

Newstead Town Board Meeting- September 28, 2009

A Public Hearing was called to order by the Newstead Town Board on Monday, September 28, 2009 at 7:30pm at the Newstead Town Hall.

Present: David Cummings– Supervisor
Tom George- Councilman
Justin Rooney- Councilman
Cheryl Esposito- Councilwoman
Cati Knab- Town Engineer
Nathan Neill- Town Attorney
Dawn Izydorczak- Town Clerk
Jennifer Heberling- Deputy Clerk

Roll Call was taken with all board members present.

Supervisor Cummings called the public hearing on proposed amendments to the town wide Newstead Drainage District to order at 7:30pm.

The Town Clerk read the proof of publication.

Comments: Tony Brandl of 6320 Hake Rd commented about his problem of receiving all the drainage water from Main Rd, Buell St, Clarence Center Rd and Hake Rd on to his property which is eroding all his property away, creating non-usable wetlands and taking away the use of his land. He questioned how this amendment to the drainage district will help him. The Town Attorney addressed his questions stating the original purpose for the district and what the new amendments will mean. It provides more flexibility of funds for targeted projects and allows for new developments to carry the cost of drainage in their areas instead of everyone in the town. Mr. Brandl stated the water flows between his house and Eulenbergs property and is getting bogged down before it gets to the creek. He stated he would be more than willing to sign an easement to the Town and County to come on his property to do work to fix the problem.

There being no further comments a motion was made by Councilman George, seconded by Councilman Rooney to close the public hearing on the Newstead Drainage District amendments at 7:50pm. Carried

Supervisor Cummings called the public hearing on a 13-lot major subdivision at Crittenden & Main Roads to order at 7:55pm

The Town Clerk read the proof of publication.

Comments: **Al Hopkins of Metzger Engineering** representing the developer gave an overview of the project consisting of 13 one to five acre lots and a detention pond for drainage which complies with the NYS SPEDES 100 year storm requirements. The **Supervisor** voiced his concerns regarding the development not conforming to the town's master plan and would rather see the parcel developed as a cluster development or commercial use. **Councilwoman Esposito** added that Erie county Planning also commented that a cluster development would be more suited for the parcel. It was questioned if blasting would be used in the forming of the detention ponds. Mr. Hopkins responded no, that excavation methods would be used. **Councilman George** stated the rezoning and overlay zoning that the town board worked on previously removed residential units in a commercial zone because the studies showed there could be compatibility issues as well as quality of life issues of residents. He feels these same issues could affect residents in this area as well. **Supervisor Cummings** stated the Planning Board Chairman as well as Planning Board members had issues with residential units in a C-2 zone and with the L-shaped lots proposed. He also stated a 10 year maintenance plan of the ponds would be necessary. **Dave Wakeman of 5860 Crittenden Rd** stated the water in that area drains to the north to his lot and then it drains to the west side of the road not the east side as the engineering plan shows. He also has concerns with not following the towns master plan and would prefer that area be used for commercial entities as it is zoned not for residential. **Mike Ruskok of 5144 Crittenden Rd** questioned who determined the drainage design. Mr. Hopkins responded they followed the NYS SPEDES design catalog requirements in the design of the ponds.

Supervisor Cummings questioned the impact on properties on the opposite side of Crittenden Rd and its drainage. He knows the owner of that property is also trying to sell lots which are already swampy most of the time. Even additional filtered run off will affect these lots also. **Town Engineer Cati Knab** who reviewed the plan for the town stated the detention ponds may actually help the drainage in the area if constructed correctly. Most still voiced concerns that the project is counter to the towns adopted master plan.

There being no further comments a motion was made by Councilman Rooney, seconded by Councilman George to close the public hearing on the 13-lot major subdivision at 8:15pm.

Carried

A regular meeting of the Newstead Town Board was called to order at 8:15pm with the same board members present as listed above.

Supervisor Cummings led the pledge to the flag.

Minutes from the previous regular meeting held on September 14, 2009 were presented for approval. A motion was made by Councilman Rooney, seconded by Councilman George to approve as presented.

Carried

Communications – The Town Clerk presented the following:

Certified resolutions passed by the Towns of Marilla and Town of Lancaster regarding their support for a law to govern the road salt contracts with municipalities.

