

## Newstead Town Board Meeting- November 25, 2013

A public hearing was called to order by the Newstead Town Board on Monday, November 25, 2013 at 7:55pm at the Newstead Town Hall.

Present: David Cummings- Supervisor  
Justin Rooney- Councilman  
James Mayrose- Councilman  
Richard Baran- Councilman  
Donald York- Councilman  
Scott Rybarczyk- Town Engineer  
Nathan Neill- Town Attorney  
Michael Bassanello- Highway Supt.  
Dawn Izydorczak, Town Clerk  
Jennifer Heberling- Deputy Clerk

Roll Call was taken with all board members present.

The Supervisor called the public hearing to order on the proposed Local Law #8 of 2013 regarding amendments to the accessory building provisions of the Zoning Code.

The Town Clerk read the proof of publication. Erie County Planning commented with no recommendations.

Comments: no one spoke.

Supervisor Cummings explained the renumbering of the local law from 8 to 5 as Local Laws must be numbered in order of adoption when submitted to the Department of State.

There being no further comments a motion was made by Councilman Mayrose, seconded by Councilman York to close the public hearing on Local Law #8 at 8:00pm.

The Supervisor called the regular meeting of the Town Board to order at 8:00pm with the same members present as listed above.

Councilman York led the pledge to the flag.

Minutes from the previous regular meeting held on November 11, 2013, were presented for approval. A motion was made by Councilman Mayrose, seconded by Councilman Rooney to approve as presented. Carried Unanimously

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

A letter from Time Warner Cable regarding the programmers and broadcasters they are currently in negotiations with for service.

A letter from Akron Little League Football Inc thanking the Town Board, Jim Akin and the highway crews for all their work on this year's football season and requesting use of the park and facilities for their 2014 season beginning on July 21, 2014-the 2<sup>nd</sup> week of November 2014.

A notice from the State Comptroller's Office announcing the schools for newly elected officials for 2014. This information has been shared with the Board and newly elected officials.

An approval letter and permit was received from Erie County for the Draper and Downey Road waterline extension project.

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 at the work session held last week the following issues were discussed: water district issues, building projects, planning issues, grants, recreation, parks master plan, old highway garage updates, and any other issues brought before the Board.

A joint meeting of the Town and Village Boards followed the work session last week.

**Privilege of the Floor** – Jackie Rotundo of 5814 Barnum Rd brought to the attention of the Board an article that was written in the Buffalo News recently on noise levels and their effect on hearing and health. She stated that the task they have before them is very important and asked them to do their due diligence. Supervisor Cummings stated he had seen the article and the Board will note her comments and the article when addressing the issue of noise at Braun’s Concert cove.

Linda Jackson of Quarry Hill Estates asked the Board to promise that no permits will be issued for Braun’s until after the Special Events Law is passed. Supervisor Cummings stated he cannot make that promise because it is a 5 member board decision not his to make promises. Town Attorney Neill stated that the board cannot make “promises” as that would not be legal. This must go through the proper channels and votes.

**Budget Transfers:** a motion was made by Councilman Mayrose, seconded by Councilman York to approve the budget transfers per the memo from Bookkeeper Colleen Salmon dated November 25, 2013. Carried Unanimously

**Approval of Bills** – Councilman Mayrose reported that the Abstract from Batch(es) # 1337, 1339 & 1341 from the November 11, 2013 meeting have been reviewed with the previously un-audited vouchers and everything was found in order. He presented Abstract Batch(es) #1343 & 1344 for payment. Vouchers on this abstract(s) numbered from 1158- 1182, totaling \$198,315.46. Councilman Rooney seconded to approve payment as follows:

Abstract Batch(es) #1343 & 1344:  
General Fund (A) -\$90,964.89, General Fund- Outside Village (B) \$22,508.56, Highway (DA) -\$0, Highway: Outside Village (DB) \$84,237.79, Capital Projects: CAP- Highway Garage- (HG) - \$0, CAP-Murder Creek (HM) \$0, CAP- Equipment Purchase (HR02)- \$0, CAP- Library Basement (HR04) \$0, CAP- Scotland Rd (HS)- \$0, CAP Water-Downey (HW01)- \$0, CAP- Town Hall (HT)- \$0, CAP- Water Improvement (HW)- \$0, Drainage (SD)- \$0, Fire Protection (SF) \$0, Refuse (SR) \$0, Sewer Fund (SS) \$490.86, Sewer District #2 (SS02)- \$65.88, Trust & Agency(TA)- \$0 and Water Districts: Consolidated (SW00) \$47.48, (SW1) \$0, (SW2) \$0, (SW3) \$0, (SW4) \$0, (SW5) \$0, (SW6) \$0, (SW7) \$0, (SW7A) \$0, (SW8) \$0, (SW9) \$0, (SW10) \$0  
Total: \$198,315.46 Carried Unanimously

**COMMITTEE AND DEPARTMENT HEAD REPORTS:**

**Highway** – the crews are busy getting ready for the impending storm. He will be submitting a report on the drainage projects that have been completed this year and a plan for 2014 projects.

Supervisor Cummings asked that the report include the total feet and or miles that were completed in addition to the per project numbers.

