

Newstead Town Board Meeting- October 25, 2010

A public hearing was called to order by the Newstead Town Board on Monday, October 25, 2010 at 7:40pm at the Newstead Senior Center.

Present: David L. Cummings- Supervisor
Justin Rooney- Councilman
Cheryl Esposito- Councilwoman
James Mayrose- Councilman
Richard Baran- Councilman
Mike Bassanello- Highway Supt.
Nathan Neill- Town Attorney
Scott Rybarczyk- Town Engineer
Dawn Izydorczak- Town Clerk

Roll Call was taken with all board members present.

The Supervisor called the public hearing to order on the proposed expansion project at the Newstead Fire Hall.

The Clerk read the proof of publication.

Comments: The Supervisor read comments received from Erie County Dept. of Public Works as follows:

1. The Contractor has already started work on this site and has placed stone etc. in the county highway. This work was done without a highway work permit and is in violation of NYS Highway Law Section 136 subject to fines up to \$1000.00 for doing the work without a permit. Did they get a town building permit?
2. Erie County Traffic & Safety Engineer has reviewed the submitted drawings and has no issues with the additional driveway.
3. Drainage- The drainage plan is not acceptable; we do not have ditches in this area so the overflow from the detention basin cannot discharge to the County Highway right-of-way.
4. A licensed professional authorized to provide engineering services has not stamped the submitted drawings for this project. We need to have both stamped drawings and the engineering report for our review. These both have to be stamped and signed by a NYS Licensed Professional currently licensed to perform these services.
5. We will not issue highway work permits without the stamped drawing and engineering report.
6. Site plan is not approved as submitted.

The Code Enforcement Officer is working on the required fill permit for dirt that was brought in from the Akron Central School construction site and the highway work permit.

Councilman Rooney questioned how filing for the highway work permits got overlooked. Town Engineer Scott Rybarczyk stated it was probably just clerical errors on the part of the construction manager. The Newstead Fire Co building committee members entered the hearing. Terry Meyers, President of LBM Construction, contractor on the project stated Wargo, who is the site contractor is working on cutting back on the stone near the road. They felt in planning the drainage that the 100 year storm overflow would flow to the roadway. The engineers discouraged them from putting the drainage to the north and it can't flow to the east. They are trying to find an alternate location to send the drainage. They felt the proposals were a substantial improvement to the current conditions. They have talked with Don Hoefler who designed the drainage plan to discuss possible resolutions with the County. Terry questioned if Wendel can reconsider relocation of the drainage to the north west. Scott feels the County may not understand the true scope of the drainage situation until they come out to physically inspect the site. Town Attorney Nathan Neill stated we cannot move forward until all issues have been addressed. If the county does not approve and the Town Board does we need a super majority to approve the project. The Town can ultimately approve the project even if the county does not, but they should try to come to an agreement on the drainage issue and they must get the highway work permit in place. It was stated we cannot make it drain to where it's not going to go.

There being no further comments a motion was made by Councilman Rooney, seconded by Councilman Mayrose to close the public hearing on the Newstead Fire Hall project at 8:02pm.

Carried Unanimously

The Supervisor called the public hearing to order on the proposed 2011 Budget at 8:02pm.

The Clerk read the proof of publication.

Comments: no one spoke.

The supervisor announced that the final budget will be passed at the November 22nd meeting.

There being no further comments a motion was made by Councilman Baran, seconded by Councilman Mayrose to close the public hearing on the proposed 2011 Budget at 8:06pm.

A regular meeting of the town board was called to order at 8:06pm with the same members present as listed above.

Town Attorney Neill led the pledge to the flag.

Minutes from the previous regular meeting held on October 12, 2010 were presented for approval. A motion was made by Councilman Rooney, seconded by Councilwoman Esposito to approve both as presented. Carried Unanimously

Communications – The Town Clerk presented the following correspondence:

A letter from Highway Dept. worker Raymond Schrock notifying the board of his intention to take the 2010 Retirement Incentive Program and retire effective November 26, 2010.

Notification was received from the NYS Office of Emergency Management notifying the town that it has been approved for Part 1 of the Murder Creek Bank Stabilization project in the amount of \$131,543.00.

A letter from the Akron Central School regarding their request for assistance from the Town and Village to petition Erie County to install a triggered traffic light at their athletic field exit onto Bloomingdale Rd due to increased traffic safety concerns.

