

Newstead Town Board Meeting- March 11, 2013

A regular meeting was called to order by the Newstead Town Board on Monday, March 11, 2013 at 8:10pm 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.

Town Attorney Nathan Neill led the pledge to the flag.

Minutes from the previous regular meeting held on February 25, 2013, were presented for approval. A motion was made by Councilman Rooney, seconded by Councilman Mayrose to approve as presented. Carried Unanimously

Communications – The Town Clerk presented the following correspondence:

A letter from the Akron Central School notifying the town of the Boards decision to close the school pool effective March 25, 2013 until July 8, 2013.

A letter from Moore Rd resident Scott Ludtka to the Town Board explaining his recent interactions with the Building Department and the extremely high level of help and customer service he received from Code Enforcement Officer Ralph Migliaccio and Clerk Julie Brady. He commended Ralph and the staff for helping him get thru his project quickly and successfully.

A letter from the Village of Akron notifying the Town of their Boards decision to terminate the Code Enforcement contract with the Town effective receipt of the letter dated February 25, 2013.

A letter from Time Warner Cable notifying the town of the programmers & service providers they are currently in negotiations with for service.

The February 2013 Operations Report was received from Amherst Central Alarm Office with 34 calls reported for Akron Fire Co. and 13 calls reported for Newstead Fire Co.

A letter and informational brochures were received from HOME. The brochures have been put in the Town Clerk's information center.

The 2013 Erie County Farm Bureau Agricultural Directory was received.

One Region Forward will be hosting a seminar on Village Center and Urban Core Revitalization this Friday, March 15th at Burchfield Penney Art Center from 8:30am – 10:30am.

A letter from the 2013 Bike MS committee requesting permission to place a "bike" advertisement for their charity ride on the Clarence Center Rd bike path parking lot at mile marker 9.1-7.3.

A copy of the CDBG Rural Transit Service Advisory board meeting minutes from February 27th.

A letter from Golden Dome Property Services extending landscaping services to the town.

A certified resolution from the Town of Elma Board regarding their opposition to Governor Cuomo's court proposals and the Safe Act as well as their support for NYS Contact Information for vacant structures and reinstating resource officer assignments in schools.

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

Work Session: The Supervisor reported that no work session was held last week due to no quorum. The following issues were discussed prior to tonight's meeting: water district issues, building

projects, planning issues, concert request, cost analysis, contracts, dog issues and limerick hall & child protection issues, as well as any issues brought before the Board.

Privilege of the Floor – Dale Cheavacci of 113 John St asked for an update on the airport issues. The Supervisor told him the Town Board will vote tonight on a resolution to appeal the latest court decision. He stated originally a request had been in place for creating an “airport zone” but was later dropped. It appears it may be back on the table so the resolution will address this also. There will be a public hearing of the Zoning Board on Thursday, March 28th at 6:30pm on the issue. The CEO still has not received any formal plans on any of the other proposed projects at the airport. Mr. Cheavacci also reported that on February 22, 2013 someone was up at the airport doing touchdowns with a helicopter until after 10:00pm at night. He proposed the hiring by the town of an environmental attorney to assist in the case as well.

Budget Transfers: a motion was made by Councilman Baran, seconded by Councilman York to approve the budget transfers per the memo from Bookkeeper Colleen Salmon dated March 11, 2013.
Carried Unanimously

Approval of Bills – Councilman Mayrose reported that the Abstract from Batch(es) # 1264 from the February 25, 2013 meeting have been reviewed with the previously un-audited vouchers and everything was found in order. He presented Abstract Batch(es) #1265 & 1269 for payment. Vouchers on these abstract(s) numbered from 176 and 196-251, totaling \$66,353.10 and were presented by Councilman Mayrose, seconded by Councilman York to approve payment as follows:

Abstract Batch(es) #1265 & 1269:

