

Newstead Town Board Meeting- January 14, 2013

A public hearing was called to order by the Newstead Town Board on Monday, January 14, 2013 at 7:50pm at the Newstead Town Hall.

Present: David Cummings- Supervisor
Justin Rooney- Councilman
James Mayrose- Councilman
Richard Baran- Councilman
Donald York- Councilman
Scott Rybarczyk- Town Engineer
Nathan Neill- Town Attorney
Michael Bassanello- Highway Supt.
Dawn Izydorzak- Town Clerk
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 Local Law #1 of 2013 –Sex Offender Law.

The Clerk read the proof of publication.

Supervisor Cummings explained that this law adds extra restrictions on top of Meghan’s Law extending to the Town Park and bike path areas.

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 at 7:59pm.

A regular meeting of the Town Board was called to order at 8:00pm with the same members present as above.

Supervisor Cummings led the pledge to the flag.

Minutes from the previous regular meeting held on December 27, 2012, as well as the 2103 Organizational Meeting minutes from January 7, 2013, were presented for approval. A motion was made by Councilman Baran, seconded by Councilman Mayrose to approve as presented.

Carried Unanimously

Communications – The Town Clerk presented the following correspondence:

A letter from Time Warner Cable notifying the town of the programmers & channel changes that are proposed after January 1, 2013.

A copy of a resolution passed by the Town of Lancaster supporting “Phoenix’s Law” which will stiffen penalties for the torture and abuse of animals.

A notice from the Erie County Department of Health on a Point of Dispensing Training/Exercise to be held Wed, January 16th from 6:00pm – 9:00pm at the Bowmansville Fire Station.

The final quarterly report was received from Allied Waste reporting 428.59 tons of solid waste and 73.53 tons of co-mingled recyclables picked up.

A letter from the Ride for Roswell requesting permission to use the towns roads for their bike ride on Saturday, June 22nd.

A letter from the Akron Soccer League requesting use of the town park facilities for their 2013 season from April 1st thru August 31st.

A letter from resident Michele Asmus requesting the town consider keeping the snow plowed at the Clarence Center Rd bike path parking lot so residents can access it during the winter.

A notice from the Association of Towns announcing its annual meeting and training event in New York City from February 17 – 20, 2013.

A notice from One Region Forward announcing upcoming “Community Congress” meetings to be held on January 29th from 7-9pm at Asbury Church in Buffalo and on February 2nd from 2-4pm at the Niagara Falls Conference Center.

A notice from Erie County Dept of Environment & Planning announcing a land bank orientation to be held on January 28, 2013 from 9:00am – 12:00pm in the conference room 1404 on the 14th floor of the Rath building in Buffalo.

Supervisor Cummings stated the bike path parking areas request has been addressed and the highway crews will keep them clean after all road snowplowing has been completed.

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: water district issues, building projects, planning issues, grants, sex offender law, recreation, contracts, parks master plan, as well as any issues brought before the Board.

Privilege of the Floor – Dale Cheavacci of 113 John St asked for an update on the airport. Supervisor Cummings notified him that the court case had been postponed to January 25th on the crosswind runway and that the airport still has not come in on any of the other building projects to date. Mr. Cheavacci questioned why we even have these boards and laws if they can just go to court and have the towns decisions and laws overturned by a Judge who knows nothing about them.

Budget Transfers: a motion was made by Councilman Mayrose, seconded by Councilman Rooney to approve the budget transfers per the memo from Bookkeeper Colleen Salmon dated January 14, 2013. Carried Unanimously

Approval of Bills – Councilman Mayrose reported that the Abstract from Batch(es) # 1240 & 1243 from the December 27, 2012 and Batches #1246 & 1247 from the January 7, 2013 meeting have been reviewed with the previously un-audited vouchers and everything was found in order. He presented Abstract Batch(es) #1251 from 2012 and 1252 from 2013 for payment. Vouchers on these abstract(s) numbered from 11452-1506 for 2012 and 8 – 19 for 2013 totaling \$48,000.08 and were presented by Councilman Mayrose, seconded by Councilman York to approve payment as follows:

Abstract Batch(es) #1251 & 1252:

General Fund (A) -\$18,548.39, General Fund- Outside Village (B) \$3,589.42, Highway (DA) -\$0, Highway: Outside Village (DB) \$9,584.77, 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- Town Hall (HT)- \$0, CAP- Water Improvement (HW)- \$150.00, Drainage (SD)- \$0, Fire Protection (SF) \$4,561.36, Refuse (SR) \$4,494.60, Sewer Fund (SS) \$0, Sewer District #2 (SS02)- \$225.00, Trust & Agency(TA)- \$0 and Water Districts: Consolidated (SW00) \$6,846.54, (SW1) \$0, (SW2) \$0, (SW3) \$0, (SW4) \$0, (SW5) \$0, (SW6) \$0, (SW7) \$0, (SW7A) \$0, (SW8) \$0, (SW9) \$0, (SW10) \$0

Total: \$48,000.08

Carried Unanimously

COMMITTEE AND DEPARTMENT HEAD REPORTS:

Highway – they spent last week helping deliver totes and doing exchanges and also worked in the cold storage building and on winter items in the workshop.

