

Newstead Town Board Meeting- August 11, 2014

A regular meeting was called to order by the Newstead Town Board on Monday, August 11, 2014 at 8:00pm at the Newstead Town Hall.

Present: David Cummings- Supervisor
Justin Rooney- 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 except Councilman Mayrose who is out of town.

Supervisor Cummings led the pledge to the flag.

Minutes from the previous regular meeting held on July 28, 2014 were presented for approval. A motion was made by Councilman Rooney, seconded by Councilman York to approve as presented.
Carried

Minutes from the special meeting held on August 4, 2014 were presented for approval. A motion was made by Councilman Rooney, seconded by Councilman York to approve as presented.
Carried

Agenda Changes – none

Communications – The Town Clerk presented the following correspondence:

A letter from a former employee of Braun's Concert Cove leveling several allegations against Braun's as an employer.

A letter from Councilwoman Marybeth Whiting resigning her position as Town Councilman effective August 4, 2014.

A letter from Kay Green, Senior Center Attendant, resigning her position effective August 31, 2014.

A letter from Attorney Terrie Murray inquiring about the installation of drainage pipes on neighboring properties of 12229 McNeeley Rd and how that may affect the drainage on his clients property.

A notice from NYS Department of Taxation & Finance notifying the town that the 2014 Assessment Equalization Rate is set at 100%.

A letter from Ride for Roswell thanking the Town for allowing the use of their roads and facilities during this year's event.

The July 2014 Operations Report was received from Amherst Central Alarm Office reporting 52 calls for Akron Fire Co and 40 calls for Newstead Fire Co.

A letter from NYS Department of State notifying the town that Local Law #3 of 2014 was received and filed on August 5, 2014.

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

Work Session: The Supervisor reported that at work session held last week the following issues were discussed: water district issues, building projects, parks, highway issues, grants, planning issues, contracts, courts, sign law, and any other issues brought before the Board.

Agenda Items Question Period: none

Budget Transfers: a motion was made by Councilman York, seconded by Councilman Rooney approving the budget transfers per memo from Bookkeeper Colleen Salmon dated 8/11/14.

Carried

Approval of Bills – Supervisor Cummings reported that the Abstract(s) from Batch(es) #1416 & 1418 with BAN payoff from the July 28, 2014 meeting have been reviewed with the previously un-audited vouchers and everything was found in order. He presented Abstract Batch(es) #1421 & 1423 for payment. Vouchers on this abstract(s) numbered from 791 - 844, totaling \$105,353.93. Councilman Rooney seconded to approve payment as follows:

Abstract Batch(es) #1421 & 1423:

General Fund (A) -\$17,865.61, General Fund- Outside Village (B) \$179.83, Highway (DA) -\$0, Highway: Outside Village (DB) \$48,399.62, CAP-Murder Creek (HM) \$1,500.00, CAP- Scotland Rd (HS)- \$0, CAP- Water Improvement (HW)- \$0, CAP Water-Downey (HW01)- \$816.00, Drainage (SD)- \$0, Fire Protection (SF) \$4,577.44, Refuse (SR) \$24,052.55, Sewer Fund (SS) \$552.96, Sewer District #2 (SS02)- \$497.24, Trust & Agency(TA)- \$0 and Water Districts: Consolidated (SW00) \$6,912.68, (SW1) \$0, (SW2) \$0, (SW3) \$0, (SW4) \$0, (SW5) \$0, (SW6) \$0, (SW7) \$0, (SW7A) \$0, (SW8) \$0, (SW9) \$0, (SW10) \$0 Total: \$105,353.93 Carried

COMMITTEE AND DEPARTMENT HEAD REPORTS:

Highway – Supt Bassanello reported that shoulder work will be postponed until Wednesday due to the coming weather. He will also be out of town from the 19th through the 20th this month.

Assessor – no report presented

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

Michael Saeli	11715 Clarence Center	Porch roof
John Tschachtli	11526 Hiller	Roof
David Morehouse	11326 Miland	Ditch fill
Lauren Michalik	142 Golden Pond Est	Roof
Doug Brauer	4384 Billo	Remodel
Michael Conway	11900 Stage	One family home
CMK Builders	11900 Stage	Driveway
CMK Builders	11860 Sheila	One family home
CMK Builders	11860 Sheila	Driveway
Jeff Jendrowski	11936 Rapids	Wind turbine
John Jendrowski	12375 Meahl	Wind turbine

The Town Board accepted the report as presented.

Town Clerk- She is still working on dog law changes with the DCO.

