

## Newstead Town Board Meeting- October 14, 2013

A regular meeting was called to order by the Newstead Town Board on Monday, October 14, 2013 at 8:00pm 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 Izydorczak, Town Clerk

Roll Call was taken with all board members present.

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

Minutes from the previous regular meeting held on September 23, 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 was received from Time Warner Cable notifying the town of the programmers and service providers they are currently under negotiations with for service.

A letter from NYS Department of State notifying the Town that Local Law #3 of 2013 was received and filed on September 30, 2013.

A letter from the NYS Unified Court System regarding the 2012-13 audit of the Town Justice Court records and requesting a copy of the audit.

A legal notice of public hearing was received from the First United Methodist Church regarding their variance request for a sign. The hearing will be held October 15, 2013 at 7:00pm at the Village Hall.

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 sessions held the past two weeks, the following issues were discussed: water district issues, building projects, planning issues, grants, recreation evaluations, parks master plan, contracts, old highway garage updates, senior van policy updates, emergency services issues, court issues and any other issues brought before the Board. On October 7<sup>th</sup> the board toured the new lower level of the library and the Denio building.

**Privilege of the Floor** – Sue Fay Allen of Howe Rd and Linda Jackson, Dick Sutton and Alvin Dahn of Quarry Hill Estates were present for an update on the Braun's Concert Cove issues. They expressed concerns about adding a foundation to the current concert cove building to absorb some of the vibration & sound and questioned when Mr. Braun will be made aware of what is going to be expected of him next year and going forward regarding the code changes. They also addressed health issues of the residents.

Supervisor Cummings stated that in the next couple weeks they will be setting a public hearing on code changes and the special event permit changes that will affect the Braun's noise issues. The public hearing will be held in November and they will be looking to the public for feedback on the proposed changes.

Mrs. Jackson asked about the sound expert and if he will be attending any meetings. The Supervisor stated not at this point.

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

**Budget Amendment:** a motion was made by Councilman Rooney, seconded by Councilman York to approve the budget amendment per the memo from Bookkeeper Colleen Salmon dated October 14, 2013. Carried Unanimously

**Approval of Bills** – Councilman Baran reported that the Abstract from Batch(es) # 1326 with wire for bond payment from the September 23, 2013 meeting have been reviewed with the previously un-audited vouchers and everything was found in order. He presented Abstract Batch(es) #1327 and 1333 with postage payment for payment. Vouchers on this abstract(s) numbered from 948-953 and 974-1046, totaling \$121,561.05. Councilman Mayrose seconded to approve payment as follows:

Abstract Batch(es) #1327 and 1333 with postage payment:  
 General Fund (A) -\$34,859.07, General Fund- Outside Village (B) \$494.37, Highway (DA) -\$0, Highway: Outside Village (DB) \$11,913.91, Capital Projects: CAP- Highway Garage- (HG) - \$0, CAP-Murder Creek (HM) \$500.00, CAP- Equipment Purchase (HR02)- \$0, CAP- Library Basement (HR04) \$19,750.00, CAP- Scotland Rd (HS)- \$0, CAP Water-Downey (HW01)- \$7,675.00, CAP- Town Hall (HT)- \$0, CAP- Water Improvement (HW)- \$0, Drainage (SD)- \$0, Fire Protection (SF) \$4,561.36, Refuse (SR) \$24,267.06, Sewer Fund (SS) \$4,094.67, Sewer District #2 (SS02)- \$229.33, Trust & Agency(TA)- \$6,215.00 and Water Districts: Consolidated (SW00) \$7,001.28, (SW1) \$0, (SW2) \$0, (SW3) \$0, (SW4) \$0, (SW5) \$0, (SW6) \$0, (SW7) \$0, (SW7A) \$0, (SW8) \$0, (SW9) \$0, (SW10) \$0  
 Total: \$121,561.05 Carried Unanimously

**COMMITTEE AND DEPARTMENT HEAD REPORTS:**

**Highway** – salt has been ordered and 600+ tons have been delivered so far. The crews are getting the trucks ready for the winter season and continuing some work on Scotland Rd, as well as mowing ditches still.

**Assessor** – no report presented.

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

|                            |                       |                      |
|----------------------------|-----------------------|----------------------|
| Craig Ford                 | 4762 Ayers            | Roof & repairs       |
| James Krzysiak             | 4151 S Newstead       | garage               |
| Akron Central School       | Bloomington Ave       | Special event permit |
| Brian Barnard              | 11044 Rapids          | Remodel              |
| LV &L Resorts              | Crittenden & Siehl    | Sign                 |
| Doug Matusek               | 12663 McNeeley        | Roof                 |
| Sebian                     | 13833 Main            | Roof                 |
| Kelly Schultz              | 11199 Main            | Special event permit |
| Melody Beck                | 12734 Main            | Pole barn garage     |
| Anne Romanik               | 5577 Cummings         | Roof                 |
| Erin Polkowski             | 6778 Cedar            | A. G. Pool           |
| St. Theresa’s RC Church    | 5775 Buell            | Roof                 |
| Whiting Door Manufacturing | Bloomington Rd        | Roof                 |
| Doug Navik                 | 4573 N Millgrove      | Roof                 |
| Ruth Rebovich              | 12441 Clarence Center | Roof                 |

The Town Board accepted the report as presented.

**Town Clerk-** last day of the penalty free period to pay school taxes is tomorrow, October 15<sup>th</sup>.

**Attorney for the Town** – acquisition of the County parkland is still moving forward with Senator Ranzenhofer and Assemblywoman Corwin taking the motions for approval to their respective legislatures.

