

## Newstead Town Board Meeting- September 14, 2015

A public hearing was called to order by the Newstead Town Board on Monday, September 14, 2015 at 7:46pm at the Newstead Town Hall.

Present: David Cummings- Supervisor  
James Mayrose – Councilman  
Justin Rooney- Councilman  
Donald York- Councilman  
John Jendrowski- Councilman  
Nathan Neill- Attorney for the Town  
Mike Bassanello- Highway Supt  
Scott Rybarczyk- Town Engineer  
Jennifer Heberling- Deputy Clerk

Roll Call was taken with all board members present.

The Supervisor called the **public hearing** to order on regarding amendments to the Windmill Law to be known as Local Law #5 of 2015.

The Clerk read the proof of publication. The amendments have been reviewed by the Planning Board.

Comments: Supervisor Cummings spoke regarding the 6 month moratorium. The board has taken comments and has made changes and what they are presenting is something they can all agree on.

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 7:50pm. Carried Unanimously

The Supervisor called to order the **regular meeting** of the Town Board at 8:02pm with all the same members present as listed above.

Councilman Jendrowski led the pledge to the flag.

Minutes from the previous regular meeting held on August 24, 2015 and special meeting held on August 31, 2015 were presented for approval. A motion was made by Councilman Mayrose, seconded by Councilman Jendrowski to approve as presented. Carried Unanimously

**Agenda Changes** – a motion was made by Councilman Mayrose, seconded by Councilman Jendrowski to make the following agenda changes: to add windmill local law #4 and motion regarding the assessor. Carried Unanimously

**Communications** – The Deputy 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 notice from the NYS Department of Public Service regarding upcoming public hearings on the Time Warner Cable/Charter Communications merger proposal on Thursday, September 24<sup>th</sup> at the Amherst Municipal Building at 2:00pm(info), 3:00pm(hearing), 6:00pm(info) and 7:00pm(hearing). There will also be hearings examining low income programs offered by the major electric and gas utilities in New York State on Thursday, October 1<sup>st</sup> at the Buffalo Central Library at 2:00pm(info), 3:00pm(hearing), 6:00pm(info) and 7:00pm(hearing).

The town received a notice of public hearing by the Village of Akron ZBA to be held on September 16<sup>th</sup> at 7:00pm regarding the renewal of a special use permit for the school day care program operated at 64 John St adjacent to the towns Maple Lawn Cemetery.

The August 2015 Operations Report was received from Amherst Alarm Office reporting 47 calls for Akron Fire Co and 30 calls for Newstead Fire Co.

A letter from the Akron Chamber of Commerce requesting financial assistance from both the Village of Akron and Town of Newstead to continue operations.

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 last work session held the following items were discussed: budget meetings with department heads, water/sewer issues, buildings projects at town buildings, planning projects, grant items, IT services and asset management, Indigenous day, DCO truck, emergency services, celebration committee issues, park proposal and any other matters brought before the Board.

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

**Budget transfers:** a motion was made by Councilman Mayrose, seconded by Councilman Jendrowski to approve the budget transfers as requested by Bookkeeper Colleen Salmon in a memo dated September 14, 2015. Carried Unanimously

**Approval of Bills** – Councilman Mayrose reported that the Abstract(s) from Batch(es) #1539 have been reviewed with the previously un-audited vouchers and everything was found in order. He presented Abstract Batch(es) #1544 for payment. Vouchers on this abstract(s) numbered from 925-988, totaling \$86,073.45. Councilman Rooney seconded to approve payment as follows:

Abstract Batch(es) #1544:  
General Fund (A) -\$16,148.22, General Fund- Outside Village (B) \$1,443.41, Highway (DA) -\$0, Highway: Outside Village (DB) \$54,364.33, CAP-Murder Creek (HM) \$700.00, CAP- Scotland Rd (HS)- \$524.16, CAP- Water Improvement (HW)- \$2,360.33, CAP Water-Downey (HW01)- \$318.51, Drainage (SD)- \$8,265.97, Fire Protection (SF) \$1,900.00, Refuse (SR) \$18.72, Sewer Fund (SS) \$4.61, Sewer District #2 (SS02)- \$1.73, Trust & Agency(TA)- \$0 and Water Districts: Consolidated (SW00) \$23.46, (SW1) \$0, (SW2) \$0, (SW3) \$0, (SW4) \$0, (SW5) \$0, (SW6) \$0, (SW7) \$0, (SW7A) \$0, (SW8) \$0, (SW9) \$0, (SW10) \$0 Total: \$86,073.45

Carried Unanimously

### **COMMITTEE AND DEPARTMENT HEAD REPORTS:**

**Highway** – thanked Harold Finger for his help at the Cultural Center and the plantings there have been done, installed a culvert pipe on Martin Road, worked on piping road ditches - two residents on Draper Road (340') and Utley Road (140'), mowed field ditches, parks and cemetery, helped Alden and Darien and painted the new park shelter.

**Assessor** – no report was presented but Supervisor Cummings announced that Rebecca Baker has submitted her resignation and accepted a position as the town of Lancaster assessor.

