

**Newstead Town Board Meeting- October 22, 2012**

A public hearing was called to order by the Newstead Town Board on Monday, October 22, 2012 at 7:50pm at the Newstead Town Hall.

Present: David Cummings- Supervisor  
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 Clerk

Roll Call was taken with all board members present except Councilman Rooney.

Supervisor Cummings called the public hearing to order on the proposed home based business to be located at 11570 Clarence Center Rd and to be known as Muddy Paws Farm LLC.

The Clerk read the proof of publication.

Councilman Rooney entered the hearing at 7:55pm.

Comments: Written comments were received from neighbors in support of the business.

The owners were present and stated they did personally mail letters to all of their neighbors and received 6 responses back, all positive about the business.

No one else was present to speak.

There being no further comments a motion was made by Councilman Mayrose, seconded by Councilman Baran to close the public hearing at 7:57pm. Carried Unanimously

A regular meeting of the Newstead Town Board was called to order at 7:58pm with the same members present as above.

Councilman Rooney led the pledge to the flag.

Minutes from the previous regular meeting held on October 8, 2012 were presented for approval. A motion was made by Councilman Mayrose, seconded by Councilman Rooney to approve as presented. Carried Unanimously

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

A certificate from the NYS Department of Taxation and Finance for maintaining equity thru the town's participation in the 2012 revaluation project.

A letter from Bloomingdale Cemetery Association regarding some issues they would like to address with the Town regarding the cemetery.

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 items were discussed: Water district issues, building project updates, planning issues, grants, murder creek project update, refuse contracts, old highway garage, recreation, policy book changes, sex offender law, and several other miscellaneous issues, as well as any other issues brought before the board.

**Privilege of the Floor** – John McGoran from Allied Waste was present and brought some issues on the current recycling program to the board’s attention. He cited resident’s space availability for the current recycling totes versus the larger carts and the fact that there are no problems with the current service as reasons not to change vendors. He asked the board to consider these items and the ramifications of carts vs. bins and going to a bi-weekly pick up as reasons not to switch their service. He stated if its not broken don’t fix it.

Supervisor Cummings asked Mr. McGoran what average he felt would be acceptable for complaints? Maybe 3 or 4 a month? Mr. McGoran stated yes that probably be acceptable all things considered.

Supervisor Cummings stated our town complaints have been many times that on a weekly basis not monthly for the past couple of years. He feels the level of service has dropped significantly.

Joe Hickman for Modern was present and stated the town is joining the wave of the future by going the route of the larger wheeled carts. It is the right thing to do and will ultimately increase recycling rates in the town and village. He also stated any large items too big to fit in the carts can be set next to the cart and they will be picked up. There will be a learning curve for residents but it should be an easy transition with no disruption to service. He stated “and if we are not doing a good job don’t pay us!”

**Budget Transfers:** a motion was made by Councilman Baran, seconded by Councilman York to approve the budget transfers per the memo from Bookkeeper Colleen Salmon dated October 22, 2012. Carried Unanimously

**Approval of Bills** – Councilman Mayrose reported that the Abstract from Batch(es) # 1223 from the October 8, 2012 meeting has been reviewed with the previously un-audited vouchers and everything was found in order. He presented Abstract Batch(es) #1225 for payment. Vouchers on this abstract numbered from 1156 - 1186 totaling \$50,747.04 and were presented by Councilman Mayrose, seconded by Councilman Rooney to approve payment as follows:

Abstract Batch(es) #1225:

General Fund (A) -\$17,799.20, General Fund- Outside Village (B) \$60.00, Highway (DA) -\$0, Highway: Outside Village (DB) \$2,208.31, Capital Projects: CAP- Highway Garage- (HG) - \$330.53, CAP-Murder Creek (HM) \$155.25, CAP- Equipment Purchase (HR02)- \$0, CAP- Scotland Rd (HS)- \$0, CAP- Town Hall (HT)- \$0, CAP- Water Improvement (HW)- \$24,989.73, Drainage (SD)- \$0, Fire Protection (SF) \$1,700.00, Refuse (SR) \$0, Sewer Fund (SS) \$2,319.16, Sewer District #2 (SS02)- \$63.61, Trust & Agency(TA)- \$1,121.25 and Water Districts: Consolidated (SW00) \$0, (SW1) \$0, (SW2) \$0, (SW3) \$0, (SW4) \$0, (SW5) \$0, (SW6) \$0, (SW7) \$0, (SW7A) \$0, (SW8) \$0, (SW9) \$0, (SW10) \$0