Attorney for the Town – nothing at this time

COUNCILPERSONS:

Rooney – he thanked the first responders that came to the call for his brother-in-law and all the neighbors, family & friends for their outpouring of support during his difficult time.

Mayrose – not present

York – he was shocked and saddened by Marybeth’s resignation. She was doing good work and will be missed.

Supervisor- he attended the Elma Supervisor's meeting, met with the Erie County Sheriff's Dept on using the work crews in the bike path project, met with the State Police concerning court issues, met with fire company and senior center representatives on roof leaks and doors, met with a local contractor on roof repairs at town buildings.

UNFINISHED BUSINESS:

Planning Projects- nothing new to report

Conservation issues- Murder Creek- a report was received from Apex Consulting on phase 1 growth. Phase 2 is set to begin work.

Water projects- continuing work on the upcoming project

NEW BUSINESS:

Special Use Permit- 6649 Utley Rd:

A motion was made by Councilman Rooney, seconded by Councilman York approving the Special Use Permit at 6649 Utley Rd for a 140 ft wind turbine by owner David DeRose, subject to the terms set forth in the resolution.

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

Special Use Permit- 12607 Stage Rd:

A motion was made by Councilman York, seconded by Councilman Rooney approving the Special Use Permit at 12607 Stage Rd for a 140 ft wind turbine by owner Andy Kelkenberg, subject to the terms set forth in the resolution.

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

Special Use Permit- 8016 Greenbush Rd:

A motion was made by Councilman Rooney, seconded by Councilman York approving the Special Use Permit at 8016 Greenbush Rd for a 140 ft wind turbine by owner Ray Schrock, subject to the terms set forth in the resolution.

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

Public Hearing- Special Use Permit- 13923 Knapp Rd:

A motion was made by Councilman York, seconded by Councilman Rooney approving the calling of a public hearing on the request for a Special Use Permit at 13923 Knapp Rd for a 140 ft wind turbine by owner Ben Miles, to be held on August 25, 2014 at 7:55pm and authorizing the Clerk to publish to legal notice.

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

Town Engineer Rybarczyk requested an official stamped set of drawings on the site plan and a complete set on the turbine itself for this project. The sets he received for review were not official.

Public Hearing- Local Law #5 of 2014- Ethics Law changes:

A motion was made by Councilman Rooney, seconded by Councilman York approving the calling of a public hearing on the proposed Local Law #5 of 2014 regarding amendments to the Ethics law, to be held on August 25, 2014 at 7:40pm and authorizing the Clerk to publish to legal notice.

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

Accept Employee Resignations:

A motion was made by Councilman Rooney, seconded by Councilman York accepting the resignation from the Town Board of Councilwoman Marybeth Whiting effective August 4, 2014 and accepting the resignation from Kay Green as Senior Center Assistant effective August 31, 2014.

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

Councilman Rooney and Supervisor Cummings thanked them both for their service to the town.

Approval- Town Historian Job Description:

A motion was made by Councilman York, seconded by Councilman Rooney approving the amendments to the job description for the Town Historian position.

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

NYSDOT & Erie County Highway Study Requests:

A motion was made by Councilman Rooney, seconded by Councilman York approving sending requests to the NYSDOT for a traffic study at the Main Rd and Cummings Rd intersection and to Erie County Highways for another speed and traffic study on Scotland Rd at Martin Rd.

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

Supervisor Cummings informed those present that there is a procedure to follow to fill a vacant seat on the Board. There are a few options open to the Board and after discussion they have unanimously decided not to appoint a new member to the Board at this time. At this point there is still enough time for each of the political parties to place members on the ballot for the November election so the Board will wait to see the outcome of the November election before taking any action.

Privilege of the Floor/Question Period:

Don Caple of Maple Rd spoke regarding Councilwoman Whiting's resignation and his opposition to the proposal to purchase a gradall machine. He believes we should fix what we have.

Kevin Borth of Scotland Rd thanked the Board for their follow up on the dangerous road issues and stated he supports the delay on the Council seat appointment. He also addressed issues with the noise law and its enforcement and liability.

Dale Cheavacci of John St stated he thinks it is great news for the whole town that we won the appeal on the airport litigation and he also agrees with the delay on the Council seat appointment.

There being no further business to come before the board a motion was made by Councilman Rooney, seconded by Councilman York to adjourn the regular meeting at 8:35pm.

Carried

Respectfully Submitted,

Dawn D. Izydorcak, RMC, Town Clerk