

Newstead Town Board Meeting- July 22, 2013

A public hearing was called to order by the Newstead Town Board on Monday, July 22, 2013 at 7:50pm 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 Town Clerk

Roll Call was taken with all board members present.

The Supervisor called the hearing to order on proposed Local Law #2 of 2013 entitled “Rezoning of Real Property and Zoning Map Amendment” regarding the Niagara Label rezoning request on Lewis Rd.

The Town Clerk read the proof of publication. Supervisor Cummings stated the Planning Board supports the rezoning and Erie County had no recommendations.

Comments: Rick Gunn from Calamar construction Management Inc. was present on behalf of Niagara Label in case of questions. No one else spoke.

There being no further comments a motion was made by Councilman Mayrose, seconded by Councilman Rooney to close the public hearing at 7:54pm.

Supervisor Cummings then called to order a second public hearing at 7:55pm on the site plan approval request made by Niagara Label for a 2,100 sq. ft building expansion on 12.9 acres of land at 12715 Lewis Rd.

The Town Clerk read the proof of publication. Supervisor Cummings stated that the Planning Board supports the project and Erie County has no comments.

Comments: Councilman Rooney thanked Mr. Gunn for being present tonight on behalf of Niagara Label.

There being no further comments a motion was made by Councilman Baran, seconded by Councilman York to close the public hearing at 7:57pm.

The regular meeting of the Newstead Town Board was called to order at 7:57pm with the same members present as above.

Supervisor Cummings led the pledge to the flag.

Minutes from the previous regular meeting held on July 8, 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 was received from Time Warner Cable notifying the town of the transition that will take place on July 23, 2013 converting from an analog and digital format to a digital only format for the public, educational and government access channels.

A letter was received from the Village of Akron Police Chief Rick Lauricella notifying the town that a new reimbursement rate for police services has been instituted effective 6/1/13. The new rate is \$25.83 per hour.

A letter from the NYSDEC regarding an application from the NYS Thruway Authority for work to be done along the thruway on culverts and the roadway.

Councilman Mayrose questioned the letter from Police Chief Lauricella and why the Town was notified after the new rates had taken affect. Supervisor Cummings concurred and stated they will discuss at the next work session and contact the Village about this.

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, park master plan, old highway garage issues, Limerick Hall, scheduling another joint meeting with the Village Board, Contractual issues and any other issues brought before the Board. Prior to tonight's meeting they met with a resident on green space issues and will be meeting after the meeting with a resident on a home based business issue.

Privilege of the Floor – The following residents from Quarry Hill Estates were present and expressed their continuing concerns with the Braun's Concert Cove noise: Dick Sutton, Mary McQuire and Linda Jackson.

Supervisor Cummings tried to answer some of their concerns and Councilman Mayrose explained the Boards reluctance to put a noise law into effect as the decibel levels that would be set for the concerts would be similar to the same noise levels from trucks as well as several of the Industrial businesses in the Town. They cannot adopt a noise law just for Braun's or just for concerts. It would affect all other businesses in the town. Noise Laws also have a very long precedent in other municipalities of being very hard to enforce.

Michael Schilling of Mechanic St spoke in favor of Braun's. He stated he is happy to have Braun's increasing the tax base in the town and that they offer a great venue for entertainment. Mr. Braun has spent thousands of dollars on his property improving it and trying to make the situation better for all those involved.

Several of the Quarry Hill residents proceeded to verbally attack Mr. Schilling as well as Councilman Rooney. Councilman Rooney addressed all of their unfounded allegations against him. At this point Supervisor Cummings stopped the dialog and ended the comment period.