A motion was made by Councilwoman Esposito, seconded by Councilman Baran 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: an executives session on personnel matters was held from 7:00-8:30pm, water district issues, town hall& joint facility project updates, dog control law discussion, planning issues, Murder Creek project, airport issues, contracts, nuisance control, senior center assistant request, as well as any other issues brought before the board.

Privilege of the Floor – Bill Frey of Burdick Rd expressed his concerns with the proposed waterline project and the extensive road and soil problems in that area. He questioned if hydrants could be placed at each of the 11 residences on the road instead of the typical 500' separation and he is also concerned that many of those hydrants will be underwater several times per year. He also expressed his concerns with digging and road cave-ins.

The Supervisor explained that the board and town engineers agree that conventional digging will probably not work in some of that area and they are also concerned about what the County's plans are for the road in that area. Many issues need to be answered prior to design and construction. He assured Mr. Frey that no hasty decisions will be made. They in fact would like Mr. Freys input and expertise on the project and he will contact him.

Town Engineer Scott Rybarczyk commented that they are in the very initial engineering stage. He also noted on Mr. Frey's concern with hydrant placements that it is County Code that hydrants must be located every 500' so that cannot be changed.

Mr. Frey also asked the Town to be aware of the several basement drains in that area that end at the right-of way. The board thanked him for his input and will be in touch on the issue.

Budget Transfers: A motion was made by Councilman Mayrose, seconded by Councilwoman Esposito to approve the requested budget transfers per a memo from Bookkeeper Colleen Salmon dated 10/25/2010. Carried Unanimously

Approval of Bills – Councilwoman Esposito reported that the Abstract from Batch #988 & 990 from the October 12, 2010 meeting has been reviewed with the previously un-audited vouchers and everything was found in order. She presented Abstract Batches #992, 993 & wire transfer. Vouchers on these abstracts numbered from 1127- 1164 totaling \$80,196.05 and were presented by Councilwoman Esposito, seconded by Councilman Baran to approve payment as follows:

Abstract Batch #992, 993 + wire transfer:

General Fund (A) -\$19,539.60, General Fund- Outside Village (B) \$257.21, Highway (DA) -\$0, Highway: Outside Village (DB) \$2,144.89, Capital Projects: CAP- Highway Garage- (HG) - \$9,541.63, CAP-Murder Creek (HM) \$0, CAP- Equipment Purchase (HR02) \$0, CAP-Library Basement (HR04)- \$0, CAP- Scotland Rd (HS)- \$0, CAP- Town Hall Addition (HT) \$40,577.30, Drainage (SD)- \$2,945.58, Fire Protection (SF) \$1,550.00, Refuse (SR) \$0, Sewer Fund (SS) \$2,516.21, Sewer District #2 (SS02)- \$69.87, and Water Districts (SW1) \$0, (SW2) \$0, (SW3) \$0, (SW4) \$0, (SW5) \$0, (SW6) \$0, (SW7) \$0, (SW7A) \$260.24, (SW8) \$0, (SW9) \$793.52, (SW10) \$0, Trust & Agency(TA)- \$0

Total: \$80,196.05

Carried Unanimously

COMMITTEE AND DEPARTMENT HEAD REPORTS:

Highway – nothing to report

Assessor – no report presented

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

| | | |
|----------------------|-----------------------|---------------------------|
| USA Bird Supply | 11163 Main | Sign |
| Greenbriar Akron LLC | 12983 Main | Sign |
| Nicholas Lydell | 12320 Nice | Pole barn |
| Daniel Wetzler | 12543 Clarence Center | Shed dormer, garage, roof |
| Ken Olszewski | 13734 Bloomingdale | Roof |
| David Giannelli | 12576 Lesswing | Pole barn |

The Town Board accepted the report as presented.

Town Clerk- nothing to report

Attorney for the Town – nothing at this time

COUNCILPERSONS:

Rooney- attended a meeting with Councilman Baran and Highway Supt. Bassanello to go over applications for the secretary position that is open.

Esposito- attended celebration committee meeting. Also attended a meeting with the Librarian Christine Sutton and the Director and Deputy Director of the Erie County Library to discuss potential changes in the Newstead Library’s operating hours due to County Budget issues. Christine is looking into trying to make cuts elsewhere to pick up extra hours.

Mayrose- nothing at this time

Baran- nothing at this time

SUPERVISOR- He also attended the celebration committee meeting at which the future of and ability to fund future celebrations was discussed. Donations were down 45% this year helping with the result of a deficit this year. New Years Eve celebration expenses are usually funded by a donation from the men’s golf league and should continue.

