newstead. Senator Ranzenhofer sponsored the legislation in the Senate and Assemblywoman Jane Corwin sponsored the legislation in the Assembly. He

congratulated the Town on their working together with the County to do something wonderful and progressive for the residents of the Town.

UNFINISHED BUSINESS:

Joint Facility- meetings of the committee have been held. Updates will be discussed at next work session.

Planning Projects- no word has been received on the park grants yet.

Building Projects- security camera installation is completed and just needs fine tuning.

Conservation issues- Murder Creek- interim paperwork is in on the grant. The extension letter has not been received yet.

Water projects- they are predominately finished with the Draper Rd waterline with pressure test, chlorination and samples being done. The Line passed and they are just waiting for ECWA approval to connect.

NEW BUSINESS:

Public Hearing- 11856 Rapids Rd- Area Variance:

A motion was made by Councilman York, seconded by Councilman Rooney approving the calling of a public hearing on the request for an area variance at 11856 Rapids Rd owned by Leslie & David Klein for a 140 ft wind turbine, to be held on November 10, 2014 at 7:55pm at the town hall and authorizing the Clerk to publish notification.

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

Adoption- Local Law #7 of 2014 & SEQR:

A motion was made by Councilman Mayrose, seconded by Councilman York issuing a negative SEQR declaration on Local Law #7 of 2014 amending the Noise Law of the Town of Newstead.

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

A motion was made by Councilman Mayrose, seconded by Councilman York approving the adoption of Local Law #7 of 2014 amending the Noise Law of the Town of Newstead.

(Resolution Attached) Cummings-Aye, Rooney-No, Mayrose-Aye, York-Aye
Carried

Approve- Textiles Campaign:

A motion was made by Councilman Rooney, seconded by Councilman Mayrose supporting the statewide campaign to recover more textiles from the waste stream and promote the environmental, economic & social benefits of increased textile recovery programs.

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

Approval- Buck's- Site Plan & SEQR Neg Dec:

A motion was made by Councilman York, seconded by Councilman Mayrose approving the proposed site plan for expansion at 13090 Main Rd operated by Buck's Motorsports for a 2,433 sq ft showroom addition, 6,136 sq ft cold storage addition and a 3,024 sq ft pole barn, subject to the terms set forth in the resolution and issuing a negative SEQR declaration on the project.

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

Public Hearing- JPH Holdings- Site Plan:

A motion was made by Councilman Mayrose, seconded by Councilman Rooney approving the calling of a public hearing on the request for a change in use/ownership with outdoor storage site plan at 13760 Indian Falls Rd by JPH Holdings, to be held on November 10, 2014 at 7:45pm at the town hall and authorizing the Clerk to publish notification.

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

Approve-Recreation staff for Fall 2014:

A motion was made by Councilman Mayrose, seconded by Councilman York approving the appointment of the recreation staff members for the fall 2014- winter 2015 session as per the attached listing.

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

The Supervisor explained that the town staff will be attending 2 to 3 sessions over the next 4 months of training sessions to better equip them to assist the public.

Privilege of the Floor/Question Period:

Adam Nuwer of Nice Rd is currently building a new home on Nice Rd and is having road and ditch drainage issues. He is aware it is a County road and has contacted them, along with his neighbors, but is getting no response from them other than “we will take care of it”. He asked if there is anything the town can do to assist him and his neighbors.

Supervisor Cummings and Highway Supt Bassanello will meet with him and go to see the problem. They will assist in any way they can and explain the process.

There being no further business to come before the board a motion was made by Councilman Mayrose, seconded by Councilman Rooney to adjourn the regular meeting at 8:39pm.

Carried Unanimously

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