

Newstead Town Board Meeting- March 23, 2015

A public hearing was called to order by the Newstead Town Board on Monday, March 23, 2015 at 7:37pm at the Newstead Town Hall.

Present: David Cummings- Supervisor
James Mayrose – Councilman
Justin Rooney- Councilman
Donald York- Councilman
John Jendrowski- Councilman
Nathan Neill- Attorney for the Town
Scott Rybarczyk- Town Engineer
Jennifer Heberling- Deputy Town Clerk

Roll Call was taken with all board members present.

The Supervisor called the public hearing to order on the proposed wind turbine project at 11090 Miland Rd on the Berghorn property.

The Deputy Clerk read the proof of publication.

The Supervisor reported the project was recommended by the Planning Board for approval.

Comments: The Supervisor explained this was approved by the Planning Board on February 23rd. We received Erie County's no comment on Friday March 20th.

No one spoke for or against.

There being no further comments a motion was made by Councilman Mayrose, seconded by Councilman Rooney to close the public hearing at 7:41pm.

The Supervisor called to order a public meeting regarding the proposal before the board to observe and celebrate Indigenous People's Day in the Town of Newstead. The Supervisor explained that the celebration of this day would coincide with Columbus Day and be celebrated in October of each year on the same day as the national holiday.

Comments: Councilman Rooney spoke about other cities that already celebrate this holiday. He feels this is a good thing to discuss and get public comment on since we have such a rich history in our town.

Cindy Shilling, Akron NY – applauds the board for such forward thinking. She feels this is a great idea.

Gary Sundown, Tonawanda Indian Reservation – he coaches the Akron varsity lacrosse team and teaches his team they are all family and equals. This means a lot to him that he is standing in front of the board and discussing this subject.

Cheryl Esposito, East Avenue – asked if the other cities that recognize this day, does it replace Columbus Day? The Supervisor commented that some communities have replaced Columbus Day but the Town Board is still not sure what the right thing to do is.

Edmund Burke, Crescent Drive – wondered if we should pick a different day that would make it specifically for the recognition of the indigenous people? Councilman Rooney replied that he picked Columbus Day because the Native Americans do not celebrate that day. He feels it is a way to make the day a bit better for the Indigenous People of our community. He is not trying to get rid of Columbus Day at this point but he feels this is the preferred day.

Cindy Shilling – she believes honoring them on that day would take away a lot of the pain associated with that day.

Paul Winnie, Tonawanda Indian Reservation – questioned where this goes now. He also thinks Columbus Day is a good day to celebrate this. The Supervisor said the Board was not going to act

on this tonight. The Board is in favor of this, but they have not worked out all the details. He will let people know when this will be voted on.

Councilman Jendrowski believes this is long overdue and the right thing.

Chris Bertanic, Corfu NY – he feels Columbus Day is the perfect day to do this and that it makes a statement.

Councilman Rooney feels this is going to gain momentum and is sure this will pass at the April 13th meeting. After that, a copy of the resolution will be forwarded to Erie County and other towns within this and neighboring counties.

Lisa Parker, Tonawanda Indian Reservation – thanks the board and offers help with information if needed.

Supervisor Cummings want to set the example and is very glad for the positive feedback.

Edmund Burke – asked if the Native Americans have an opinion on what the day is called?

Gary Sundown – wonders if “1st Nations” would be a better name for the day as “Indigenous” includes more nationalities than just Native Americans.

Cheryl Esposito – asked if the other cities that recognize this day have named it after the predominant tribe in their area and told the Board this is their chance to do away with Columbus Day.

Councilman York suggested the Tribal Council meet and come up with ideas. He feels it would make things easier for the Board.

Councilman Rooney said the goal of this is to make it a celebration.

Jessie Spring, Tonawanda Indian Reservation – thanked the Board for this opportunity and shared that South Dakota celebrates this and has named it “Native American Day.”

There being no further comments a motion was made by Councilman Mayrose, seconded by Councilman Rooney to close the public meeting at 8:17pm.

The Supervisor called to order the regular meeting of the Newstead Town Board at 8:19pm with the same members present as listed above.

Councilman Jendrowski led the pledge to the flag.

Minutes from the previous regular meeting held on March 9, 2015 were presented for approval. A motion was made by Councilman Mayrose, seconded by Councilman York to approve as presented.
Carried Unanimously

Agenda Changes – a motion was made by Councilman Mayrose, seconded by Councilman Jendrowski to make the following agenda changes:

E. Approval – Appointment of Civil Service Disciplinary Officer

Communications – The Deputy Town Clerk presented the following correspondence:

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

A letter from Robert Wideman and James Wideman regarding their opposition to a variance that was approved for a wind turbine on property bordering their land on Meahl Rd and issuing a formal grievance against this approved action.

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

Work Session: The Supervisor reported that at work session held last week the following items were discussed: water issues- Downey Rd, buildings projects, highway issues & joint facility contracts, planning items, grants, IT services and management access, 3 points of interest from all board members for the coming year, an executive session regarding a personnel issue and any other matters brought before the Board. Tonight the Board was in an executive session regarding more than 1 personnel issue.

Agenda Items Question Period:

Lauren, Alden High School – asked if the Board members are elected or appointed, are they paid, what the salary is and if the Supervisor is a voting member of the board.

Christine, Alden High School – asked what month they are elected.

Supervisor Cummings answered all the questions asked.