General Fund (A) -\$17,772.37, General Fund- Outside Village (B) \$208.18, Highway (DA) -\$0, Highway: Outside Village (DB) \$10,992.11, Capital Projects: CAP- Highway Garage- (HG) - \$0, CAP-Murder Creek (HM) \$0, CAP- Equipment Purchase (HR02)- \$0, CAP- Library Basement (HR04) \$0, CAP- Scotland Rd (HS)- \$0, CAP- Town Hall (HT)- \$0, CAP- Water Improvement (HW)- \$1,475.96, Drainage (SD)- \$0, Fire Protection (SF) \$4,561.36, Refuse (SR) \$23,215.87, Sewer Fund (SS) \$0, Sewer District #2 (SS02)- \$202.50, Trust & Agency(TA)- \$0 and Water Districts: Consolidated (SW00) \$7,924.75, (SW1) \$0, (SW2) \$0, (SW3) \$0, (SW4) \$0, (SW5) \$0, (SW6) \$0, (SW7) \$0, (SW7A) \$0, (SW8) \$0, (SW9) \$0, (SW10) \$0

Total: \$66,353.10

Carried Unanimously

COMMITTEE AND DEPARTMENT HEAD REPORTS:

Highway – he attended Advocacy Day in Albany where the big issue addressed was CHIPs money. Over \$100 million has been allocated for the coming year and the senate and assembly have added additional funding. He feels we may get an increase in funding this year and he will continue to watch what is happening and keep the Board informed.

Assessor – no report was presented

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

Harold & Beth Frey	11720 Main	Remodel
Christopher Milhollen	11734 Meahl	Special use permit renewal
Raymond Pionessa	12949 Carney	Outdoor wood boiler
Eric Pirson	11732 Rapids	Remodel

The Town Board accepted the report as presented.

Town Clerk- County/Town tax bills have been coming in at a steady pace with the last day of the penalty free period this Friday March 15th. The Town has received 100% of their money and additional funds have been sent to the County.

Attorney for the Town – nothing at this time.

COUNCILPERSONS:

Rooney – he met with Councilman Mayrose on several projects and housekeeping issues as well as the airport and then they attended the Village Board meeting afterwards. He attended the recreation board meeting, the Akron Fire Co installation dinner and thanked Keith Hochreiter and all those who

worked on the DVD presented that night. He attended an event at the VFW for Brenda Serena who is getting ready to head overseas to defend our country. He also looked into a residents concerns brought to him and is continuing work on the cost analysis at the senior center. He attended the Association of Erie County Governments meeting with Councilman Mayrose and commented that the Erie County Park and Town Park looked in great shape this weekend.

Mayrose – he attended the Akron Fire Co installation dinner and wanted to congratulate the newly installed officers and wish them luck in the coming year. He attended the Recreation Board meeting, the village board meeting and the Association of Erie County Governments meeting with Councilman Rooney. He met with the auditor from the NYS Comptroller’s office and submitted the response letter to the audit on behalf of the town. He met with Councilman Rooney regarding the parks master plan, airport, and other upcoming projects. He also met with the Town Attorney, Matt Plunkett & members of the ZBA regarding the Akron Airport litigation and upcoming public hearing. He also spoke with Nancy Eckerson and Kristine Sutton regarding the airport property.

Baran – he reported the gutters at the senior center have been looked at by a contractor and a decision has been made to approve the repairs, the work at the Denio building is done and the work on the sprinkler repairs at the library have been approved and will be scheduled.

York – he attended the installation dinner of the Akron Fire Co and expressed his appreciation for the volunteers and all they do. He spoke with Kristine Sutton on the roof issues at the library and discussed this years ditching plans with Highway Supt. Bassanello. He stopped at the old highway garage to look at the test boring site and met with Wes Dust at ECWA regarding the pressure testing issues.

Supervisor- The Supervisor’s Report for February 2013 is on file with the Town Clerk. He expressed his congratulations to the Akron Fire Co’s newly elected officers and had attended the Clarence-Newstead Fire Police dinner. Today he had a conference call with Dan Borchert from the Village, Erie County Planning & Sarah Battaglia of Paint Recycling Group regarding the Town & Villages cooperative efforts at offering household hazardous waste and electronics drop-offs to their residents. He stated that right now the town & village are the only municipalities in the state working together offering the household hazardous waste service to their residents at no cost. Both municipalities are looking at additional ways to work together in a pro-active manner to offer residents these types of services. He also composed the response to the comptroller’s audit findings and thanked councilman Mayrose for making sure it went out on time. They next have to address the action plan. He also met with Brad Rehwaldt on the Senior Center roof issues.

