

Newstead Town Board Meeting- March 10, 2014

A regular meeting was called to order by the Newstead Town Board on Monday, March 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.

Town Attorney Nathan Neill led the pledge to the flag.

Minutes from the previous regular meeting held on February 24, 2014 were presented for approval. A motion was made by Councilman Mayrose, seconded by Councilman York 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.

A request was submitted by the Akron Celebration Committee for use of the Veterans Park facilities along with a beer and wine permit for the July 3rd-5th events planned this summer.

A letter of resignation was received from Library Board member Kathy Chubb effective February 28, 2013.

A letter of interest in serving on the Library Board was received from Mary Mangan.

A letter from County Line Stone Company regarding the proposed mine expansion project and its effect on town road closures and reconfigurations in both Newstead and Pembroke. They are asking to sit down with the Board as soon as possible to discuss these issues.

A letter from Senator Mike Ranzenhofer regarding the placement of the sex offender at the Rapids Rd People Inc. facility and his intent to continue to work on this issue with OPWDD.

A letter from Commissioner Dearing at the County regarding amendments to a multi-year agreement between Erie County and the Town establishing a municipal membership in the Erie County Community Development Block Grant Consortium.

The 2013 Year in Review Report was received from Erie County Industrial Development Corp.

The February 2014 Operations Report was received from Amherst Central Alarm Office reporting 36 calls for Akron Fire Co and 27 calls for Newstead Fire Co.

A certified resolution was received from the Town of Amherst regarding “Saving the Social Security Office” located in the Town of Amherst.

The supervisor stated he has reached out to Bruce Buyers at County Line Stone and a meeting will be scheduled soon. Also on the CDBG agreement he explained the town is basically in the consortium unless the Board votes to be pulled out of it.

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 issues were discussed: a meeting with Celebration Committee on the July 4th celebrations planned, water district issues, building projects, parks master plan, highway issues, celebration committee request, Newstead Fire co contracts & computer issues, drainage, group home, planning issues, personnel issues, and any other issues brought before the Board.

Agenda Items Question Period: no one spoke

Budget Transfers: none

Approval of Bills – Councilman Mayrose reported that the Abstract from Batch(es) #1380 from the February 24, 2014 meeting have been reviewed with the previously un-audited vouchers and everything was found in order. He presented Abstract Batch(es) #1383 & 1384 for payment. Vouchers on this abstract(s) numbered from 190-233, totaling \$45,250.07. Councilman Rooney seconded to approve payment as follows:

Abstract Batch(es) #1383 & 1384:

General Fund (A) -\$16,787.12, General Fund- Outside Village (B) \$634.79, Highway (DA) -\$0, Highway: Outside Village (DB) \$15,876.26, 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) \$4,577.44, Refuse (SR) \$286.30, Sewer Fund (SS) \$0, Sewer District #2 (SS02)- \$217.50, Trust & Agency(TA)- \$0 and Water Districts: Consolidated (SW00) \$6,870.66, (SW1) \$0, (SW2) \$0, (SW3) \$0, (SW4) \$0, (SW5) \$0, (SW6) \$0, (SW7) \$0, (SW7A) \$0, (SW8) \$0, (SW9) \$0, (SW10) \$0 Total: \$45,250.07
Carried Unanimously

COMMITTEE AND DEPARTMENT HEAD REPORTS:

Highway – Mike reported he attended Advocacy Day in Albany and the association has requested a \$50 million dollar increase from legislators for road monies for the coming year.

Supervisor Cummings reported that Legislator Ed Rath was present this evening at work session where they discussed several topics including highway and bridge issues and the group homes.

Assessor – a report was presented stating that March 3rd was taxable status day when all exemptions were due. All of the existing agriculture exemptions and disability exemptions were renewed and only 20 of the senior exemptions were not renewed. Road work was completed. May 24th will be the tentative roll filing day and grievance day will be May 27th. Becky is waiting for a list from ORPS of local law required exemptions.

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

Kelly Schultz

11167 Main

Cell tower upgrades

The Town Board accepted the report as presented.

Town Clerk- 2014 County/Town tax collection is well underway with the Town being paid in full for their warrant and additional funds having been sent to the County already. The deadline date before penalties is March 17th.

Attorney for the Town – nothing at this time.

