

## Newstead Town Board Meeting- September 10, 2012

A regular meeting was called to order by the Newstead Town Board on Monday, September 10, 2012 at 8:00pm at the Newstead Town Hall.

Present: David Cummings- Supervisor  
Justin Rooney- Councilman  
James Mayrose- 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 except Councilman Baran who is on vacation.

Town Engineer Scott Rybarczyk led the pledge to the flag.

Minutes from the previous regular meeting held on August 27, 2012 were presented for approval. A motion was made by Councilman Rooney, seconded by Councilman Mayrose to approve as presented. Carried

**Communications** – The Town Clerk presented the following correspondence:

A letter from Senator Patrick Gallivan's office regarding a public hearing on IDA reform to be held September 26, 2012 at the Buffalo Library from 2:00 – 4:00pm.

A resolution passed by the Town of Amherst regarding their request to the NYS Thruway Authority to attend some town meetings to discuss the move of the Williamsville Toll Barrier and asking the support of surrounding towns.

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

A notification from the Town of Alden regarding pending changes to their Dog Law under Local Law #1 of 2012.

3 letters from Time Warner Cable notifying the town of several upcoming changes in the month of October to their service and channel programming.

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

**Work Session:** The Supervisor reported that no work session was held last week due to the holiday. At the work session held prior to tonight's meeting the following items were discussed: Water district issues, building project updates, planning issues, personnel issues, contracts updates, as well as any other issues brought before the board.

**Privilege of the Floor** – Jay Anderson, Councilman from the Town of Amherst was present to explain their letter to the Town. The Town of Amherst is asking the NYS Thruway Authority to come to their meeting for answers on the \$6.1 million ear marked 6 years ago for the toll barrier project and what has happen with that money and the status of the project. There has been no other correspondence from the Thruway Authority to anyone regarding the project since the meeting held in Akron 6 years ago. He stated that the Authority loses money on the exits from Pembroke on out and the people that live in Akron/Newstead and Clarence are hindered by the toll barrier in its current location. \$15 million is lost in efficiency by having the toll barrier in Williamsville. He feels a Gunville Rd exit is needed and the toll booths should be moved back to Pembroke.

Supervisor Cummings thanked Councilman Anderson for coming to talk to them and stated he plans on attending their meeting with the Thruway Authority. He stated all toll improvement monies have been diverted to canal projects in recent years and concurred that the last correspondence Newstead had on this project was 6 years ago when they responded with several pages of questions on the

environmental impact study. The Town's residents at that time were very much against to the moving of the barrier to anywhere in the Newstead sections of the Thruway.

**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 September 10, 2012. Carried

**Approval of Bills** – Councilman Mayrose reported that the Abstract from Batch(es) # 1210 from the August 27, 2012 meeting has been reviewed with the previously un-audited vouchers and everything was found in order. He presented Abstract Batch(es) #1215 plus postage epayment for payment. Vouchers on this abstract numbered from 982 - 1028 totaling \$77,902.01 and were presented by Councilman Mayrose, seconded by Councilman Rooney to approve payment as follows:

Abstract Batch(es) # 1215 plus postage epayment:  
General Fund (A) -\$14,786.56, General Fund- Outside Village (B) \$306.18, Highway (DA) -\$0, Highway: Outside Village (DB) \$1,053.21, Capital Projects: CAP- Highway Garage- (HG) - \$1,315.29, CAP-Murder Creek (HM) \$500.00, CAP- Equipment Purchase (HR02)- \$32.13, CAP- Scotland Rd (HS)- \$246.62, CAP- Town Hall (HT)- \$145.73, CAP- Water Improvement (HW)- \$1,307.82, Drainage (SD)- \$3,800.00, Fire Protection (SF) \$4,534.56, Refuse (SR) \$30,567.57, Sewer Fund (SS) \$0, Sewer District #2 (SS02)- \$0, Trust & Agency(TA)- \$0 and Water Districts: Consolidated (SW00) \$6,806.34, (SW1) \$0, (SW2) \$0, (SW3) \$0, (SW4) \$0, (SW5) \$12,500.00, (SW6) \$0, (SW7) \$0, (SW7A) \$0, (SW8) \$0, (SW9) \$0, (SW10) \$0  
Total: \$77,902.01 Carried