A Notice of Highway Re-opening was received from the Erie County DPW announcing the work on Burdick Road in Newstead is completed and the road is re-opened to traffic.

A notice of a public hearing by the Erie County Department of Environment & Planning regarding the use of Community Development Block Grant Funds will be held on Wednesday, September 30, 2009 at 7:00pm at the West Seneca Town Hall Courtroom.

A letter from the Rural Transit Service announcing a new contact phone number for the van service in Clarence & Newstead. It is now operating out of the Clarence Senior Center at 565-3323.

A letter from Town Justice Dennis Freeman requesting authorization to attend the NYS Magistrates Associations annual conference, election of officers, installation and awards meeting to be held October 18th – 21st in Lake Placid with the town covering 2/3 of the cost & village 1/3 of the cost.

A motion was made by Councilman George, seconded by Councilman Rooney to receive and file correspondence as presented.

Carried

Work Session: The Supervisor reported that at the last work session held the following issues were discussed: water district issues, town historian & library issues, Joint Facilities, grant submissions, multiple planning issues, joint town/village board meeting agenda, Martin Road property and town hall project, as well as any other items found necessary.

Privilege of the Floor – no one spoke

Budget Transfers: a motion was made by Councilwoman Esposito, seconded by Councilman Rooney approving the budget transfers as requested by Bookkeeper Colleen Salmon in a memo dated 9/28/09.

Carried

Approval of Bills -Councilwoman Esposito reported that the Abstracts from Batches # 867, 868 & 871 from the September 14, 2009 meeting have been reviewed with the previously UN-audited vouchers and everything was found in order. She presented Abstract Batch #874. Vouchers on this abstract numbered from 1010- 1037 totaling \$30,072.64 and were presented by Councilwoman Esposito, seconded by Councilman Rooney to approve payment as follows:

Abstract Batch #874:

General Fund (A) -\$15,453.36, General Fund- Outside Village (B) \$16.83, Highway (DA) -\$0, Capital Projects: CAP-WD#10 (HI)- \$4,020.34, Library Basement (HR04)- \$0, Highway Garage-Cap (HG) - \$138.27, CAP- Town Hall Addition (HT) \$1,956.24, Highway: Outside Village (DB) \$2,983.07, Drainage (SD)- \$439.48, Fire Protection (SF) \$3,600.00, Refuse (SR) \$0, Sewer Fund (SS) \$27.95, Sewer District #2 (SS02)- \$71.32, and Water Districts (SW1) \$124.16, (SW2) \$124.16,

(SW3) \$124.16, (SW4) \$124.16, (SW5) \$124.16, (SW6) \$124.16, (SW7) \$124.16, (SW7A) \$124.16, (SW8) \$124.16, (SW9) \$124.16, (SW10) \$124.18, Trust & Agency(TA)- \$0
Total: \$30,072.64 Carried

COMMITTEE AND DEPARTMENT HEAD REPORTS:

Highway – not present

Assessor – report presented detailing end of year numbers.

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

Jesse Blair	5605 Cummings	Permit renewal
Mr. & Mrs. Sowinski	6000 Crittenden	Single family home
Sam & Lisa Torrelli	12509 Stage	Roof
William Rodgers	12718 Swift mills	Windows, siding, steps
Golden Pond Estates	Lot #248	Manufactured home
Angela Manier	13968 Bloomingdale	Demolition
Jack Willert	11163 Main	Temporary sign
Lorraine Pixley	6981 Sandhill	Pole barn
Joe Sheehan	5820 Crittenden	Single family home
Linda Sherman	90 Quarry Hill Est	Roof
William Goral	12229 Mcneeley	Driveway marker & shed

The Town Board accepted the report as presented.

Town Clerk- nothing at this time

Attorney for the Town – nothing at this time

COUNCILPERSONS:

George- nothing at this time

Finger- not present

Rooney- nothing at this time

Esposito- Court consolidation meeting is scheduled for October 7th to review final drawings for addition and go over additional issues that need to be addressed.

SUPERVISOR- hosted Association of Erie County Governments meeting at Ivy Ridge which was attended by Councilman Finger, Councilwoman Esposito, Town Clerk Izydorczak and Deputy Town Clerk Heberling. He also attended his quarterly Supervisors meeting and a CDBG meeting. The Tentative budget was submitted with the final exemptions report to the Town Clerk on time.

