

## Newstead Town Board Meeting- October 8, 2012

A public hearing was called to order by the Newstead Town Board on Monday, October 8, 2012 at 7:45pm at the Newstead Town Hall.

Present: David Cummings- Supervisor  
Justin Rooney- Councilman  
James Mayrose- Councilman  
Scott Rybarczyk- Town Engineer  
Nathan Neill- Town Attorney  
Michael Bassanello- Highway Supt.  
Dawn Izydorczak- Town Clerk  
Jennifer Heberling- Deputy Clerk

Roll Call was taken with all board members present except Councilman Baran and Councilman York.

Supervisor Cummings called the public hearing to order on the proposed Tentative Budget for 2013.

The Clerk read the proof of publication.

Supervisor Cummings read his budget message for 2013 stating there is proposed to be a decrease in the tax rate from last year.

Comments: no one was present to speak.

There being no further comments a motion was made by Councilman Rooney, seconded by Councilman Mayrose to close the public hearing at 8:00pm. Carried

Supervisor Cummings called the public hearing to order on the proposed uses for Community Development Block Grant Funding for 2013.

The Clerk read the proof of publication.

Comments: Supervisor Cummings explained some past uses of this grant have been water districts, handicapped accessibility in town buildings and most recently the sidewalk project that is going on now up Skyline Drive to the Town Park. He stated a possible project for this year is adding handicapped bathrooms at the Newstead Community Building lower level.

No one else spoke regarding this hearing.

There being no further comments a motion was made by Councilman Rooney, seconded by Councilman Mayrose to close the public hearing at 8:04pm. Carried

A regular meeting of the Newstead Town Board was called to order at 8:04pm with the same members present as above.

Deputy Clerk Jennifer Heberling led the pledge to the flag.

Minutes from the previous regular meeting held on September 24, 2012 were presented for approval. A motion was made by Councilman Mayrose, seconded by Councilman Rooney to approve as presented. Carried

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

A letter from the Erie County & Buffalo Library Board outlining some inaccuracies that were recently published in a resolution presented to the Erie County Board of Supervisors.

The Amherst Central Fire Alarm Office September 2012 Operations Report and the 2012 Semi-Annual Report was received reporting 48 calls for Akron Fire Co and 25 calls for Newstead Fire Co.

The Allied Waste Quarterly Report for July - September was received reporting 456.79 tons of solid waste collected and 69.54 tons of comingled recyclables collected.

A request for alteration of a liquor license was received from owner Ray Braun for Brauns Restaurant located at 11891 Main Rd.

A notice of an upcoming seminar on "Municipal Dollars & Sense" to be held at the Hearthstone Manor in Depew on November 2nd from 8:00am – 3:30pm.

A notice of an upcoming seminar on "Zoning Techniques for Alternative & Affordable Housing Options" to be held at the Newstead Town Hall on October 11th from 6:30pm – 8:30pm.

A notice of an upcoming seminar on "Government Financial Statements: How the press, rating agencies & marketplace utilizes financial information" to be held at the Millennium Hotel in Buffalo on October 16th from 8:00am – 10:00am.

A letter from Time Warner Cable reporting the programmers and service providers they are currently under negotiations with for service, as well as some upcoming changes to channels.

A letter from the Department of State notifying the town that Local Law #5 was received and filed on September 17, 2012.

A notice to all involved towns of a meeting on the Rural Metro/TCA proposed contracts which will be held on October 23<sup>rd</sup> at 5045 Sheridan Dr with presentations starting at 6:30pm

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

**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, policy book changes, sex offender law, the 2013 tentative budget, discussion on the old highway facility and library resolution, personnel issues, as well as any other issues brought before the board.

**Privilege of the Floor** – James Richards of 108 Quarry Hill Estates questioned the amendment to the liquor license that was filed for Braun's Restaurant.

Dawn explained they were just filing an amendment to the original license renewal and the town is not aware of any violations with the license.

**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 October 8, 2012. Carried

**Approval of Bills** – Councilman Mayrose reported that the Abstract from Batch(es) # 1217 & 1218 plus wire transfer for bond from the September 24, 2012 meeting has been reviewed with the previously un-audited vouchers and everything was found in order. He presented Abstract Batch(es) #1223 for payment. Vouchers on this abstract numbered from 1099 - 1155 totaling \$98,776.69 and were presented by Councilman Mayrose, seconded by Councilman Rooney to approve payment as follows:

Abstract Batch(es) #1223:

General Fund (A) -\$18,615.50, General Fund- Outside Village (B) \$328.12, Highway (DA) -\$0, Highway: Outside Village (DB) \$11,600.96, Capital Projects: CAP- Highway Garage- (HG) - \$2,765.21, CAP-Murder Creek (HM) \$500.00, CAP- Equipment Purchase (HR02)- \$70.58, CAP- Scotland Rd (HS)- \$519.68, CAP- Town Hall (HT)- \$301.55, CAP- Water Improvement (HW)- \$10,562.43, Drainage (SD)- \$11,557.94, Fire Protection (SF) \$4,709.54, Refuse (SR) \$29,764.81, Sewer Fund (SS) \$125.76, Sewer District #2 (SS02)- \$137.78, Trust & Agency(TA)- \$0 and Water Districts: Consolidated (SW00) \$7,216.83, (SW1) \$0, (SW2) \$0, (SW3) \$0, (SW4) \$0, (SW5) \$0, (SW6) \$0, (SW7) \$0, (SW7A) \$0, (SW8) \$0, (SW9) \$0, (SW10) \$0

Total: \$98,776.69

Carried

**COMMITTEE AND DEPARTMENT HEAD REPORTS:**

**Highway** – Mike reported the footers are being poured and the trusses being painted for the new salt storage shed. He attended the meeting in Corfu on the County Line Stone expansion project and also

met with Bruce Buyers on an issue on County Line Rd. He thanked the town of Clarence crews for their assistance on paving the Town Hall parking lot last week.

