

**Newstead Town Board Meeting- February 13, 2012**

A public hearing was called to order by the Newstead Town Board on Monday, February 13, 2012 at 7:45pm at the Newstead Town Hall.

Present: David Cummings- Supervisor  
Justin Rooney- Councilman  
James Mayrose- Councilman  
Richard Baran- Councilman  
Donald York- Councilman  
Mike Bassanello- Highway Supt.  
Scott Rybarczyk- Town Engineer  
Nathan Neill- Town Attorney  
Dawn Izydorzak- 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 home based business located at 6505 Draper Rd. He stated the Planning Board has recommended approval with no special conditions. The Clerk read the proof of publication.

Comments: no one spoke

There being no further comments, a motion was made by Councilman Mayrose, seconded by Councilman Rooney to close the public hearing on the 6505 Draper Rd home based business at 7:49pm. Carried Unanimously

The Supervisor called the public hearing to order on the home based business located at 12663 McNeeley Rd at 7:50pm. He stated the Planning Board has recommended approval with no special conditions. The Clerk read the proof of publication.

Comments: no one spoke

There being no further comments, a motion was made by Councilman Baran, seconded by Councilman Mayrose to close the public hearing on the 12663 McNeeley Rd home based business at 7:53pm. Carried Unanimously

The Supervisor called the public hearing to order on the home based business located at 13546 Stage Rd at 7:54pm. He stated the Planning Board has recommended approval with one special condition, that only 1 vehicle be on display for sale at any time. The Clerk read the proof of publication.

Comments: no one spoke

There being no further comments, a motion was made by Councilman Baran, seconded by Councilman Rooney to close the public hearing on the 13546 Stage Rd home based business at 7:56pm. Carried Unanimously

A regular meeting of the town board was called to order at 7:56pm with the same members present as listed above.

Highway Supt. Mike Bassanello led the pledge to the flag.

Minutes from the previous regular meeting held on January 23, 2012 and the special town/village joint meeting held on February 6, 2012, were presented for approval. A motion was made by Councilman Rooney, seconded by Councilman Mayrose to approve as presented. Carried Unanimously

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

A liquor license request has been received from the Main St Pub for 2012 to be located at 11986 Main Rd and operated by Lisa Lyn Pasinski.

The 2012 Conservation Tree & Shrub Seedling Program has begun with orders due by March 16<sup>th</sup> and pick up of orders scheduled for April 14<sup>th</sup>.

A letter from “Tanya’s Team” requesting authorization for use of town roads for a 5K walk/run to be held the last weekend of September.

A letter of resignation was received from Recreation Board member William Murty effective immediately.

A copy of a Notice to Proceed with Construction of the Waterline System was received from Wendel Duchscherer to E & R General Construction for the northern extensions project.

A copy of a resolution passed by the Town of Lancaster was received regarding their opposition to the NYS District map with the inclusion of a 63<sup>rd</sup> State Senate District.

A letter from National Grid informing the town that they could see a 4% to 23% decrease in electrical billings for town owned services.

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

**Work Session:** The Supervisor reported that at the last work session held the following items were discussed: water districts issues, building projects updates, planning issues updates, airport issues, grants, personnel issues, as well as any other issues brought before the board.

**Privilege of the Floor** – Michael & Kevin Borth were present and had missed the public hearing on their special use permit. They questioned only being able to display one vehicle for sale at a time and would like to be granted permission to display at least one more.

Supervisor Cummings stated the resolution granting the special use permit would be passed later in the meeting as recommended by the planning board. He suggested they meet with the planning board regarding their request for an additional vehicle.

**Budget Transfers:** a motion was made by Councilman Mayrose, seconded by Councilman Rooney to approve the budget transfers for 2011 per a memo from Bookkeeper Colleen Salmon dated 2/13/12 and to approve budget amendments for 2012 per a memo dated 2/13/12.

Carried Unanimously

**Approval of Bills** – Councilman Mayrose reported that the Abstract from Batch(es) # 1147 & 1148 from the January 23, 2012 meeting has been reviewed with the previously un-audited vouchers and everything was found in order. He presented Abstract Batch(es) #1153 & 1157 for payment.