**Assessor** – no report presented.

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

Sharon Haas	5322 S Newstead	Roof
Stan Tatara	4940 Schutt	One Family home
Stan Tatara	4940 Schutt	Driveway
Dale Fryling	13235 Main	Roof
Brian Williams	6031 Cummings	Roof
Dale stalker	12765 Brucker	Pole barn
Norman Thuman	13165 Stage	Garage
Jason Johnson	13498 Stage	Wood stove

The Town Board accepted the report as presented.

**Town Clerk-** nothing at this time

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

**COUNCILPERSONS:**

**Rooney** – he attended court to observe, spoke with the CEO in regards to pending laws, held an EMS meeting with Village Trustee Hatswell and Councilman Mayrose, had an EMS meeting with Mayor Patterson, sent meeting notes on both the EMS meetings to the committee, exchanged correspondence with the Recreation Board Chairman, attended the Joint meeting with Village and attended the recreation board meeting.

**Mayrose** – he met with the county committee for the community block grant project at the Denio Library, attended the joint municipal EMS committee meeting, met with Jon Cummings regarding documents related to the Joint facility floor, attended the recreation committee meeting, attended the common core curriculum meeting at Akron Central School, spoke with Sandy and the Town Justices regarding some court issues, and spoke with Jim Richards, a Quarry Hill Resident, regarding the decibel levels at Braun’s concert cove.

**Baran** – nothing to report

**York** – he met with Mr. & Mrs. Keller on their ditching issue on Hunts Corners Rd and also met with Don Kreher on Dorsch Rd ditching issues.

Supervisor Cummings asked him to include Highway Superintendent Bassanello on any future ditching meetings and encouraged him to not make any commitments to anyone when it comes to ditching as there is a committee in place to handle those requests.

**Supervisor-** he attended the Common Core seminar at the school hosted by Assemblywoman Jane Corwin. He reported the signage inside the Cultural Center is done and the internet and phones should be operational by next week. He thanked the Town Clerk for all her help on this project. He also met with a woman inquiring about information on the old Cummings Cement Works operations. He also responded to Don Kreher’s inquiries at the last work session regarding ditching issues. He explained that Highway Supt. Bassanello has been working on this problem and had already received permission from 4 out of 6 of the affected property owners. He cannot move forward with the project until permission is received from all 6 owners. The Supervisor also noted that the “ditch” Mr. Kreher was concerned with is not really a drainage ditch but an officially recognized stream which requires several permissions to work on.

**UNFINISHED BUSINESS:**

**Joint Facility-** nothing new. Highway Supt. Bassanello has called R & W and Sherwin Williams regarding floor issues and has not received any responses yet.

**Planning Issues-** several issues are in motion. Nothing new to report.

**Conservation issues- Emerald Ash Borer-** Carl reported on the new ash yellows disease affecting trees now and stated the CAC has officially withdrawn their prior recommendation to treat trees for the ash borer as this new disease is untreatable at this time. They are still looking at other options.

**Murder Creek-** a report was received from Apex Consulting for inspections done on 10/15/13 – 11/6/13.

**Water projects-** approval & permit received from County on Draper & Downey Rd project. Scott also asked to comment on the prior discussion about drainage and ditching. He asked that the Board members be very careful with ditches and streams. Streams are very different than a ditch and need to be treated with careful consideration and procedures. Many times additional permits are required for cleaning out streams versus ditches.

**NEW BUSINESS:**

Supervisor Cummings stated that at the public hearing for this law several questions were raised concerning greenspace fees. He has checked with several other towns throughout Erie County and almost every town has these fees in one way, shape or form. Many other towns just use different terminology in naming them but they are all essentially the same.

**Approval- Local Law #4- Subdivision Law Amendments:**

A motion was made by Councilman Baran, seconded by Councilman Mayrose issuing a determination of non-significance of local law relative to Local Law #4 of 2013 amending the subdivision laws of the Town Code.

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

A motion was made by Councilman Mayrose, seconded by Councilman Rooney approving the adoption of Local Law #4 of 2013 (formerly LL#6) amending the subdivision laws of the Code.

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

**Approval- Local Law #5-Accessory Building Provisions Amendments:**

A motion was made by Councilman York, seconded by Councilman Mayrose issuing a determination of non-significance of local law relative to Local Law #5 of 2013 amending the zoning laws of the Town Code relative to accessory building provisions.

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

A motion was made by Councilman Rooney, seconded by Councilman Mayrose approving the adoption of Local Law #5 of 2013 (formerly LL#8) amending the zoning laws of the Code relative to accessory building provisions.

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

**Approval- 2014 Nutrition Contract:**

A motion was made by Councilman Mayrose, seconded by Councilman York authorizing the Supervisor to execute the 2014 Nutrition contract with Erie County on behalf of the Town.

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

**Approval- Town Park Policy amendments:**

A motion was made by Councilman Mayrose, seconded by Councilman York approving the proposed amendments to the Town Park Policy application and forms.

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

Supervisor Cummings thanked Town Clerk Izydorczak for her work on the amendments to the Park Policy.

**Question Period – no one spoke**

The Supervisor reminded everyone that there will be no work session on December 2<sup>nd</sup>. The next meeting will be on December 9<sup>th</sup> and will start with an early work session. He wished everyone a Happy Thanksgiving!

There being no further business to come before the board a motion was made by Councilman Mayrose, seconded by Councilman York to adjourn the regular meeting at 8:34pm.

Carried Unanimously

Respectfully Submitted,  
Dawn D. Izydorczak, Town Clerk