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

|                                   |                |                      |
|-----------------------------------|----------------|----------------------|
| Kelly Schultz                     | 11220 Stage    | One Family home      |
| Charles McConnaughey              | 13008 Main     | Sign                 |
| Michael Showalter                 | 6595 Dye       | Shed                 |
| Daniel Bork                       | 7620 Greenbush | Solar panels         |
| Mark Hellenbach                   | 7266 Scotland  | Exterior drainage    |
| Stephen Dev/Green Kangaroo        | 13399 Main     | Self-storage Units   |
| Don Heberling                     | 5942 Buell     | Gas fireplace insert |
| Don Heberling                     | 5942 Buell     | Siding & windows     |
| Steve Baldo/Clarence Self Storage | 11234 Main     | Self-storage Units   |

|                         |                     |                            |
|-------------------------|---------------------|----------------------------|
| Vickie Lombard          | 7369 Downey         | Deck                       |
| Keith Lennert           | 12148 Nice          | Pole barn                  |
| Michael Borth           | 13546 Stage         | Special Use Permit renewal |
| Douglas Stanbury        | 12659 Rapids        | Roof                       |
| Richard Schoenthal      | 11718 Nice          | Roof                       |
| Ashley Pfentner         | 6834 Sandhill       | One Family home            |
| Lawrence Dellinger      | 12532 Hunts Corners | Permit renewal             |
| Jason Koons             | 8372 Greenbush      | Driveway                   |
| Jason Johnson           | 13498 Stage         | Demolition                 |
| Kelton Enterprises LLC  | 12950 Main          | Restaurant                 |
| Shawn Young             | 12250 Meahl         | One Family home            |
| Faith Fellowship Church | 11478 Main          | Remodel                    |
| Randall Bergman         | 12775 Carney        | Deck                       |
| Verizon Wireless        | 11167 Main          | Cell tower antenna rehab   |

The Town Board accepted the report as presented.

**Town Clerk-** school tax bills have been processed and mailed.

**Attorney for the Town** – nothing at this time

**COUNCILPERSONS:**

**Rooney** – attended an Indigenous People day meeting, will be attending the Newstead Coalition meeting tomorrow and met with representatives from the AFC regarding fire related issues.

**Mayrose** – attended the meeting with AFC representatives regarding fire issues and met with Supervisor Cummings, Mayor Patterson and Trustee Forrestel regarding municipal issues.

**York** – spoke to some residents on Sandhill Road regarding stump grinding. The contractor will take care of it when he is available.

**Jendrowski** – attended the GIS training, spoke to Judge Campbell regarding drug issues in the town, spoke to Kristine Sutton at the library regarding the new plantings and a faucet issue and spoke to two residents regarding Indigenous People Day.

**Supervisor** – has submitted his Supervisors report for the month of August, has had some discussions regarding the assessor position, attended the GIS training, attended budget meetings, met with the grant writers and met with residents of Leisurewood regarding structures on town property.

**UNFINISHED BUSINESS:**

**Buildings** – several board members have already reported on building issues.

**Planning** – working on agri-business and Glare in next work session.

**Water** – nothing at this time. Will begin working on next years project over the winter.

**Grants** – met with grant writers, working on the CDBG for next month and there are several we are still waiting to hear.

**NEW BUSINESS:**

**Approval- Site Plan- Kelkenberg Farms- 12607 Stage Rd:**

A motion was made by Councilman York, seconded by Councilman Mayrose approving the site plan/special use permit amendment request for the proposed expansion of Kelkenberg Farm of Akron, LLC at 12607 Stage Rd, subject to all the terms set forth in the resolution.

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

**Public Hearing- CDBG Grant Funding:**

A motion was made by Councilman Mayrose, seconded by Councilman Rooney approving the calling of a public hearing on the proposed use of CDBG funding for 2016, which will be held on September 28, 2015 at 7:55pm at the town hall, and authorizing the Clerk to publish notice of the hearing.

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

**Approval- Multi-Jurisdictional Hazard Mitigation Plan:**

A motion was made by Councilman Mayrose, seconded by Councilman Rooney approving the adoption of the Erie County, New York Multi-Jurisdictional Hazard Mitigation Plan update as the Town's Natural Hazard Mitigation Plan and resolving to execute the actions in the plan.

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

**Approval- Bid for Newstead Library repairs/renovation:**

A motion was made by Councilman Jendrowski, seconded by Councilman York authorizing that a Notice to Bidders be published for repairs and/or renovation at the Newstead Public Library with bids to be received on October 7, 2015 at 11:00am.

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

**Public Hearing- Local Law #5 of 2015- Tax Cap:**

A motion was made by Councilman Rooney, seconded by Councilman Jendrowski approving the calling of a public hearing on the proposed Local Law #5 of 2015 overriding the Tax Cap, which will be held on September 28, 2015 at 7:50pm at the town hall, and authorizing the Clerk to publish notice of the hearing.

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

**Approval – Advertise for Part Time Assessor:**

A motion was made by Councilman Mayrose, seconded by Councilman Rooney approving the Town Clerk to advertise for a part time Assessor position.

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

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

Ed Burke, 27 Crescent Drive – asked if the amount for the tax cap was a percentage. The Supervisor clarified that yes the number stated is a percent.

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 8:32pm.

Carried Unanimously

Respectfully Submitted,  
Jennifer Heberling, Deputy Town Clerk