

Newstead Town Board Meeting- August 27, 2012

A public hearing was called to order by the Newstead Town Board on Monday, August 27, 2012 at 7:50pm 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 Izydorczak- Town Clerk
Jennifer Heberling- Deputy Clerk

Roll Call was taken with all board members present.

The Supervisor called the public hearing to order on the proposed Local Law #5 of 2012 regarding the 2% tax cap override.

The Clerk read the proof of publication.

The Supervisor explained the need for the override to protect the town from any possible penalties should the calculations of the rates be improperly estimated.

Comments: no one spoke

There being no further comments a motion was made by Councilman Rooney, seconded by Councilman Baran to close the public hearing at 7:59pm.

The regular meeting of the Town Board was called to order at 8:00pm with all members present as listed above.

Councilman Mayrose led the pledge to the flag.

Minutes from the previous regular meeting held on August 14, 2012 were presented for approval. A motion was made by Councilman Rooney, seconded by Councilman York to approve as presented.
Carried Unanimously

Communications – The Town Clerk presented the following correspondence:

A legal notice of public hearing from the Village of Akron notifying the town of a public hearing for a variance at 11 Church St, a property that is adjacent to town owned property.

A letter from CAC member Carl Klingenschmitt regarding the potential purchase of a sound meter by the Town.

A resolution passed by the Town of Cheektowaga regarding their opposition to proposed Blue Cross/Blue Shield changes in coverage for Chiropractic Care.

A letter from Leisurewood Campground, Inc. requesting the Town's permission to allow the Akron Police to perform regular patrols of the park year round.

A letter from the Erie County Department of Health notifying the town that the proposed PRV project has been approved by the Health Department and the permits will be issued.

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

Work Session: The Supervisor reported that at the work session held last week the following items were discussed: budget sessions were held with Department Heads, Water district issues, building project updates, planning issues, grants, murder creek update, policy book discussion, sex offender law, as well as any other issues brought before the board.

Privilege of the Floor – Residents from Quarry Hill Estates were present to discuss the continuing noise problem from the concerts being held at Braun’s Restaurant. Linda Jackson spoke asking for an update on the law. Jim Richards spoke regarding the Sheriff’s Department not responding to their calls anymore and cars now parking on Havens Rd, with 41 parking on one side and 47 parking on the other side. Many other concert goers paid area residents up to \$10 to park on their grass. He also questioned the port-a-johns being replaced and/or cleaned out and stated there are other ways to attack this situation in the way of monitoring DWI’s, drug trafficking and traffic violations. Ron Stanzek questioned special event guidelines that the planning board reviewed in April and stated he investigated Councilman Baran’s statements on the County noise ordinance, which are correct and do not allow officers to issue tickets under that, but they can issue under “disturbing the peace” or “failure to comply with the reasonable request of an officer”. Carol Bender stated that upon calling the State police the dispatcher was very short with her and told her to attend her local town board meetings for answers and the Sheriff’s Department did not even answer the phone. She questioned why Mr. Braun does not come to the Board meetings and hear their complaints first hand. Levant Bender stated that if Braun’s would just adhere to a time curfew and limits on the level of sound things would be fine. He does not want to totally stop the concerts. Linda Jackson stated they need to move the venue inside or limit the audience to 30 people.

Supervisor Cummings addressed everyone’s questions and assured everyone that the town is working diligently on a noise law as well as a special events permit process.

Ron Stanzek announced that on Wednesday, September 5th the court case against Lakeshore will be heard. Many of the Quarry Hill residents have received eviction notices and the residents have filed a counter claim against Lakeshore for numerous violations. He asked the town officials to be there to support them as well as inviting our County and State Representatives and the news media to be present.

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 August 27, 2012.
Carried Unanimously

Approval of Bills – Councilman Mayrose reported that the Abstract from Batch(es) # 1202, 1203 & 1208 from the August 14, 2012 meeting has been reviewed with the previously un-audited vouchers and everything was found in order. He presented Abstract Batch(es) #1210 for payment. Vouchers on this abstract numbered from 927- 962 totaling \$110,356.71 and were presented by Councilman Mayrose, seconded by Councilman York to approve payment as follows:

Abstract Batch(es) # 1210:
General Fund (A) -\$22,931.57, General Fund- Outside Village (B) \$905.00, Highway (DA) -\$0, Highway: Outside Village (DB) \$74,555.70, Capital Projects: CAP- Highway Garage- (HG) - \$0, CAP-Murder Creek (HM) \$0, CAP- Equipment Purchase (HR02)- \$0, CAP- Scotland Rd (HS)- \$0, CAP- Town Hall (HT)- \$0, CAP- Water Improvement (HW)- \$2,469.82, Drainage (SD)- \$39.95, Fire Protection (SF) \$0, Refuse (SR) \$319.68, Sewer Fund (SS) \$392.37, Sewer District #2 (SS02)- \$69.85, Trust & Agency(TA)- \$5,822.77 and Water Districts: Consolidated (SW00) \$0, (SW1) \$0, (SW2) \$0, (SW3) \$0, (SW4) \$0, (SW5) \$0, (SW6) \$0, (SW7) \$0, (SW7A) \$0, (SW8) \$0, (SW9) \$0, (SW10) \$0
Total: \$107,506.71
Carried Unanimously

COMMITTEE AND DEPARTMENT HEAD REPORTS:

Highway – he hosted a meeting with all those concerned on the Maple Rd project so everyone is on the same page. The materials are in and they are set to start later in the week. The Burdick Rd bridge has been reopened. They are continuing off road ditching. Supervisor Cummings questioned if Mike knew how long west Swift Mills Rd would be closed. Mike stated it is his understanding that it will be 2 to 3 years.