**Assessor** – no report presented.

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

Kathy Baddington	22 Golden Pond Est	Roof
Martin Bronisz	13755 Main	Roof
Margaret Meides	7007 Maple	One family home
Robert Reed	5382 Crittenden	Roof
Donald York	7269 Sandhill	Roof
Barb & Roger Baranyi	4010 Pohl	Driveway
Jon Zimmerman	13761 Bloomingdale	Roof
John Schrock	13557 Bloomingdale	Sign
TNE Roofing & Siding	13008 Main	Sign
Susan Klodzinski	7019 Draper	Roof
Kris Beyer	7033 Sandhill	Pole barn
Shawn Carter	4891 N Millgrove	Dormer/bonus room
Daniel Spears	8199 Maple	Demolition
Walter Conley	5706 Crittenden	Pole barn
Dave Elbers	12908 Carney	Roof
Kevin Lummel	12160 McNeeley	Roof

The Town Board accepted the report as presented. Supervisor Cummings reported that Julie fell at home and broke several bones so she will be out for a while. He stated the Board wishes her well.

**Town Clerk-** the office continues school tax collection with the penalty free deadline next Monday, October 15<sup>th</sup>.

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

#### **COUNCILPERSONS:**

**Rooney** – he wished Julie a speedy recovery after her surgery. He attended the Zoning Board hearing on the airport, the County Line Stone expansion project meeting in Corfu, and a meeting with the Newstead Fire Co to try to improve communications with the fire companies. There will be a park master plan meeting in November and the Recreation Board meeting is this Thursday October 11<sup>th</sup>.

**Mayrose** – he also wished Julie all the best and a fast recovery. He attended the Library Committee meeting, 2 Zoning Board meetings, a pre-construction meeting on the salt shed project and has continued work on the park master plan concepts.

**Baran** – not present

**York** – not present

**Supervisor-** he attended the Supervisors meeting in West Seneca, the County Line Stone expansion project meeting in Corfu and a meeting with the Erie County Parks Commissioner.

#### **UNFINISHED BUSINESS:**

**Water Districts** – the change order to be approved tonight will finish up the northern extensions project. The original bid price was \$954,540 and the actual cost of the project before this change order was \$898,143.57. Even with the change order the project will have come in well under budget. The Maple Rd waterline project is still in the testing stages. Wendel is working on responses to Tom Casey on water district issues.

**Joint Facility-** there will be a meeting of the committee this Friday morning to discuss some issues and the salt shed project is under way.

**Murder Creek-** no update report was received from Apex Consulting this week.

**Planning Issues-** the Town Park master plan is coming along nicely.

**NEW BUSINESS:**

**Senior Center Lease Agreement Amendments:**

A motion was made by Councilman Mayrose, seconded by Councilman Rooney approving the proposed amendments to the existing contract between the Newstead Fire Company and the Town for the lease agreement on the Newstead Senior Center building.

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

**Public Hearing- Home Based Business-11570 Clarence Center Rd:**

A motion was made by Councilman Rooney, seconded by Councilman Mayrose approving the scheduling of a public hearing for public comments on the proposed home based business to be operated at 11570 Clarence Center Rd to be known as Muddy Paws Farm LLC with the hearing to be held October 22, 2012 at 7:50pm to hear comments for or against.

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

**Change Order Approval- Water District Northern Extensions:**

A motion was made by Councilman Mayrose, seconded by Councilman Rooney approving the proposed change order from E & R Construction in the amount of \$28,766.38 for the work done on the water district northern extensions project.

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

**Jackson St Highway Facility:**

A motion was made by Councilman Rooney, seconded by Councilman Mayrose approving the hiring of a firm to conduct a soil evaluation on the property at the old highway facility at 26 Jackson St and authorizing the Supervisor to sign a contract with Active Agency to list the property for sale.

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

**Approval- Engineering Contract:**

A motion was made by Councilman Mayrose, seconded by Councilman Rooney authorizing the Supervisor to issue a Request for Proposals on the Engineering contract for the Town for 2013.

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

**Approval- Policy Book Changes:**

A motion was made by Councilman Rooney, seconded by Councilman Mayrose approving the attached proposed policy book changes as set forth by the Town Board, effective immediately.

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

**Appointment of Maintenance Coordinator:**

A motion was made by Councilman Mayrose, seconded by Councilman Rooney to appoint Jim Akin as a maintenance coordinator for all town buildings except the joint highway facility for the remainder of 2012 at his current rate of pay.

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

**Question Period** – Jim Richards of 108 Quarry Hill Estates stated that the noise from Braun’s wasn’t too bad Saturday night however the vile language drove guests that he had at his house away. Also the parking on Havens Road was a problem again.

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 8:40pm.

Carried

Respectfully Submitted,  
Dawn D. Izydorczak, Town Clerk