Budget Transfers: a motion was made by Councilman Mayrose, seconded by Councilman Rooney to approve the budget transfers per the memo from Bookkeeper Colleen Salmon dated July 22, 2013. Carried Unanimously

Approval of Bills – Councilman Mayrose reported that the Abstract from Batch(es) # 1301 from the July 8, 2013 meeting have been reviewed with the previously un-audited vouchers and everything was found in order. He presented Abstract Batch(es) #1307 plus BAN payoff for payment. Vouchers on this abstract(s) numbered from 705 – 752, totaling \$4,264,843.67. Councilman Baran seconded to approve payment as follows:

Abstract Batch(es) #1307 plus BAN payoff:

General Fund (A) -\$40,640.50, General Fund- Outside Village (B) \$960.13, Highway (DA) -\$0, Highway: Outside Village (DB) \$94,497.96, Capital Projects: CAP- Highway Garage- (HG) - \$1,769,360.00, CAP-Murder Creek (HM) \$500.00, CAP- Equipment Purchase (HR02)- \$43,000.00, CAP- Library Basement (HR04) \$82.54, CAP- Scotland Rd (HS)- \$330,000.00, CAP- Town Hall (HT)- \$195,000.00, CAP- Water Improvement (HW)- \$1,750,000.00, Drainage (SD)- \$2,976.02, Fire Protection (SF) \$0, Refuse (SR) \$0, Sewer Fund (SS) \$25.14, Sewer District #2 (SS02)- \$71.58, Trust & Agency(TA)- \$6,635.10 and Water Districts: Consolidated (SW00) \$31,094.70, (SW1) \$0, (SW2) \$0, (SW3) \$0, (SW4) \$0, (SW5) \$0, (SW6) \$0, (SW7) \$0, (SW7A) \$0, (SW8) \$0, (SW9) \$0, (SW10) \$0

Total: \$4,264,843.67

Carried Unanimously

COMMITTEE AND DEPARTMENT HEAD REPORTS:

Highway – last Wednesday he and Councilman Mayrose met with the Akron Soccer League & Akron Little League Football Inc. representatives on fall season issues. They began the second mowing of road sides and field ditches and Mike will be on vacation beginning August 5th.

Assessor – Becky presented a report updating the Board on Article 7 filings and other settlement cases. She explained the final roll has been filed and all reports sent to Erie County. She also outlined some issues to address on the GIS Procedure Book and the appointment of a backup “deputy” for when she is not here.

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

Erick Durick	7636 Greenbush	A.G. Pool
Russell Staffeldt, Jr.	11725 Clarence Center	Deck
Joe Burg	11109 Rapids	Floodplain Development
C. Haberl & J. Zielan	4374 Billo	One family home
C. Haberl & J. Zielan	4374 Billo	Driveway
Wyeth Jones	11273 Rapids	Shed
Andrew Girling	8199 Maple	Roof
C & F Brothers LLC	4326 S Newstead	A.G. Pool
Tim Cannon	6580 Draper	Pole barn
Joseph Olaf	12261 Rapids	Roof
Kenneth Wozniak	4212 S Newstead	Pole barn
Paul Carley	13407 Martin	A.G. Pool
Charles Friedman	67 Quarry Hill Est	Deck
Daniel Przyblzski	4473 Billo	Stairs
Jack Willert	11163 Main	Tent
Ray Braun	11891 Main	Tent
Golden Pond Estates	Lot#267	Manufactured Home
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Dan Odell	6013 Crittenden	Roof
John Dirschedl	12948 Swift Mills	Remodel
Keith Partridge	12898 Swift Mills	Pond
Akron-Newstead Senior Center	Main at Cummings	Sign
Paul Muck	6470 Utley	Deck

The Town Board accepted the report as presented.

Town Clerk- presented the 2nd Quarter DCO report and told the board that the on-line payments system is down for a month as we change providers.

Attorney for the Town – nothing

COUNCILPERSONS:

Rooney – he volunteered at the Akron Sports baseball tournament and thanked those who planned the event as they did a great job. He attended a follow-up meeting with Ed Rath, Charlie Sickler and several Village representatives and it seems the County is making progress on agenda items they said they would take care of. He attended the recreation committee meeting and spoke with several residents regarding the program. He stopped into court and spoke with Judge Campbell. He prepped for contract negotiations with both fire companies and corresponded with the CEO with regards to Cedar Street concerns.