He also met with the grant writer on the submission of several grants this week and a few upcoming grant applications to submit. He also attended several building project meetings.

UNFINISHED BUSINESS:

Water District #10- still addressing design issues on the current water system. Wetland delineators and surveyors will still be in the area this week.

Shared Public Works Facility Project- a meeting was held today, with the project still on schedule for substantial completion on February 15th.

Town Hall Project- painting & finishes have been started. New rear entry sidewalks and stairs will be poured over this week. Final finish is still set for approx. November 15th.

Grants- Rails to Trails, CDBG and Salt Shed have all been submitted. Working on upcoming Archives and Master Plan grants.

Murder Creek Project- discussing Phase 1 design & engineering issue and getting contacts in place with engineers. A project committee of the Supervisor, Councilman Mayrose, Carl Klingenschmitt, Doctor Burke and Scott Rybarczyk was decided.

NEW BUSINESS:

Approval – Cleaning Contract for 2011:

A motion was made by Councilman Baran, seconded by Councilman Mayrose approving the award of a cleaning contract on all town buildings for 2011 to RJS Janitorial at a cost of \$1,290 per month for all buildings and authorizing the Supervisor to sign the contracts.

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

Public Hearing- Local Law #6 of 2011- Dog Law:

A motion was made by Councilman Mayrose, seconded by Councilman Rooney approving the calling of a public hearing on the proposed amendments to the Town of Newstead Dog Law to be held November 8, 2010 at 7:40pm at the Newstead Senior Center and authorizing the Town Clerk to publish the legal notice.

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

Public Hearing- Local Law #7 of 2011- Kennel Law:

A motion was made by Councilwoman Esposito, seconded by Councilman Mayrose approving the calling of a public hearing on the proposed Town of Newstead Kennel Law to be held November 8, 2010 at 7:50pm at the Newstead Senior Center and authorizing the Town Clerk to publish the legal notice.

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

Public Hearing- Fire and Emergency Services Contracts:

A motion was made by Councilman Baran, seconded by Councilman Rooney approving the calling of a public hearing on the proposed Fire & Emergency Services Contracts to be held November 8, 2010 at 7:30pm at the Newstead Senior Center and authorizing the Town Clerk to publish the legal notice.

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

Approval- Highway Employee Hire:

A motion was made by Councilman Mayrose, seconded by Councilman Rooney based on a recommendation from the highway committee, approving the hiring of Deborah Forrestel to fill the highway secretary position on a part time basis at 10 hours per week effective immediately.

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

Approval- Highway Surplus Equipment Bids:

A motion was made by Councilman Rooney, seconded by Councilman Baran based on bids received, approving the sale of a 1996 Ford Dump Truck for \$18,600; an oil & service rack for \$275.00; a Viking Plow for \$585.00; a Tow-behind Roller for \$230.00; a John Deere finishing mower for \$602.00.

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

Approval- CEO Training Request:

A motion was made by Councilman Rooney, seconded by Councilwoman Esposito approving sending the Code Enforcement Officer to training in January in Cheektowaga.

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

Approval- Recreation Hires for Winter Session:

A motion was made by Councilman Rooney, seconded by Councilwoman Esposito approving the hiring of the following employees for the 2010-11 winter recreation program by recommendation of the Recreation Board: Jessica Bell, Theresa Dolph, Kaitlyn Kaufman & Alan Seaner as Lifeguards and Keelin Brady, Justin Hawes, Victoria Zitzka, Taylor Barszcz, Ashley Lauricella, Sarah Weigel, Jaime Salcedo, Jake Stone, Elizabeth Bramley as Recreation attendants at the applicable pay rates.

Any employee under the age of 18 must submit valid working papers to the town prior to receiving any pay from the town.

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

Approval- Add New Phone Line:

A motion was made by Councilman Mayrose, seconded by Councilman Baran approving the addition of a second phone line to the NYS Troopers office as part of the new renovations.

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

Question Period- Buffalo News correspondent Laura Winchester asked for clarification on the cleaning contract for the joint facility.

Following the November 1st work session there will be a joint meeting of the Town and Village Boards.

The Board entered executive session on a personnel matter at 9:04pm. The Board exited executive session having taken no action at 9:30pm

There being no further business to come before the board a motion was made by Councilman Rooney, seconded by Councilman Baran to adjourn the meeting at 9:30pm.

Carried Unanimously

Respectfully Submitted,
Dawn D. Izydorzak, RMC, Town Clerk