Vouchers on these abstracts numbered from 70- 164, totaling \$193,961.96 and were presented by Councilman Mayrose, seconded by Councilman York to approve payment as follows:

Abstract Batch(es) #1153 & 1157:

General Fund (A) -\$82,811.41, General Fund- Outside Village (B) \$567.28, Highway (DA) -\$0, Highway: Outside Village (DB) \$35,502.96, Capital Projects: CAP- Highway Garage- (HG) - \$21,236.63, CAP-Murder Creek (HM) \$0, CAP- Equipment Purchase (HR02)- \$0, CAP- Scotland Rd (HS)- \$0, CAP- Town Hall (HT)- \$0, CAP- Water Improvement (HW)- \$10,550.74, Drainage (SD)- \$0, Fire Protection (SF) \$4,352.32, Refuse (SR) \$30,411.09, Sewer Fund (SS) \$470.76, Sewer District #2 (SS02)- \$277.50, Trust & Agency(TA)- \$1,248.29 and Water Districts: Consolidated (SW00) \$6,532.98, (SW1) \$0, (SW2) \$0, (SW3) \$0, (SW4) \$0, (SW5) \$0, (SW6) \$0, (SW7) \$0, (SW7A) \$0, (SW8) \$0, (SW9) \$0, (SW10) \$0

Total: \$193,961.96

Carried Unanimously

### **COMMITTEE AND DEPARTMENT HEAD REPORTS:**

**Highway** – The crews had a busy weekend of plowing, going out between 9-10 times since Friday. He attended the joint facility meeting. They also addressed some road ditch problems last week.

**Assessor** – met with the Board at work session prior to the meeting to discuss options for the future regarding assessment projects.

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

Gerald Pasinski	11986 Main	Certificate of Occupancy
T&T Tire & Auto	11720 Main	Special Use Permit renewal
Triple G Small Engine Repair	12056 Buckwheat	Special Use Permit renewal
Noel Tucciarone	13041 Kirby	Solar energy system
Champion Auto Locators	11678 Main	Special Use Permit renewal
Destroyer Park Golf	7033 Sandhill	Special Use Permit renewal
Commercial Net Lease Realty	12996 Main	Fuel tank modification
ECIDA/Arrowhead Golf	12292 Clarence Center	Beer stand C/O
David Lally	11810 Clarence Center	Roof
Joseph Gugliuzza	4453 Billo	Remodel

The Town Board accepted the building report as presented.

**Town Clerk**- County/Town tax bills were mailed out 5 days early and collection is underway with bills due by March 15<sup>th</sup>.

**Attorney for the Town** – nothing at this time

### **COUNCILPERSONS:**

**Rooney** – need to schedule meeting of joint emergency services committee with the Village. He questioned who should take the lead on scheduling that and Supervisor Cummings asked him to take the lead and schedule the first meeting. He also questioned some signage on Havens Rd by the Wargo property that reads “hidden entrances”. The Supervisor & Highway Supt. stated that was a good point and Mr. Wargo will be coming in for a public hearing within the next month. They can discuss this with him then.

**Mayrose** – attended the joint facility committee meeting and continues to attend court nights to get a better idea of how the town and village courts operate during sessions. He also questioned the speed signage on Clarence Center Rd between the village line and Hake Rd. There appears to be 2 different speeds depending on which side of the road you’re on.

**Baran** – the ceiling work at the Denio is half done.

**York** – nothing at this time

**Supervisor**- attended the joint facility committee meeting and the Association of Erie County Governments meeting. He also attended a meeting on personnel issues downtown. The Newstead Fire Co./Senior Center agreement and lease are under review due to the modifications that have taken place over the past couple years.

### **UNFINISHED BUSINESS:**

**Water Districts** – the contractor is on site and construction has begun with approximately 600’ – 700’ of waterline per day going in the ground. They have started in the Burdick & Kelkenberg Rd areas. Anyone experiencing any problems should be referred to Scott at Wendel. Anyone with their water connection line not in the ground yet needs to get it in immediately. There are a few outstanding applications that have not been received, which need to be addressed. The county will be replacing the Burdick Rd bridge this summer and they will be working with them to correlate waterline construction with the bridge construction. The PRV’s design is underway with 1 to be located on Clarence Center Rd and 1 on Hake Rd. Easements will need to be obtained for this as well.

