

Newstead Town Board Meeting- November 26, 2012

A public hearing was called to order by the Newstead Town Board on Monday, November 26, 2012 at 7:40pm 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 Izydorzak- Town Clerk
Jennifer Heberling- Deputy Town Clerk

Roll Call was taken with all board members present.

Supervisor Cummings called the public hearing to order on the proposed Local Law #6 of 2012 regarding amendments to the Subdivision Law.

The Clerk read the proof of publication.

Comments: no one spoke

There being no further comments a motion was made by Councilman Rooney, seconded by Councilman Mayrose to close the public hearing at 7:50pm. Carried Unanimously

Supervisor Cummings called the public hearing to order on the proposed Local Law #8 of 2012 regarding adoption of a Code of Ethics Law at 7:50pm.

The Clerk read the proof of publication. The Supervisor explained the current law versus the proposed law and that the new law provides for the appointment of an ethics board. He stated this is a law that is necessary but one you hope you never have to use.

Comments: no one spoke

There being no further comments a motion was made by Councilman Mayrose, seconded by Councilman Baran to close the public hearing at 7:55pm. Carried Unanimously

A regular meeting of the Newstead Town Board was called to order at 8:00pm with the same members present as above.

Town Engineer Scott Rybarczyk led the pledge to the flag.

Minutes from the previous regular meeting held on November 12, 2012 were presented for approval. A motion was made by Councilman Mayrose, seconded by Councilman York to approve as presented. Carried Unanimously

Minutes from the joint Town/Village Board meeting on November 19, 2012 were presented for approval. A motion was made by Councilman Baran, seconded by Councilman Mayrose to approve as presented. Carried Unanimously

Communications – The Town Clerk presented the following correspondence:

The October 2012 Operations Report was received from Amherst Central Alarm Office reporting 43 calls for Akron Fire Co and 15 calls for Newstead Fire Co.

A public notice from the NYSDEC announcing a Landholder Incentive Program for Protection and Management of Grassland Habitats. Anyone interested in more information or filling out an application can go to the DEC website under publication #32891 by January 15, 2013.

A notice of public hearing was received from the Town of Alden regarding their proposed Governmental Operations Law.

An email was received from Lori at Culligan Water Systems thanking the Town for their sidewalk project along Skyline Drive. She has used them several times already and stated they look great.

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

Work Session: The Supervisor reported that at the work sessions held the last 2 weeks the following items were discussed: Water district issues, building project updates, planning issues, assessment issues, grants, copy machine replacement, policy book changes, sex offender law, official undertakings, as well as any other issues brought before the board. A joint meeting of the Town and Village Boards was held at 9:00pm following the work session.

Privilege of the Floor – Chris Bower of 7878 Moore Rd asked why it was in the best interest of the taxpayers to layoff an employee going into the busy snowplow season when the money has already been accounted for in the budget. Supervisor Cummings stated he could not comfortably answer that question at this point as the town is under negotiations with the union on their contract. Mr. Bower also questioned the rumors that the town is going to merge with the village. Supervisor Cummings responded that the committee has been working on ways to work together more but actual merger talks are not an issue yet but may happen at some point in the future. Mr. Bower also questioned if and why the project manager was paid when he was out on leave from surgery. Supervisor Cummings will check to see if that actually happened and get back to him. Mr. Bower also questioned why employees were put into a new building before fire extinguishers were in service. Supervisor Cummings stated he knows nothing about that and questioned why the issue is just now being brought up when the board should have been informed of it right when it happened. Highway Supt. Bassanello stated the extinguishers from the old buildings were transferred into the new building until the new extinguishers could be installed. Mr. Bower also questioned the total dollars spent on the new facility for the main building and the cold storage building. Supervisor Cummings stated he would get him those figures by tomorrow.

Jim Richards of 108 Quarry Hills asked for a progress report on the Braun's concerts situation. Supervisor Cummings told him that Local Law #9 on Special Events Permits has been presented and a public hearing will be held at the next meeting on December 10th at 7:45pm. Also later this evening a restricted parking resolution will be passed for Havens Road.

