

Newstead Town Board Meeting- February 10, 2014

A regular meeting was called to order by the Newstead Town Board on Monday, February 10, 2014 at 8:00pm at the Newstead Town Hall.

Present: David Cummings- Supervisor
Justin Rooney- Councilman
James Mayrose- Councilman
Donald York- Councilman
Marybeth Whiting- Councilwoman
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.

Councilman Rooney led the pledge to the flag.

Minutes from the previous regular meeting held on January 27, 2014 were presented for approval. A motion was made by Councilman Mayrose, seconded by Councilwoman Whiting to approve as presented. Carried Unanimously

Communications – The Town Clerk presented the following correspondence:

A letter from Time Warner Cable regarding the programmers and broadcasters they are currently in negotiations with for service and a letter outlining their new fee structure that will take effect in March.

The January 2014 Operations Report was received from Amherst Central Alarm Office reporting 39 calls for Akron Fire Co and 26 calls for Newstead Fire Co.

A letter from the NYSDOT informing the town of the availability of the Tier 1 Draft Environmental Impact Statement for the high speed rail empire corridor program.

A letter from Harter Secrest & Emery, LLP notifying the town of a SEQRA Notice of Intent for proposed development at 42 Jackson St in the Village of Akron. The packet has been forwarded to the Town Planning Board for comments.

An email was received from residents Anne Perrault and Walter Gibson regarding their support in general for the People Inc group homes.

A letter from Senator Patrick Gallivan asking for the town board to complete a Home Rule request for Senate bill #6123 regarding local IDA home rule.

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

Work Session: The Supervisor reported that at the work session held last week the following issues were discussed: water district issues, building projects, parks master plan, highway issues, joint town-village meeting topics, group homes issues, contracts, planning issues, personnel issues, and any other issues brought before the Board.

Agenda Items Question Period: no one spoke

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 February 10, 2014. Carried Unanimously

Approval of Bills – Councilman Mayrose reported that the Abstract from Batch(es) #1368 for 2013 and 1367 for 2014 from the January 27, 2014 meeting have been reviewed with the previously un-

audited vouchers and everything was found in order. He presented Abstract Batch(es) #1369 and 1375 for payment. Vouchers on this abstract(s) numbered from 50 and 71-128, totaling \$169,315.70. Councilman York seconded to approve payment as follows:

Abstract Batch(es) #1369 & 1375:

General Fund (A) -\$93,745.87, General Fund- Outside Village (B) \$247.86, Highway (DA) -\$0, Highway: Outside Village (DB) \$30,173.59, 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 Water-Downey (HW01)- \$0, CAP- Town Hall (HT)- \$0, CAP- Water Improvement (HW)- \$0, Drainage (SD)- \$0, Fire Protection (SF) \$4,808.78, Refuse (SR) \$31,528.40, Sewer Fund (SS) \$79.02, Sewer District #2 (SS02)- \$562.50, Trust & Agency(TA)- \$952.00 and Water Districts: Consolidated (SW00) \$7,217.68, (SW1) \$0, (SW2) \$0, (SW3) \$0, (SW4) \$0, (SW5) \$0, (SW6) \$0, (SW7) \$0, (SW7A) \$0, (SW8) \$0, (SW9) \$0, (SW10) \$0
Total: \$169,315.70 Carried Unanimously

COMMITTEE AND DEPARTMENT HEAD REPORTS:

Highway – Supt Bassanello announced the hire of Joe Cory as a highway worker effective March 3, 2014 at the latest.

Supervisor Cummings stated we have really had an old fashioned winter and he thanked the highway crew for all their hard work plowing this winter.

Assessor – report presented to the Board at work session last week.

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

Christopher Milhollen	11734 Meahl	Special Use Permit renewal
Doug Matussek	12663 McNeeley	Special event permit
Chauncey Vanice	8067 Greenbush	Porch addition

The Town Board accepted the report as presented.

Town Clerk- County/Town tax bills were mailed early on Friday, February 7th. They are due by March 17th. Dawn thanked Jennifer for all her exceptional work and keeping the office running while she was out sick.

Attorney for the Town – nothing at this time

COUNCILPERSONS:

Rooney – he attended the group home committee meetings and addressed issues with several residents, spoke with residents about hiring a new employee, spoke with residents regarding the noise ordinance, corresponded with Newstead Fire Co over the dumpster issue, spoke with Assemblywoman Corwin’s office regarding the park purchase, corresponded with the Mayor and Trustee Hatswell on the EMS committee issues, submitted a highway worker cost review to the board, attending the drainage committee meeting this week as well as the drug coalition meeting and will be attending the Erie county State of the State address next week.