Mayrose – he spoke with Heather Giambra and Supervisor Cummings regarding the highway contract, drove through Leisurewood with the Supervisor to assess property line issues, attended the joint fire chiefs meeting in East Amherst, spoke with Linda Jackson regarding the concerts at Braun’s, met with Debbie Forrestel at the joint facility with regards to their operating procedure manual, met with the CEO and Christine Falkowski regarding building and code issues, met with Mike Bassanello and the presidents of the football and soccer leagues to discuss field placement and usage for the upcoming seasons, met with Becky Baker and the Supervisor regarding assessment issues and attended the recreation board meeting.

Baran – he attended the Murder Creek project meeting with residents and reported that the roof at the town park shelter is finished. They only need to reconnect the downspouts.

York – he looked at the park roof and met with Ed Rath to discuss the Swift Mills bridge and the possibility of reopening the bridge to at least one lane of traffic.

Supervisor- The May & June Supervisor’s Reports are on file with the Town Clerk. The Budget Notices have gone out to all departments for the 2014 Budget planning process. He attended the Erie County Highway meeting regarding the snow plow contract, drove through Leisurewood and met with their board regarding property lines and drainage issues. He met with the Senior Director and the grant writers regarding grants. He attended the Murder Creek meeting, met with New York State Police on the transfer of their vehicles to the joint facility, met with the Newstead Fire Company exempt club on landscaping issues and had several talks with Mrs. Jackson and Mr. Richardson from Quarry Hills.

UNFINISHED BUSINESS:

Joint Facility – nothing new

Planning Issues- Jackson St, old highway garage – soil issues to be addressed
Library project is continuing and should be done by August. The park shelter project is done except for downspouts.

Water projects- resolution for SEQRA later in meeting. Design work is done and ready for agency reviews. They are doing some more pressure metering & ECWA fire flow testing is being done.

Conservation issues- Emerald Ash Borer- nothing. **Murder Creek-**an update report was received from Apex Consulting dated July 17, 2013 regarding the latest inspections that have been done. Phase 2 construction is to start end of August or beginning of September when the water level goes down.

NEW BUSINESS:

Approval- SEQRA Neg Dec- Waterline project:

A motion was made by Councilman Mayrose, seconded by Councilman Rooney issuing a negative SEQRA declaration on the proposed Draper Rd and Downey Road waterline extensions project and authorizing the Supervisor to sign the EAF form.

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

Approval- Neg Dec & Local Law #2 of 2013- Rezoning/Zoning Map Amendment:

A motion was made by Councilman York, seconded by Councilman Mayrose issuing a negative SEQRA declaration on the proposed Local Law #2 of 2013 rezoning the property located at 12715 Lewis Rd to a C-2 zoning.

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

A motion was made by Councilman Baran, seconded by Councilman Rooney approving adoption of the proposed Local Law #2 of 2013 rezoning the property located at 12715 Lewis Rd to a C-2 zoning and authorizing amendment of the Zoning Map.

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

Approval- Site Plan for 12715 Lewis Rd:

A motion was made by Councilman Rooney, seconded by Councilman Mayrose authorizing the proposed site plan for a 2,100 sq. ft building addition for the property located at 12715 Lewis Rd and operated by Niagara Label, subject to the terms set forth in the resolution.

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

Planning Resolution- Newstead Recreational Trails Expansion:

A motion was made by Councilman York, seconded by Councilman Rooney approving the planning for a new 7,500 foot expansion of constructed trails system which will offer diverse use trails linking with local parks and neighboring trail systems and authorizing the Supervisor to execute the necessary paperwork for the grant and accept funds from the NYS Office of Parks, Recreation and Historic Preservation.

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

Approval- Appointment of Assessor:

A motion was made by Councilman Mayrose, seconded by Councilman Rooney approving the appointment of Rebecca Baker as the Town Assessor for a 6 year term expiring on 9/30/19 at 18 hours per week to be increased as needed on approval of the Board.

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

The Supervisor announced there will be no work session held on July 29th. The next work session will be on August 5th.

Question Period – no one spoke

The Supervisor thanked Mr. Newman and his group for waiting while they finished the meeting.

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 8:51pm.

Carried Unanimously

Respectfully Submitted,
Dawn D. Izydorzak, Town Clerk