Dan Kowalik, Akron Fire Chief spoke in favor of the new proposed EMS contract with Twin City. Past Chief, Keith Hawes was also present and sat on the committee that came up with the new contract. He offered to answer any questions the Board may have on the new contract. Supervisor Cummings thanked them for being present and stated the public hearing on the contracts will be set tonight for the December 10th meeting at 7:35pm.

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 26, 2012. Carried Unanimously

Approval of Bills – Councilman Mayrose reported that the Abstract from Batch(es) # 1228 & 1230 from the November 12, 2012 meeting has been reviewed with the previously un-audited vouchers and everything was found in order. He presented Abstract Batch(es) #1232 for payment. Vouchers on this abstract numbered from 1274 – 1304 totaling \$521,906.55 and were presented by Councilman Mayrose, seconded by Councilman Rooney to approve payment as follows:

Abstract Batch(es) #1232:

General Fund (A) -\$91,539.97, General Fund- Outside Village (B) \$18,448.90, Highway (DA) -\$0, Highway: Outside Village (DB) \$120,035.42, Capital Projects: CAP- Highway Garage- (HG) - \$282,946.01, CAP-Murder Creek (HM) \$500.00, CAP- Equipment Purchase (HR02)- \$0, CAP- Library Basement (HR04) \$0, CAP- Scotland Rd (HS)- \$0, CAP- Town Hall (HT)- \$0, CAP- Water Improvement (HW)- \$0, Drainage (SD)- \$0, Fire Protection (SF) \$0, Refuse (SR) \$7,850.00, Sewer Fund (SS) \$26.27, Sewer District #2 (SS02)- \$70.95, Trust & Agency(TA)- \$0 and Water Districts: Consolidated (SW00) \$489.03, (SW1) \$0, (SW2) \$0, (SW3) \$0, (SW4) \$0, (SW5) \$0, (SW6) \$0, (SW7) \$0, (SW7A) \$0, (SW8) \$0, (SW9) \$0, (SW10) \$0

Total: \$521,906.55

Carried Unanimously

COMMITTEE AND DEPARTMENT HEAD REPORTS:

Highway – Mike reported that effective today they have reduced their staff by 1 employee, going from 6 to 5. The sidewalk project on Skyline Drive is completed and the crews were out salting last night.

Assessor – report was presented on the legal costs the town has spent since 2004 to deal with assessment challenges, not only on our behalf but the School and Villages as well.

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

Francis & Lorene Eldred	13656 Main	Roof
Adam & Allison Massaro	13482 Bloomingdale	Permit renewal

The Town Board accepted the report as presented.

Town Clerk- nothing at this time

Attorney for the Town – He has drafted a response letter for the Boards review on the cell tower request from SBA for a 5 year extension on their contract.

COUNCILPERSONS:

Rooney – He has a Recreation task force meeting this Thursday and a meeting on the Veterans Park master plan this week as well. He is waiting for a response from the Mayor for dates for a joint EMS committee meeting to be set in the near future.

Mayrose – He attended the Erie County Budget Hearing, a meeting with the CEO, a meeting with Mike & Jon on Joint Facility issues and the Town Attorney on getting more representation for the CEO at court cases.

Baran – the library roof and window issues have been addressed and work is completed.

York – nothing at this time

Supervisor- He attended the meeting with the CEO, the meeting with Mike & Jon on Joint Facility issues, met with the Mayor on joint town/village issues and met with the Justices on Court consolidation issues.

UNFINISHED BUSINESS:

Water Districts – Scott reported the Havens Rd waterline extension has been started and they have had an inspector on site as well as a representative from ECWA. He is scheduling a meeting with the NYSDOH to go over the models they put together which will address pressure concerns in the town. They are waiting on National Grid's availability to finish up the connections on the PRV's.

Joint Highway Facility- the committee will be meeting in the next 2 weeks to discuss more merger items.

Murder Creek- Apex filed their final report for the 2012 season reporting that no additional watering was necessary since last month due to the weather conditions. No signs of erosion are present to date. Plants are reaching dormancy stages and some budding is occurring where it should be. CATCO will be furnishing the Town and Apex with a schedule for replacements of plantings for the spring of 2013. The schedule should be submitted at least 30 days prior to installation.

Planning Issues- the Supervisor has learned that there will not be a SEQR meeting held here on the proposed County Line Stone expansion. The hearing held in Corfu will be the only one. They are still accepting written comments on the project. Any comments can be sent to County Line Stone. The town will also be working with them on a few issues for the project.