Mayrose – he met with Supt Bassanello on joint facility issues and doors, performed the court audit & met with Justice Campbell on issues, met with Christine and Ralph on several building issues, attended joint facility committee meeting, and spoke with Environment and Safety regarding Braun’s Concert Cove noise issues.

Whiting– she attended the One Region Forward meeting at Clarence where they looked at the regions planning process over the next 40 year period, attended the recreation board meeting and found them to be very organized, met with the Librarian to discuss programs, will be attending the drainage committee meeting this week and had 2 meetings with the group home committee. She introduced the committee to those present and addressed some of the items that will be discussed at a public meeting to be held Wednesday, February 19th at 7:00pm at the Newstead Cultural Center at

the library. A fact sheet was handed out to all those present which details what the committee has worked on so far.

York – he attended the library board meeting, discussed drainage issues with residents and met with Legislator Ed Rath on the group home issue

Supervisor- he has been scheduling for the joint town-village meeting, met with Time Warner on contract renewal, looked into insurance coverage to cover cyber theft of the towns accounts, met with the town attorney on the noise ordinance, met 4 times with the bond counsel agency met with the grant writer and state representative on the bike path project which will take at least 2 years to complete, met with Wendel on water projects and grant funding, met with the joint facility committee, spoke with Newstead Fire Co on the dumpster issue, attended the recreation board meeting, worked on the parks purchase and the cultural centers opening.

UNFINISHED BUSINESS:

Joint Facility- A letter was sent from the Town Attorney to the door company. Hamburg overhead door will be fixing the broken doors free of charge.

Planning Issues- nothing new

Conservation issues- Emerald Ash Borer- updated information was sent to website and provided in the town's information center. Murder Creek- nothing new

Water projects- Downey & Draper Rd project progressing

NEW BUSINESS:

Approval- 2014 Contract with Clarence Schools:

A motion was made by Councilman Rooney, seconded by Councilman Mayrose approving the contract with the Clarence School District for collection of their 2014-15 School taxes for Newstead parcels and authorizing the Supervisor to sign the contract.

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

Approval- Justice Audit Reports:

A motion was made by Councilwoman Whiting, seconded by Councilman York approving the audit of the Newstead Town Court records for 2012 and 2013 that was performed by Councilman Mayrose, which records were found to be exceptionally organized and in order and directing the audit checklists be sent to the NYS Office of Court Administration.

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

Public Hearing- Local Law #2 of 2014- Noise:

A motion was made by Councilman York, seconded by Councilwoman Whiting approving the calling of a public hearing on the proposed Local Law #2 of 2014 amending the Noise Law to be held on February 24, 2014 at 7:00pm at the town hall and authorizing the Town Clerk to publish the legal notice.

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

Approval- Insurance for Cyber Theft:

A motion was made by Councilman Rooney, seconded by Councilwoman Whiting approving the town take out as insurance policy to cover against cyber theft.

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

Privilege of the Floor/Question Period:

Linda Jackson of Quarry Hills questioned the maximum decibel level in the noise law.

Jim Richards of 108 Quarry Hills asked about the possibility of the school board passing the disabled veterans exemption on the school tax and if the town could intercede on this matter.

Kristen Cummings of 240 East Ave questioned response times for faulty calls and protection for first responders going into the group homes.

Pat Regan of 7703 Greenbush Rd asked who will be in attendance from People Inc. at the February 19th meeting.

Mark Outten of 12391 Rapids Rd thanked the committee for all their quick work on the group home topic and questioned items brought up in the Buffalo News article in today's issue. Especially concerned that these group homes can trump all of the towns own local laws. He also was very concerned about an incident where 6 police officers were called into the group home on Rapids to restrain 1 woman patient. He questioned why they never got the 40 days to comment about finding another place to put this home.

Lisa Dugan of Rapids Rd stated she would have had more questions than what the board would have assumed they would have had.

Kevin Borth of Scotland Rd and group home committee member stated that a lot of research has been done over the past 2 weeks and the committee is looking into everything including OPWDD who is responsible for placing the clients, as well as People Inc., who only administer the homes.

Supervisor Cummings stated at the time the application was presented in 2013 the Board went with the information they had in making decisions. They had little or no influence over the siting process and at this point we can only move forward.

Councilwoman Whiting cautioned everyone to focus on the facts not rumors. Assumptions were made that these houses would be like the Bloomingdale Ave location which has been there for decades and always been a very good neighbor.

Supervisor Cummings announced there will be a joint meeting of the Village and Town Boards on February 24th following the town board meeting.

There being no further business to come before the board a motion was made by Councilman Mayrose, seconded by Councilwoman Whiting to adjourn the regular meeting at 8:50pm.

Carried Unanimously

Respectfully Submitted,
Dawn D. Izydorczak, Town Clerk