

Newstead Town Board Meeting- August 10, 2015

A public hearing was called to order by the Newstead Town Board on Monday, August 10, 2015 at 8:00pm at the Newstead Town Hall.

Present: David Cummings- Supervisor
James Mayrose – Councilman
Justin Rooney- Councilman
John Jendrowski- Councilman
Nathan Neill- Attorney for the Town
Scott Rybarczyk- Town Engineer
Dawn Izydorczak- Town Clerk
Jennifer Heberling – Deputy Town Clerk

Roll Call was taken with all board members present with the exception of Councilman York.

The Supervisor called the **public hearing** to order on the proposed **site plan/special use permit** amendment for Kelkenberg Farm of Akron LLC located at 12607 Stage Rd.

The Clerk read the proof of publication. A phone call was received from neighbor Mary Ann Torrelli, who could not be present, in support of the project.

On July 23rd the planning board reviewed and recommended this to the town board for approval. The CEO waived engineering review and approved the drainage plan. Supervisor Cummings stated that we are waiting to hear comments back from several entities.

Comments: Andy Kelkenberg, owner of Kelkenberg Farms was present and stated the building will be sprinklered and he believes the roads will be large enough for fire apparatus. Andy explained that the parking lot and culverts already exist and the new project consists of only the building and the entryway to it.

Supervisor Cummings stated there is concern regarding a stream on the property and any resulting drainage. He would like the fire company to review the plan to check if there is adequate access for the fire apparatus in the event of an emergency.

There being no further comments, a motion was made by Councilman Mayrose, seconded by Councilman Rooney to close the public hearing at 8:06pm. Carried

The Supervisor called to order the **regular meeting** of the Town Board at 8:06pm with all the same members present as listed above.

Councilman Mayrose led the pledge to the flag.

Minutes from the previous regular meeting held on July 27, 2015 were presented for approval. A motion was made by Councilman Mayrose, seconded by Councilman Rooney to approve as presented. Carried

Agenda Changes – none

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.

The 2014 Annual Report was received for the Newstead Public Library.

The July 2015 Operations Report was received from Amherst Central Alarm office reporting 44 calls for Akron Fire Co and 30 calls for Newstead Fire Co.

A petition containing 1,368 signatures was received from Brenda Schlager, owner of Bubaloo's restaurant at the corner of North Millgrove and Main Rd., requesting that a traffic study for a traffic light be conducted at that intersection.

A report from the village on the Shred-it event – 67 participants total, 29 village residents and 38 town residents attended with almost 4,000 pounds of paper shredded.

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

Work Session: The Supervisor reported that at work session held last week the following items were discussed: meetings with Mike Whiting on water requests for Cedar St, Annette Adamczak to discuss AED units at the parks and Paul Winnie to discuss indigenous issues, water/sewer issues, planning projects, buildings projects at town buildings, grant items, IT services, cleaning contract bids review, dog control truck purchase, Akron Falls Park, Indigenous day, parks master plan 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 Rooney to approve the budget transfers as requested by Bookkeeper Colleen Salmon in a memo dated August 10, 2015. Carried

Approval of Bills – Councilman Mayrose reported that the Abstract(s) from Batch(es) #1530 and 1532 with wire for BAN payoff have been reviewed with the previously un-audited vouchers and everything was found in order. He presented Abstract Batch(es) #1534 & 1538 for payment. Vouchers on this abstract(s) numbered from 790-792 & 813-860, totaling \$63,826.01. Councilman Rooney seconded to approve payment as follows:

Abstract Batch(es) #1534 & 1538:
General Fund (A) -\$20,351.08, General Fund- Outside Village (B) \$2,125.00, Highway (DA) -\$0, Highway: Outside Village (DB) \$24,348.06, CAP-Murder Creek (HM) \$0, CAP- Scotland Rd (HS)- \$0, CAP- Water Improvement (HW)- \$0, CAP Water-Downey (HW01)- \$11,765.50, Drainage (SD)- \$0, Fire Protection (SF) \$0, Refuse (SR) \$0, Sewer Fund (SS) \$4,563.44, Sewer District #2 (SS02)- \$159.80, Trust & Agency(TA)- \$0 and Water Districts: Consolidated (SW00) \$513.13, (SW1) \$0, (SW2) \$0, (SW3) \$0, (SW4) \$0, (SW5) \$0, (SW6) \$0, (SW7) \$0, (SW7A) \$0, (SW8) \$0, (SW9) \$0, (SW10) \$0 Total: \$63,826.01 Carried

COMMITTEE AND DEPARTMENT HEAD REPORTS:

Highway – Highway Superintendent Bassanello was not present but the following report was given by Supervisor Cummings on his behalf: worked on field ditch mowing, trimmed and mulched at the town hall, thanks the town and village for the help on the water line and said the taps are all done, clean up and dirt work on water line, helped the village with yard waste and painted the park shelter at 40 Skyline Drive.