**Shared Public Works Facility Project** – offices will be moving in this weekend with equipment to be moved as it is inventoried. Snow removal equipment will be moved at the end of season.

**Murder Creek-** Carl & Mark Gaston have begun the paperwork for this grant segment of the work. Any work to be done will take place this summer. FEMA grant Phase 1 monies are all in with the Phase 2 being okayed and sent on to the Finance Department. Should receive money soon.

**NEW BUSINESS:**

**Special Use Permit- Home Based Business- 6505 Draper Rd:**

A motion was made by Councilman Mayrose, seconded by Councilman Rooney approving the special use permit for the home based business located at 6505 Draper Rd and operated by owner Gary Roth, subject to the terms set forth.

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

**Special Use Permit- Home Based Business- 12663 McNeeley Rd:**

A motion was made by Councilman Rooney, seconded by Councilman Mayrose approving the special use permit for the home based business located at 12663 McNeeley Rd and operated by owner Doug Matusek, subject to the terms set forth.

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

**Special Use Permit- Home Based Business- 13546 Stage Rd:**

A motion was made by Councilman Baran, seconded by Councilman Mayrose approving the special use permit for the home based business located at 13546 Stage Rd and operated by owner Michael Borth, subject to the terms set forth.

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

**Medicaid Mandate Relief:**

A motion was made by Councilman York, seconded by Councilman Mayrose approving the request that the State fulfill their promise to provide significant Medicaid mandate relief by gradually taking over the local share as sponsored in bills #S.5889-B and A8644.

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

**Traffic Control Devices Opposition:**

A motion was made by Councilman Rooney, seconded by Councilman Mayrose approving the request to the State to exempt municipalities of Erie County from the Federal Highway Administrations latest Uniform Traffic Control Devices National Standard for street signs as the requirement poses an unfair, unfunded mandate on local municipalities.

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

**Appointment- Recreation Board Member:**

A motion was made by Councilman Rooney, seconded by Councilman Mayrose approving the appointment of Karen Stachowiak to the recreation board to replace William Murty.

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

**Approve Liquor License- 11986 Main St:**

A motion was made by Councilman Rooney, seconded by Councilman Mayrose approving the liquor license application by owner Lisa Lyn Pasinski for the Main St Pub located at 11986 Main Rd.

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

**Approve- Special Use Permit- 12472 Stage Rd:**

A motion was made by Councilman Mayrose, seconded by Councilman Rooney approving the special use permit renewal for a dog kennel located at 12472 Stage Rd owned by Bonnie Lewis.

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

**Approve Training Request:**

A motion was made by Councilman Mayrose, seconded by Councilman Rooney approving the training request for staff & Boards on general meeting procedures to be held on February 28<sup>th</sup>.

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

**Approval to Bid Highway Equipment:**

A motion was made by Councilman Rooney, seconded by Councilman Mayrose authorizing the Highway Supt. to go out to bid on 3 new trucks and a new mower, which are in the 2012 budget. Cummings-Aye, Rooney -Aye, Mayrose-Aye, Baran-Aye, York-Aye Carried Unanimously

**Question Period** – Kevin Borth spoke on 3 issues: he requested a 4-way stop sign be erected at the corner of Martin and Scotland Roads. Supervisor Cummings stated the town can try to revisit this with the County. Mr. Borth also questioned what will happen to the old highway buildings. If they are sold he recommends holding a public auction instead of selling them thru the typical private bidding process. Supervisor Cummings stated they will take the recommendation into consideration. Mr. Borth also addressed the Medicaid issue regarding the resolution the Board passed this evening. He works in the health care business and urges the town to push legislators to privatize all Medicaid management and providers like they recently did with the Pharmaceutical companies. This would dramatically reduce the cost of the Medicaid system. The state must mandate this for it to happen. The Supervisor thanked him for this insight.

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 8:44pm.

Carried Unanimously

Respectfully Submitted,  
Dawn D. Izydorcak, Town Clerk