COUNCILPERSONS:

Rooney – he attended the group home committee meeting, spoke with Assemblywoman Corwin's office regarding the group homes as well as the parkland purchase. He informed everyone that the bills are available online to read under Assembly number A08205 and Senate number S05947. He spoke with residents regarding the noise law and the group homes. He also thanked the Akron Fire

co for the invitation to their installation dinner and the opportunity to install their officers. He has emailed the park master plan committee for a meeting date on March 26th. He thanked Kathy Chubb for her service on the Library Board and he is trying to get information on the pot hole notification process for State, County and Town roads.

Mayrose – he met with Highway Supt. Bassanello regarding the Joint Facility and planning of upcoming projects once the weather breaks, He met with Christine Falkowski and Ralph Migliaccio regarding a number of planning issues. He attended the Akron Fire Co installation dinner and was happy to see the increase in young members. He met with Judge Campbell and Sandy regarding the start time for court as well as a number of other ideas to improve service. He contacted Ray Braun to discuss plans for bringing in a company that specializes in sound mitigation and also spoke with a representative of that company. He is still working out the schedule as to if and when they will visit the site and make recommendations. At this point he is waiting to hear back from Ray who is out of town for the next 3 weeks.

York – he spoke with several people regarding the noise law and the noise problems at Braun’s and stated that upon reflecting on the comments from the public hearing he is not certain that everything has been done by Mr. Braun that could be and he would like to explore more ideas to solve the problem before a law is passed.

Whiting– she attended the group home committee meeting where they discussed contact information for the politicians and ways to circulate that information. They are posting it on the facebook page and are asking residents to reach out to Board members and give their input. The links to the sex offender sites are being created on the website. She also answered several calls regarding the noise law and Braun’s and received information from the last Tonawanda Creek Watershed meeting she attended and reported the next meeting is scheduled for March 26th.

Supervisor- he met with the grant writers, spoke with County Clerk Jacobs and Senator Ranzenhofer on the park purchase and group homes, met with the Mayor, spoke with the Erie County Highway Department on road issues, received additional information on the Time Warner contract, received several emails from Braun’s patrons regarding the noise law, attended the Akron Fire Co installation dinner, and reported the new sign is up on the Newstead Cultural Center building. The front road signage will go up when the weather permits.

UNFINISHED BUSINESS:

Joint Facility- the committee is meeting this week and the 2 attorneys are meeting with Jon on the floor issues tomorrow. A final report is pending on the door repairs from Hamburg door once all work is finished.

Planning Issues- sign law updates are being discussed by the planning board and should come to the town board soon with recommendations for changes.

Conservation issues- Emerald Ash Borer- nothing new Murder Creek- nothing new

Water projects- the Downey Rd and Draper Rd project continues to be discussed as well as looking at the remaining un-watered areas of the town.

NEW BUSINESS:

Approval- NYCLASS Contract:

A motion was made by Councilwoman Whiting, seconded by Councilman Mayrose approving the contract with NYCLASS to maintain the towns account on file and authorizing the Supervisor to sign the contract.

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

Accept Resignation- Chubb:

A motion was made by Councilman Mayrose, seconded by Councilman York approving the acceptance of the resignation of Library Board member Kathy Chubb effective February 28, 2014. Cummings-Aye, Rooney -Aye, Mayrose-Aye, Whiting-Aye, York-Aye Carried Unanimously

Appointment- Library Board:

A motion was made by Councilwoman Whiting, seconded by Councilman Rooney approving the appointment of Mary Mangan as a member of the Library Board effective March 10, 2014.
Cummings-Aye, Rooney -Aye, Mayrose-Aye, Whiting-Aye, York-Aye Carried Unanimously

Approval- Celebration Committee Request:

A motion was made by Councilwoman Whiting, seconded by Councilman York approving the use of the Veterans Park facilities, including a beer/wine permit, to the Akron Celebration committee from July 3rd – July 5th pending receipt of proof of insurance and with waiver of the use fee.
Cummings-Aye, Rooney -Aye, Mayrose-Aye, Whiting-Aye, York-Aye Carried Unanimously

Privilege of the Floor/Question Period:

Jim Richards of Quarry Hill Estates asked if there was any update on the noise law and if another hearing is being planned. He also questioned the speed limit on Havens Rd as it has never been posted.

Supervisor Cummings stated the Board is still digesting the comments from the noise law public hearing and that if a road is not posted it is deemed to be 55 mph speed limit. If residents want that changed they need to file a petition with the Board requesting a speed study be done.

There being no further business to come before the board a motion was made by Councilwoman Whiting, seconded by Councilman York to adjourn the regular meeting at 8:30pm.

Carried Unanimously

Respectfully Submitted,
Dawn D. Izydorczak, Town Clerk