UNFINISHED BUSINESS:

Water District #10- Scotland Rd Extension/Consolidation- comments have been sent back to ECWA on the hydraulics on the project and they are waiting for a call back from Tom Wik.

Shared Public Works Facility Committee- site work has been on-going. The 20 days without rain led to a lot of progress on the project. The driveway permit is in progress with Erie County and the final geo-technical reports have been received, with all great news regarding the soils on site. The final schematic building plans should be to the engineer this week for review and preparation for going to bid.

Grants- several grants are due in the next 30- 60 days so the grant writer and staff will be busy getting them together and out on time.

NEW BUSINESS:

Public Hearing- CDBG Funding for 2010:

A motion was made by Councilman Rooney, seconded by Councilman George approving the calling of a public hearing on October 13, 2009 at 7:55pm to hear comments on the proposed uses of Community Development Block Grant funds for the 2010 year.

(Resolution Attached) Cummings-Aye, George- Aye, Finger- Absent, Rooney -Aye, Esposito-Aye
Carried

Public Hearing- 2010 Budget:

A motion was made by Councilwoman Esposito, seconded by Councilman George approving the calling of a public hearing on October 26, 2009 at 7:45pm to hear comments on the proposed 2010 Budget.

(Resolution Attached) Cummings-Aye, George- Aye, Finger- Absent, Rooney -Aye, Esposito-Aye
Carried

CDBG Ranking Approval- Rural Transit Van Service:

A motion was made by Councilman Rooney, seconded by Councilman George authorizing approval of the ranking of the Rural Transit Van Service for Community Development Block Grant funding and ranking the project as #3.

(Resolution Attached) Cummings-Aye, George- Aye, Finger- Absent, Rooney -Aye, Esposito-Aye
Carried

Muir Woods Wetland Mitigation Neg Dec & Approval:

A motion was made by Councilman George, seconded by Councilwoman Esposito issuing a Negative SEQRA Declaration and approving the proposed Muir Woods Wetland Mitigation project within the Town of Newstead by Ciminelli Development Company subject to the terms set forth in the attached resolution.

(Resolution Attached) Cummings-Aye, George- Aye, Finger- Absent, Rooney -Aye, Esposito-Aye
Carried

Justice Training Approval:

A motion was made by Councilman George, seconded by Councilman Rooney approving the request by Justice Freeman to attend his annual conference from October 18th -21nd at a 2/3 cost to the town.

Cummings-Aye, George-Aye, Finger-Absent, Rooney -Aye, Esposito-Aye
Carried

Joint Town/Village Board Meeting Approval:

A motion was made by Councilman Rooney, seconded by Councilman George approving the scheduling of a joint town/village board meeting on October 5, 2009 at the Village Hall at 8:30pm.

Cummings-Aye, George-Aye, Finger-Absent, Rooney -Aye, Esposito-Aye
Carried

Murder Creek Mitigation Grant Approval:

A motion was made by Councilman George, seconded by Councilman Rooney approving the submission of a 2010 grant application for funding on the Murder Creek Mitigation project and authorizing the supervisor to sign the joint application with the Village of Akron and further agreeing to maintain \$220,000 in un-appropriated fund balance as 25% matching funds on the project.

(Resolution Attached) Cummings-Aye, George-Aye, Finger-Absent, Rooney -Aye, Esposito-Aye
Carried

Amended Contract- Silvestri Architects:

A motion was made by Councilwoman Esposito, seconded by Councilman George approving the amendment of a previous contract with Silvestri Architects for design services on the town hall addition project in an amount of \$35,000.

(Resolution Attached) Cummings-Aye, George-Aye, Finger-Absent, Rooney -Aye, Esposito-Aye
Carried

Question Period- no one spoke

The Town board went into executive session to discuss a personnel matter at 8:30pm. No action was taken. The Board left executive session at 9:00pm.

There being no further business to come before the board a motion was made by Councilman George, seconded by Councilwoman Esposito to adjourn the meeting at 9:00pm.

Carried

Respectfully Submitted,
Dawn D. Izydorczak, Town Clerk