Assessor – no report was presented.

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

James Marfurt	4870 N Millgrove	Permit renewal
Howard Davis	5677 Crittenden	Windows
Robert Trabert	6382 Dye	Garage conversion
Dale Berghorn	11090 Miland	Wind turbine
John Schrock	7389 Sandhill	In-ground Pool
Mark Dean	7250 Maple	Roof, windows, siding
Todd Maier	5025 Havenwood	Shed
Mooney’s/Braun’s Concert Cove	11891 Main	Special event permit
Buffalo Drilling Co	12264 Main	Roof
David Wolf	11738 Clarence Center	Solar panels

The Town Board accepted the report as presented.

Town Clerk- hunting license sales started today with the DEC system going down shortly into the morning sales. Approval was received to start the senior van Saturday hours.

Attorney for the Town – nothing at this time

COUNCILPERSONS:

Rooney – he attended an Indigenous People Day committee meeting last week and they are scheduled to have another meeting tomorrow on the reservation. He attended the Akron Community Band concert on Friday night and presented Marilyn Kasperek a plaque commemorating her 50th anniversary as a member of the band.

Mayrose – he met with Ken Lombardo and Supervisor Cummings regarding our current and future IT needs.

York – not present

Jendrowski – he attended a library board meeting and talked about the upcoming projects and met with the CEO regarding a property on Main Road.

Supervisor – the July Supervisors Report is on file with the Town Clerk. He attended the IT meeting with Ken Lombardo and Councilman Mayrose, attended the Dick Forrestel outlook dedication this past weekend, budget sheets were due today from department heads, he met with a celebration committee member, and spoke with Trustee Forrestel regarding the meeting with County officials, police agencies and the Court to address the jumping into the falls at Akron Falls Park by visitors. There will be better signage in the park and more appearance tickets issued to those that violate the law against jumping off of the cliffs. Supervisor Cummings thanked Councilman Rooney for motivating everyone forward on this issue.

UNFINISHED BUSINESS:

Buildings – work at the town hall is finishing up, working on the roof at the senior center is set to begin and we are waiting to hear on the library walkway.

Planning – still addressing changes to the wind turbine law. A public hearing on the proposed changes will be scheduled within the next couple of meetings.

Water – taps are in on Downey Road. Will start looking at solutions for Cedar Street next year.

Grants – waiting for several replies in the next few months and the CDBG will be coming up next month.

NEW BUSINESS:

Public Hearing- Local Law #4 of 2015:

A motion was made by Councilman Mayrose, seconded by Councilman Rooney authorizing the calling of a public hearing on the proposed Local Law #4 of 2015 regarding amendments to the Zoning Law relative to Agri-business and Glare, which will be held on August 24, 2015 at 7:50pm at the Newstead Town Hall and authorizing the Clerk to publish notice of the hearing.
(Resolution Attached) Cummings-Aye, Rooney -Aye, Mayrose-Aye, York-Absent, Jendrowski- Aye
Carried

Traffic Study Request- Main & N Millgrove/Barnum Roads:

A motion was made by Councilman Rooney, seconded by Councilman Mayrose authorizing a traffic study request to be sent to Erie County and the NYSDOT for the intersection of Main Rd and N Millgrove Rd/Barnum Rd requesting a traffic light be installed at the intersection.
Cummings-Aye, Rooney -Aye, Mayrose-Aye, York-Absent, Jendrowski- Aye
Carried

Privilege of the Floor/Question Period:

Ed Burke of 27 Crescent Dr. questioned the definition of “agri-business” as to whether or not it is a local definition or statewide. Supervisor Cummings explained it is a definition specific to our town.

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 8:27pm.

Carried

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