Town Engineer Rybarczyk questioned when the deadline for comments was. The Supervisor will let him know.

NEW BUSINESS:

Adoption- Local Law #6 of 2012:

A motion was made by Councilman Mayrose, seconded by Councilman York adopting a determination of Non-Significance of Local Law regarding Local Law #6 of 2012- proposed amendments to the Subdivision Law.

(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 a Local Law #6 of 2012 regarding proposed amendments to the Subdivision Law Government Operations Law.

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

Adoption- Local Law #7 of 2012:

A motion was made by Councilman York, seconded by Councilman Baran adopting a determination of Non-Significance of Local Law regarding Local Law #7 of 2012- proposed "Best Practices" for Governmental Operation Law.

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

A motion was made by Councilman York, seconded by Councilman Rooney approving the adoption of a Local Law #7 of 2012 regarding proposed establishments of a "Best Practices" Law for Government Operations.

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

Adoption- Local Law #8 of 2012:

A motion was made by Councilman Rooney, seconded by Councilman Baran adopting a determination of Non-Significance of Local Law regarding Local Law #8 of 2012- proposed Code of Ethics Law.

(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 a Local Law #8 of 2012 regarding a Code of Ethics Law of the Town of Newstead.

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

Public Hearing- Kelly Schultz Site Plan- 11061 Main Rd:

A motion was made by Councilman York, seconded by Councilman Rooney approving the calling of a public hearing regarding a proposed site plan submitted by Kelly Schultz for 4 Storage Buildings totaling 18,900 sq. ft. at 11061 Main Rd, to be held on December 10, 2012 at 7:40pm.

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

Public Hearing- Local Law #10 of 2012:

A motion was made by Councilman Baran, seconded by Councilman Mayrose approving the calling of a public hearing for Local Law #10 of 2012 regarding proposed amendments to the penalties provisions of the Zoning Law for December 10, 2012 at 7:55pm.

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

Approval- Copy Machine Purchase:

A motion was made by Councilman Rooney, seconded by Councilman Mayrose approving the declaration of the copy machine in the Town Clerk's office as surplus and authorizing the donation of the machine to the Newstead Historical Society and approving the proposal to purchase a new BizHub C284 copy machine for the Town in the amount of \$5,302.09 for the total package cost.

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

Approval- Parking Restrictions for Havens Rd:

A motion was made by Councilman Mayrose, seconded by Councilman York approving the declaration of parking restrictions for portions of Havens Rd, as set forth in the resolution. (Resolution Attached) Cummings-Aye, Rooney -No, Mayrose-Aye, Baran-Aye, York-Aye
Carried

Approval- Grant Writer Contract:

A motion was made by Councilman Baran, seconded by Councilman Mayrose approving the retainer of Rotella Grant Management as a grant writer for the Town on a month to month basis at a monthly retainer fee of \$1,200.00 and authorizing the Supervisor to execute the contract. (Resolution Attached) Cummings-Aye, Rooney -Aye, Mayrose-Aye, Baran-Aye, York-Aye
Carried Unanimously

Public Hearing- Proposed Contract with Twin City Ambulance Service:

A motion was made by Councilman Rooney, seconded by Councilman Mayrose approving the calling of a public hearing regarding the proposed contract with Twin City Ambulance for the Pre-Hospital Emergency Medical Services for December 10, 2012 at 7:35pm. (Resolution Attached) Cummings-Aye, Rooney -Aye, Mayrose-Aye, Baran-Aye, York-Aye
Carried Unanimously

Approval- Policy Book Changes:

A motion was made by Councilman Rooney, seconded by Councilman Mayrose approving the attached policy book amendments to the Clerical Time-off Policy as set forth by the Town Board, effective immediately.
Cummings-Aye, Rooney -Aye, Mayrose-Aye, Baran-Aye, York-Aye Carried Unanimously

Question Period – no one spoke

Supervisor Cummings announced there would be no work session held on December 3rd so the work session on December 10th will probably start earlier than usual.

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 8:53pm.
Carried Unanimously

Respectfully Submitted,
Dawn D. Izydorzak, Town Clerk