Total: \$50,747.04

Carried Unanimously

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

**Highway** – Mike attended a drainage meeting with Councilman Rooney, CEO Migliaccio, and Town of Clarence representatives on Clarence Center Rd to discuss possible solutions to some drainage issues out there. They have come up with a potential course of action and will begin working on that soon. The salt shed is well underway with them working on the roof and paving this week. The crews are starting to get the trucks ready for winter.

**Assessor** – a report was presented regarding the town’s successful completion of the 2012 revaluation project with correspondence from the NYS Department of Taxation & Finance as well as Director Joe Maciejewski from Erie County Finance. Becky gave a summary of the Small Claims Assessment Review results to date. She gave an update of Julie’s status after her fall & surgery. The mobile home inventory project is continuing with only Quarry Hills left. The Board may want to review the senior income limits. The Taxes, Taxes, Taxes articles have concluded.

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

David DeRose  
Denise Dock  
Wayne Ribbeck  
Joseph Castellani

6649 Utlej  
13677 Main  
13836 Knapp  
12220 Nice

Driveway  
Certificate of occupancy  
Permit renewal  
Garage

Charles Karcher  
Christian Airmen Inc  
Dale Fryling

v/l Carney  
John St  
13543 Stage

Roof  
Fuel tank  
Fill

The Town Board accepted the report as presented.

**Town Clerk-** Dawn informed the Board that she will be hosting a Erie County Town Clerk's and Tax Receivers meeting here on November 13<sup>th</sup> at Arrowhead Golf Course Timberlodge restaurant if any of the board members would like to attend.

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

### **COUNCILPERSONS:**

**Rooney** – Justin attended the Recreation Board meeting with Councilman Mayrose. Once the new committee is appointed tonight he would like to schedule their first meeting next week. He also attended meetings on the Clarence Center Rd drainage issue, the salt shed project and met with Mike on some work at Veterans Park. He reviewed the waterline projects and met with Ralph on some code/law issues to try to give some of the laws “more teeth”. He also attended the Quarry Hills court case hearing.

**Mayrose** – Jim attended the Recreation Board meeting, finished the court audit, attended the court case hearing on Quarry Hills, attended a joint facility committee meeting and met with the CEO to discuss getting him more legal support on court cases.

**Baran** – Dick thanked Councilman Mayrose for attending the Recreation Board meeting while he was not feeling well. There are some problems with the lighting at the library that he will address now that he is feeling better.

**York** – nothing at this time.

**Supervisor-** the September Supervisor's Report is on file with the Town Clerk. He also attended the Quarry Hill court case hearing, the joint facility committee meeting, worked on the budget, reviewed the salt shed progress and replied to the cemetery associations letter and will be addressing their concerns with the Highway Superintendents assistance.

### **UNFINISHED BUSINESS:**

**Water Districts** – the Maple Rd project is done and connected. The PRV's are complete except for the electrical panel which is on order. And they are working on the models requested by the Erie County Dept. of Health.

**Joint Facility-** the salt shed project is going up very well and on time.

**Murder Creek-** an update report was received from Apex Consulting this week reporting that the rain and cooler temperatures has led to no watering necessary by CATCO this month. CATCO will continue to monitor weather patterns and moisture levels to maintain health of the current live vegetation. There was no improvement to existing vegetation that needs to be replaced in the spring. Supervisor Cummings stated the concerns regarding miscellaneous debris being dumped on the bank by some Main St residents is being addressed by the Village who will be sending out correspondence to those owners.

**Planning Issues-** several local laws are in process and the Supervisor is contacting the DEC on the County Line expansion project to see if we need to hold a hearing here.