UNFINISHED BUSINESS:

Water districts- close out of the northern extensions and PRV projects will be addressed tonight. Water projects for the upcoming year will be discussed at the next work session.

Planning Issues- the old highway garage soil test reports are in and being forwarded to the NYS DEC for their final input and declarations. Airport issues are being addressed, annexation request is being addressed

Building Projects- the library lower level and the roof projects are on going. The Denio project is complete.

NEW BUSINESS:

Approval- Procurement Policy Amendments:

A motion was made by Councilman York, seconded by Councilman Baran approving the amendments to the town’s procurement policy to bring it in line with the State requirements. (Resolution Attached) Cummings-Aye, Rooney -Aye, Mayrose-Aye, Baran-Aye, York-Aye

Carried Unanimously

Approval- Bid Out Library Project:

A motion was made by Councilman Rooney, seconded by Councilman Mayrose approving the bidding out of the Library lower level phase 3 project due to the fact that the bids are anticipated to be over the state required threshold.

Cummings-Aye, Rooney -Aye, Mayrose-Aye, Baran-Aye, York-Aye

Carried Unanimously

Approval- Change Order #3:

A motion was made by Councilman Rooney, seconded by Councilman Mayrose approving the change order #3 for a net decrease of \$38,342.43 to the contract 11-1 with E & R Construction for the waterline/PRV project.

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

Approval- Close out of E & R Contract:

A motion was made by Councilman Rooney, seconded by Councilman Mayrose approving the close out of the contract with E & R Construction for the waterline/PRV project upon completion of the projects.

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

Neg Dec & Site Plan Approval– 11061 Main Rd:

A motion was made by Councilman Rooney, seconded by Councilman Mayrose issuing a negative SEQRA declaration and determination of non-significance on the site plan dated 11/6/2012 for construction of 4 storage buildings totaling 18,900 sq. ft. at 11061 Main Rd by Kelly Schultz.

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

A motion was made by Councilman Rooney, seconded by Councilman Baran approving the site plan dated 11/6/2012 for construction of 4 storage buildings totaling 18,900 sq. ft. at 11061 Main Rd by Kelly Schultz subject to the terms set forth in the resolution.

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

Annexation Rejection- Niagara Label property:

A motion was made by Councilman Baran, seconded by Councilman Rooney approving the rejection of a request by Niagara Label to annex the property located at 12715 Lewis Rd into the Village of Akron due to the fact the property does not adjoin the Village of Akron borders in any way.

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

Approval- Authorizing Appeal of ZBA Decision on Akron Airport:

A motion was made by Councilman Mayrose, seconded by Councilman Rooney approving the decision by the Town Board and the Zoning Board of Appeals of the Town of Newstead to appeal the decision of Judge Joseph R. Glownia which overturned the Zoning Board of Appeals decision to deny the variance requests by the Akron Airport for paving of the cross-winds runway and if an adverse decision is rendered, denial of the request for variance for an airport wide variance. The Boards also agree to retain Attorney J. Matthew Plunkett to represent the Town in this matter.

(Resolution Attached) Cummings-Aye, Rooney -Aye, Mayrose-Aye, Baran-Aye, York-No
Carried

Bike MS Request Approval:

A motion was made by Councilman Mayrose, seconded by Councilman Rooney approving the request by the Bike MS committee to place an advertising “bike” on the bike path for their charity ride.

Cummings-Aye, Rooney -Aye, Mayrose-Aye, Baran-Aye, York-Aye Carried Unanimously

Question Period – Dale Cheavacci questioned the ZBA hearing date & time. March 28 at 6:30pm. Gary Baehr of the Akron Fire Co questioned if they approved appealing the airport decision. Yes.

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 8:54pm.

Carried Unanimously

Respectfully Submitted,
Dawn D. Izydorczak, Town Clerk