Assessor – no report presented.

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

Faith Fellowship Church

11478 Main

Sign

John Smith	11267 Clarence Center	Pond
Scott Ludtka	7757 Moore	One Family Home
Tobin	11758 Rapids	Roof
WNY Event Centre	11163 Main	Tent
Mary Whitcomb	12817 Swift Mills	Shed
Michelle Bordanaro	13011 Carney	Roof
Kathy McConnell	12440 Tonawanda Creek	Shed
Eugene Austin	20 Golden Pond Est	Family room addition
Akron/Newstead Senior Center	v/l Main Rd	Sign
Robert Morehouse	12440 Tonawanda Creek	Floodplain development

The Town Board accepted the report as presented.

Town Clerk- DEC Conservation license sales are steady. School tax bills will be picked up this week. The school has not renewed the contract with the town which needs to be addressed before work can start on the bills.

Attorney for the Town – nothing at this time

COUNCILPERSONS:

Rooney – he has been looking into noise meters & laws and spoke with the ECWA on the Hunts Corners project.

Mayrose – he spoke with the State Attorney’s office trying to get correct information on the 2% tax cap for this year. He is still waiting for a reply. He also took noise measurements at Quarry Hills again and hopes to have an update on the Park Master Plan regarding the baseball diamonds soon. He also talked to the Librarian regarding a grant for electric doors and new ramping at the library.

Baran – he reported the Librarian has quotes on work to be done on the library doors. He will get them and report back to the Board.

York – the ECWA is ready to start bores on the Hunts Corners Rd project, which will take about 1-1/2 weeks once it is started and then the time necessary for flushing and testing.

Supervisor- he attended several meetings as well as getting work set to start on the library lower level. He met with the new School Superintendent and President Dan Caprio. He also met with the Highway Supt on several issues and worked on the 2013 budget.

UNFINISHED BUSINESS:

Water Districts – ECDOH has approved the PRV project and they are now just waiting on the valves to come in. Once in they can start the project.

Shared Public Works Facility- approving salt shed out to bid tonight.

Murder Creek- an update report was received from Apex Consulting on August 23rd reporting that no watering has been done by CATCO since August 6th. Many of the plants are struggling to survive. The knotweed that was sprayed needs to be removed from the site. Watering of at least 1” per week needs to be continued thru October to maintain the current health of the plants. CATCO has been informed of this requirement. Another report from August 27th was received notifying the town that the NYSDEC Water Quality grant phase of the project will not be started now until next spring.

Havenwood PIP- Scott notified the Board this is just about ready but the plat needs to be filed at the County still.

NEW BUSINESS:

Approval to Bid- Salt Storage Facility:

A motion was made by Councilman York, seconded by Councilman Rooney authorizing the bid specifications as prepared by Wendel Duschcherer for a salt storage facility and authorizing the Town Clerk to publish required notices.

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

Approval to Bid- Refuse Contract:

A motion was made by Councilman Mayrose, seconded by Councilman York approving the refuse specifications as prepared by the Town Attorney with the revised alternative of a joint bid with the Village of Akron and authorizing the Town Clerk to publish required notices and to send out bid packages to vendors for a new refuse contract with a joint option with the Village for 2013.

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

Approval- Policy Book Changes:

A motion was made by Supervisor Cummings, seconded by Councilman York approving the proposed policy book changes as set forth by the Town Board, effective immediately.

Cummings-Aye, Rooney -Aye, Mayrose-Aye, Baran-No, York-Aye Carried

Approval- Tax Collection Agreement-Akron Central:

A motion was made by Councilman Baran, seconded by Councilman Mayrose approving the proposed contract for tax collection services for the Akron Central School District for the 2012-2013 collection.

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

The Town board accepted the resignation of Joe Cory as a PT Highway Worker with regrets.

Approval- PT Highway Worker Hire:

A motion was made by Councilman Mayrose, seconded by Councilman Rooney approving the hiring of Robert Massaro as a Highway Worker PT to finish out the summer months effective immediately.

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

Question Period – no one spoke

The board entered executive session at 8:45pm to discuss a personnel matter. The Board exited executive session at 9:22pm having taken no action but requesting the Town Attorney to do some further investigations for information.

There being no further business to come before the board a motion was made by Councilman Rooney, seconded by Councilman Mayrose to adjourn the regular meeting at 9:23pm.

Carried Unanimously

Respectfully Submitted,
Dawn D. Izydorzak, Town Clerk