### **NEW BUSINESS:**

**Approval- CDBG for 2013:**

A motion was made by Councilman York, seconded by Councilman Rooney authorizing the Supervisor to file the application for Community Development Block Grant program monies for 2013 on behalf of the Town and ranked the following projects in order: 1.) Handicap bath project at the Newstead-Denio Community Center 2.) Rural Transit Van Service  
(Resolution Attached) Cummings-Aye, Rooney -Aye, Mayrose-Aye, Baran-Aye, York-Aye  
Carried Unanimously

**Public Hearing- Local Law #9 of 2012:**

A motion was made by Councilman Mayrose, seconded by Councilman Rooney approving the calling of a public hearing for Local Law #9 of 2012 regarding a proposed Government Operations Law for November 12, 2012 at 7:55pm.  
(Resolution Attached) Cummings-Aye, Rooney -Aye, Mayrose-Aye, Baran-Aye, York-Aye  
Carried Unanimously

**Award of Refuse Contract for 2013:**

A motion was made by Councilman Baran, seconded by Councilman Mayrose approving the award of the proposed Refuse Contract for the Town of Newstead and Village of Akron combined to Modern Disposal Services Inc for a 5 year period beginning on January 1, 2013 under Alternate Bid #1 as specified in the bid contracts.  
(Resolution Attached) Cummings-Aye, Rooney -Aye, Mayrose-Aye, Baran-Aye, York-Aye  
Carried Unanimously

**Purchase of Noise Meter:**

A motion was made by Councilman Mayrose, seconded by Councilman Baran approving the Purchase of a noise meter package from Casella Co Inc in the amount of \$1,795.00.  
Cummings-Aye, Rooney -No, Mayrose-Aye, Baran-Aye, York-No Carried

**Appointment- Recreation Committee:**

A motion was made by Supervisor Cummings, seconded by Councilman Mayrose approving the formation of a committee to review current procedures and form new procedures for the Recreation Program for the Director, employees and participants to follow, with the following members: Director Dan Roland, Gym Coordinator Greg Parzych, Aquatics Coordinator Robert Izydorczak, Town Board members Councilman Mayrose and Councilman Rooney, Recreation Board members Tracey Oakes and Mark Barszcz; as set forth by the Town Board, effective immediately.  
Councilman Rooney will act as Chairman for the committee.  
Cummings-Aye, Rooney -Aye, Mayrose-Aye, Baran-Aye, York-Aye Carried Unanimously

**Approval- Jackson St Phase 1 Evaluation:**

A motion was made by Councilman Mayrose, seconded by Councilman Baran approving the hiring of LCS, Inc. to perform an AAI Phase 1 environmental evaluation on the Jackson St property prior to placing it on the market, at a cost not to exceed \$1,975.00.  
Cummings-Aye, Rooney -Aye, Mayrose-Aye, Baran-Aye, York-Aye Carried Unanimously

**Approval- RFP for Engineering Services:**

A motion was made by Councilman York, seconded by Councilman Rooney approving the Town to solicit requests for proposals on engineering services for 2013 and authorizing the Clerk to advertise the legal notice for proposals with bids to be opened on November 22,2012 at 11:00am.  
(Resolution Attached) Cummings-Aye, Rooney -Aye, Mayrose-Aye, Baran-Aye, York-Aye  
Carried Unanimously

**Approval- Home Based Business-11570 Clarence Center Rd:**

A motion was made by Councilman Rooney, seconded by Councilman Mayrose approving the proposed home based business to be operated at 11570 Clarence Center Rd to be known as Muddy Paws Farm LLC subject to the terms set forth in the resolution.  
(Resolution Attached) Cummings-Aye, Rooney -Aye, Mayrose-Aye, Baran-Aye, York-Aye  
Carried Unanimously

**Approval- Joint Household Hazardous Waste Drop-off:**

A motion was made by Councilman Mayrose, seconded by Councilman York approving the joint offering of a Household Hazardous Waste drop off with the Village of Akron at the Joint Highway Facility on November 10<sup>th</sup> at a cost of \$5,000 to be split evenly by the town and village. Cummings-Aye, Rooney -Aye, Mayrose-Aye, Baran-Aye, York-Aye Carried Unanimously

**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 Rooney to adjourn the regular meeting at 8:39pm.  
Carried Unanimously

Respectfully Submitted,  
Dawn D. Izydorczak, Town Clerk