**COUNCILPERSONS:**

**Rooney** – he went to court twice to observe, reviewed recreation information with the director, has tentatively scheduled a Joint Emergency Committee meeting with the village, toured the basement of the Denio building and toured the lower level of the Newstead library. He extended a thank you and “Great job” by previous boards, this board and Rehwaldt Construction on the project. That project, which started out as a big empty space with no offices or conference area, is what happens when government works together. He corresponded with the County in regards to the Swift Mills bridge, attended the hazard waste drop off and wanted to thank Legislator Ed Rath for coming to the event as well. It's nice to see County representatives here, especially when they ask questions and spend time locally.

**Mayrose** – he met with Deb Forrestel at the Joint Highway Facility to discuss the SOP manual and other issues, met with Ryan Buckley at Veteran’s Park to discuss garden ideas around the flag pole for his Eagle Scout project, spoke with Sandy and Judge Campbell about Court issues and will be meeting with Trustee Forrestel regarding this, met with representatives from both fire companies regarding the new contract proposals, met with Legislator Ed Rath and the County Engineers regarding Swift Mills Rd bridge and attended the Hazardous Waste drop-off at the Joint Facility. He toured the library and Denio with the rest of the Board members.

**Baran** – nothing at this time

**York** – he met with Charlie Sickler of the County and it appears there will not be an approval coming to reopen one lane on the Swift Mills Rd bridge. They are still hoping to perform some temporary repair work in 2014 at least. He attended the hazardous waste drop-off and the library and Denio building tours. He congratulated Ryan Buckley and the scouts who helped on a nice job on the flag pole project at the park.

**Supervisor-** the September Supervisor’s Report is on file with the Town Clerk. He attended the Tonawanda and Elma Supervisor’s meetings and met with Legislator Ed Rath and Assemblywoman Jane Corwin on issues. He met with Rotella Grant on upcoming grant applications. He met with the Planning Board Chairman, Christine and Nathan on code changes. He met with the Newstead Fire Co on the senior center contracts and attended the hazardous waste drop-off.

**UNFINISHED BUSINESS:**

**Joint Facility-** nothing new

**Planning Issues-** code changes are coming soon, including changes to the special event permit process and application. Master plan updates are still on track.

**Conservation issues- Emerald Ash Borer-** Carl & Doc attended a meeting and learned about a new ash tree disease called “ash yellows” which could be just as bad as the ash borer issue. They will keep the Board up to date with information as they get it.

**Murder Creek-** a report was received from Apex Consulting for inspections done on 8/13/13 – 9/24/13. They are still working on next year’s project as well.

**Water projects-** Ag & Markets and Erie County DOH have approved the Downey and Draper Rd projects and they are expecting approval from the ECWA within the next couple of weeks.

**NEW BUSINESS:**

**Approval- CDBG Funding for 2014:**

A motion was made by Councilman Rooney, seconded by Councilman Mayrose approving the Supervisor to sign, submit and execute a contract with the CDBG Program for the 2014 grant cycle listing the projects ranked as follows: 1. Rural Transit Van Services 2. Handicapped bathroom in the Denio Community Center.

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

Carried Unanimously

**Public Hearing- 2014-16 Fire & Emergency Services Contracts:**

A motion was made by Councilman Mayrose, seconded by Councilman Baran authorizing the calling of a public hearing on the proposed 2014-16 Fire and Emergency Services Contracts with Akron and Newstead Fire Companies, to be held on Monday October 28th at 7:55pm at the town hall and authorizing the Clerk to publish the notice.

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

**Approval- Close out of Library Basement Capital Project:**

A motion was made by Councilman Baran, seconded by Councilman Mayrose approving the close out of the Library Basement capital project account that currently has a \$0.00 balance.

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

**Approval- NYSDEC Contract:**

A motion was made by Councilman York, seconded by Councilman Baran approving the Town Clerk to sign a renewal contract with the NYSDEC for the DECALS conservation license system sales.

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

Councilman Rooney commented that he does not want it to seem like the Board is not in favor of Hearts and Hands using the facilities but they all feel the need for some sort of compensation to the town since Hearts and Hands has now moved their entire office operations into the space.

Supervisor Cummings also mentioned that during their negotiations on the contract the town gave a history of expenses for the building and the town incurs an average \$8,000-\$9,000 in expenses annually for the space Hearts and Hands uses. This contract will help to offset some of those costs.

**Approval- Hearts and Hands Contract:**

A motion was made by Councilman York, seconded by Councilman Baran approving a new contract between the Town and Hearts and Hands- Faith in Action Coalition Inc for a 1 year period with a stipulation for up to 2 additional 1 year renewals and the addition of a \$100 per month rental fee.

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

**Approval- New Senior Van Driver Policy:**

A motion was made by Councilman Mayrose, seconded by Councilman York approving the adoption of the new proposed Senior Van Driver Policy effective immediately.

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

**Approval- New Senior Van Driver Rates:**

A motion was made by Councilman Mayrose, seconded by Councilman York approving the adjustment of the Senior Van Driver pay rates to \$13.50 per hour effective immediately.

Cummings-Aye, Rooney -No, Mayrose-Aye, Baran-No, York-Aye  
Carried

**Question Period** – no one spoke

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 8:45pm.

Carried Unanimously

Respectfully Submitted,  
Dawn D. Izydorcak, Town Clerk