**COMMITTEE AND DEPARTMENT HEAD REPORTS:**

**Highway** – they started the Maple Rd waterline project today. Mike thanked Freed Bedford and Jon Cummings from the Village for their help on the project. They have cleaned the cross culverts on Greenbush & Swift Mills and are continuing roadside mowing. He and the Supervisor inspected some of the off road ditching done this summer. He will be out of town Sept 16<sup>th</sup> – 21<sup>st</sup> so Dean will be in charge.

**Assessor** – no report presented.

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

Michael Shields	12666 Main	Roof
Craig Jackson	4424 Billo	Driveway
Craig Jackson	4424 Billo	One Family Home
Craig Hathaway	11438 Hiller	Pole barn
Eric Pirson	11732 Rapids	Permit renewal
Estate of Ivy Nicholas	5394 – 5396 Barnum	Roof
Timothy Martin	13341 Steiner	Pole barn
Thomas Zackey	11973 Stage	Pole barn
Dome & Home LLC	13440 Steiner	Permit renewal
Charlie Nadler	6197 Dye	Permit renewal

The Town Board accepted the report as presented.

**Town Clerk-** School tax bills will be mailed this Friday, September 14th.

**Attorney for the Town** – the bid documents for the refuse contract are almost ready to go, he is just waiting on some comments from the Village for their specs. He thinks scheduling a pre-bid conference with the prospective bidders is a good idea just to answer any questions they may have since this is a somewhat complicated bid package.

**COUNCILPERSONS:**

**Rooney** – he has reviewed the proposals for the sex offender law and noise law and noticed several of the fire hydrant reflectors around town need to be replaced, especially on Hunts Corners Rd.

**Mayrose** – he has gone over the joint facility procedures, met with the judge on the court consolidation, attended the Quarry Hill court case session and has proposals ready on the baseball diamond layouts for the park.

**Baran** – not present

**York** – the Hunts Corners Rd waterline connection project should be completed this week with testing to follow. He also met with some of the residents from Quarry Hills to discuss the noise issues, odors and sewer problems. It appears the Dept. of Health has approved the work done.

**Supervisor**- he handed out the 2013 Tentative Budget to Board members and stated the budget process was very difficult this year. He met with the Newstead Fire Company on several issues and Ron Stanzek on the Quarry Hills issues. He agreed with Don that the Department of Health has approved most of the work done in the park to date.

### **UNFINISHED BUSINESS:**

**Water Districts** – the Maple Rd project started today . Scott thanked Mike & the crews for their work. Also the PRV valves are still on order with no new update on receipt time.

**Joint Facility**- salt shed bids to be opened on September 20<sup>th</sup>. A meeting of the committee needs to be scheduled to address some issues.

**Murder Creek**- no update report was received from Apex Consulting this week. Letters were sent out to affected homeowners that the phase 2 of the project will be delayed until next spring and that additional access may be needed then to address some replanting.

**Planning Projects**- the supervisor has been talking to the Quarry Hill representatives to keep them up to date on progress. The Noise Law and Special Events Permit drafts are under review by several of the towns departments for comments.

### **NEW BUSINESS:**

#### **Adoption- Local Law #5 of 2012:**

A motion was made by Councilman Mayrose, seconded by Councilman York adopting the proposed Local Law #5 of 2012 regarding the 2% Tax Cap.

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

**Question Period** – no one spoke

The Board entered executive session at 8:35pm to discuss a personnel issue as well as contractual negotiations with the union.

A motion was made by Councilman York, seconded by Councilman Mayrose to exit executive session at 9:07pm, with no action taken.

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 9:08pm.

Carried

Respectfully Submitted,  
Dawn D. Izydorczak, Town Clerk