Budget Transfers: a motion was made by Councilman Mayrose, seconded by Councilman Rooney to approve the proposed budget transfers per memo dated 3/23/15 from Bookkeeper Colleen Salmon. Carried Unanimously

Approval of Bills – Councilman Mayrose reported that the Abstract(s) from Batch(es) #1487 & 1490 from the March 9, 2015 meeting have been reviewed with the previously un-audited vouchers and everything was found in order. He presented Abstract Batch(es) #1496 for payment. Vouchers on this abstract(s) numbered from 228-268, totaling \$779,087.40. Councilman Rooney seconded to approve payment as follows:

Abstract Batch(es) #1496:
General Fund (A) -\$125,464.80, General Fund- Outside Village (B) \$284.10, Highway (DA) -\$0, Highway: Outside Village (DB) \$11,735.95, CAP-Murder Creek (HM) \$0, CAP- Scotland Rd (HS)- \$0, CAP- Water Improvement (HW)- \$0, CAP Water-Downey (HW01)- \$0, Drainage (SD)- \$0, Fire Protection (SF) \$381,388.72, Refuse (SR) \$0, Sewer Fund (SS) \$0, Sewer District #2 (SS02)- \$0, Trust & Agency(TA)- \$0 and Water Districts: Consolidated (SW00) \$76,747.71, (SW1) \$0, (SW2) \$0, (SW3) \$0, (SW4) \$0, (SW5) \$88,151.00, (SW6) \$0, (SW7) \$0, (SW7A) \$2,159.00, (SW8) \$0, (SW9) \$5,721.35, (SW10) \$87,434.77 Total: \$779,087.40 Carried Unanimously

COMMITTEE AND DEPARTMENT HEAD REPORTS:

Highway – not present

Assessor – no report was presented.

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

ADESA New York LLC	12200 Main	Sprinkler system
Sue Scott	12238 Rapids	Remodeling
Don Leising	5931 Cummings	Garage & porch repair
Jim Houck	12534 Meahl	Demolition

The Town Board accepted the report as presented.

Town Clerk- nothing at this time

Attorney for the Town – nothing at this time

COUNCILPERSONS:

Rooney – spoke to many Native Americans regarding Indigenous People Day, attended the Drug Coalition meeting last week and attended the AFC Installation Dinner.

Mayrose – met with Christine Falkowski regarding Planning issues, met with Supervisor Cummings and Attorney Neill regarding planning issues and spoke to people regarding Indigenous People Day.

York – attended the Celebration Committee meeting, the Library Board meeting, the girl scout presentation, the AFC Installation dinner, spoke to people regarding the lack of salting Sunday morning and Indigenous People Day.

Jendrowski – attended the AFC Installation Dinner, Library Board meeting, Celebration Committee meeting and met with several contractors regarding the library entrance problems.

Supervisor- the February Supervisor’s Report is on file with the Town Clerk. Spoke to Senator Ranzenhofer’s office regarding his proposed change in the sex offender law, spoke to the Pembroke Supervisor regarding the status of the County Line Stone expansion, spoke to the grant writers regarding the NYS Archive grant and several other grants, attended the Erie County Water Quality Control meeting, spoke to the Director of the Senior Center regarding several mishaps, met with auditors, met with Councilman Mayrose and Attorney Neill regarding Planning Department and attended the AFC Installation Dinner.

UNFINISHED BUSINESS:

Buildings – looking into upgrades at the library, town hall and senior center.

Planning - nothing

Water - nothing

Grants - nothing

NEW BUSINESS:

Approval- Electronic Waste Inter-municipal Agreement:

A motion was made by Councilman Mayrose, seconded by Councilman Rooney approving the inter-municipal agreement with the Village of Akron on a joint program to offer disposal of electronic waste to the residents of the town and village and how those costs will be split between the municipalities.

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

Approval- Wind Turbine 11090 Miland Rd:

A motion was made by Councilman York, seconded by Councilman Rooney approving the request for a special use permit for a 140ft. wind turbine at 11090 Miland Rd owned by Berghorn’s, subject to the terms set forth in the resolution.

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

Approval- C & S Design Services Contract:

A motion was made by Councilman Rooney, seconded by Councilman Mayrose approving the contract with C & S for Design Services on the TEP bike path grant project and authorizing the Supervisor to execute the contract as well as all related paperwork.

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

Approval-Change Work Session Date:

A motion was made by Councilman York, seconded by Councilman Rooney to cancel the April 6th work session and meet on March 30th instead.

Cummings-Aye, Rooney-Aye, Mayrose-Aye, York-Aye, Jendrowski-Aye

Carried Unanimously

Approval-Civil Service Disciplinary Officer:

A motion was made by Councilman Jendrowski, seconded by Councilman York approving the appointment of the Town Supervisor as the Civil Service Disciplinary Officer with the Deputy Supervisor to preside if the Town Supervisor is not available.

(Resolution Attached)Cummings-Aye, Rooney -Aye, Mayrose-Aye, York-Aye, Jendrowski- Aye

Carried Unanimously

Privilege of the Floor/Question Period:

Carl Klingenschmitt, 11520 Howe Road –we have a positive siting of the Emerald Ash Borer at Main and Crittenden. It has also been found in the Clarence Hollow. Advises people who want to treat their trees, now is the time to do it.

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 8:46pm.

Carried Unanimously

Respectfully Submitted,
Jennifer Heberling, Deputy Town Clerk