Assessor – no report was presented

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

LVL Resort Corp	13800 Siehl	Permit renewal
Richard Reinhold	5911 Crittenden	Pole barn addition
Richard Reinhold	5911 Crittenden	Floodplain development
T & T Tire & Auto	11720 Main	Special Use Permit renewal
Destroyer Park Golf	7033 Sandhill	Special Use Permit renewal
Sutton Paving	11174 Crego	Special Use Permit renewal
Gary's Turf Care	6505 Draper	Special Use Permit renewal

Triple G Small Engine Repair
Jim Ames, Inc
James Jendrowski

12056 Buckwheat
11198 Hunts Corners
6409 Utley

Special Use Permit renewal
Special Use Permit renewal
Roof & C/O

The Town Board accepted the report as presented.

Town Clerk- Dawn presented the 4th Quarter Dog Control Officers Report for 2012.

Attorney for the Town – nothing at this time

COUNCILPERSONS:

Rooney – there is a meeting on the park master plan this Thursday at 7pm, the Recreation task force proposals are complete and the next recreation board meeting is on the 29th. The roof ice and snow issues at the library are being addressed. There is a drug task force meeting at the Calvary Baptist Church on the 19th.

Mayrose – the recreation proposals are ready for review and adoption. He also worked with Councilman Rooney on the ice and snow issues at the library. He also attended the recycling totes distribution process and attended the drug seminar for parents that was held at the school.

Baran – he is waiting for an estimate from the contractor on replacing the lights at the Denio.

York – nothing at this time

Supervisor- The December 2012 Supervisor's Report is on file with the Town Clerk. He has been working on the insurance quote for 2013, setting meetings with the grant writer, preparing for the organizational meeting, and is seeking a local writer who might be interested in reporting for the Buffalo News on local meetings.

UNFINISHED BUSINESS:

Joint Highway Facility- they had a meeting with the employees and are now working on addressing issues brought up in that meeting by employees.

Planning Issues- the environmental report on the old Jackson St property is in and they are now reviewing those results and looking at the need for further testing.

NEW BUSINESS:

Adoption- Local Law #1 of 2013:

A motion was made by Councilman Rooney, seconded by Councilman Mayrose adopting a determination of Non-Significance of Local Law regarding Local Law #1 of 2013- proposed Sex Offender Law.

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

A motion was made by Councilman Rooney, seconded by Councilman Mayrose approving the adoption of Local Law #1 of 2013 entitled Sex Offender Law.

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

Approval- Bonding Counsel Contract for 2013:

A motion was made by Councilman York, seconded by Councilman Rooney approving the Bond Counsel Contract for the Town for 2013 with Hawkins and authorizing the Supervisor to execute the contract.

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

Approval to Expend Highway Funds:

A motion was made by Councilman Baran, seconded by Councilman York approving the expenditure of funds received from New York State for repair of various roads throughout the town and for shoulder rehabilitation, repair /replacement of culverts, sign replacement and chipping and sealing of roads.

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

Approval- Engineering Contract for 2013:

A motion was made by Councilman Mayrose, seconded by Councilman Baran approving the Engineering Contract for the Town for 2013 with Audubon Engineering, Architects, etal (formerly Wendel Duchscherer) and authorizing the Supervisor to execute the contract.

(Resolution Attached) Cummings-Aye, Rooney -Aye, Mayrose-Aye, Baran-Aye, York-No
Carried

Approval- Ride for Roswell:

A motion was made by Councilman Rooney, seconded by Councilman Mayrose approving the use of town roads for the ride for Roswell bike ride on June 22, 2013.

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

Supervisor Cummings stated that now that the Special Events Permit has been approved they will need to be sent the form, but encourages the Building Department to waive the fee as this is a charity event.

Approval- Akron Soccer League Park use:

A motion was made by Councilman Baran, seconded by Councilman York approving the use of the town park facilities by the Akron Soccer League for their 2013 season from April 1 – August 31, 2013.

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

Question Period – no one spoke

The board moved to go into executive session to discuss the litigation on the joint facility and the union contracts at 8:29pm.

The board exited executive session at 8:47pm having taken no action.

There being no further business to come before the board a motion was made by Councilman Mayrose, seconded by Councilman Baran to adjourn the regular meeting at 8:48pm.

Carried Unanimously

Respectfully Submitted,
Dawn D. Izydorzak, Town Clerk