

November 12, 2012 Newstead Town Board Meeting- November 12, 2012

A public hearing was called to order by the Newstead Town Board on Monday, November 12, 2012 at 7:45pm 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.

Supervisor Cummings called the public hearing to order on the proposed Local Law #6 of 2012 regarding amendments to the Subdivision Law.

The Clerk read the proof of publication as posted on the town's website and hung on the main posting board at the town hall. Due to an error in not being published in the Akron Bugle another hearing will be scheduled for November 26, 2012.

Comments: no one 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 7:50pm. Carried Unanimously

Supervisor Cummings called the public hearing to order on the proposed Local Law #7 of 2012 regarding adoption of a "Best Practices" Law at 7:50pm.

The Clerk read the proof of publication.

Comments: no one was present to speak

There being no further comments a motion was made by Councilman Mayrose, seconded by Councilman York to close the public hearing at 7:55pm. Carried Unanimously

A regular meeting of the Newstead 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 October 22, 2012 were presented for approval. A motion was made by Councilman Mayrose, seconded by Councilman York to approve as presented. Carried Unanimously

Communications – The Town Clerk presented the following correspondence:

3 letters were received from Time Warner Cable regarding programming changes and pricing changes for special packages in the upcoming months.

A letter from Modern Disposal regarding the 2013 contract and the scheduling of public meetings on the new refuse procedures for 2013.

A public notice announcing the 30-day inclusion period of annual enrollment into the Agricultural Districts was received. Applications will be taken thru November 30, 2012 and a hearing will then be held on applications submitted on December 10, 2012 at 6:00pm at the Erie Co. Cornell Cooperative Extension in East Aurora.

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

Work Session: The Supervisor reported that at the work sessions held the last 2 weeks the following items were discussed: Water district issues, building project updates, planning issues, grants, murder creek project update, policy book changes, sex offender law, the 2013 budget, the next meeting with the Village Board, personnel issues, as well as any other issues brought before the board.

Privilege of the Floor – Doug Ceisner of 100 East Ave questioned the timing of getting the agendas on the website and getting more information on them. He also questioned why there is not a flag at the joint facility. Supervisor Cummings explained a flag pole is planned but it has not gotten installed yet. He also addressed that the County webmaster is sent the agendas on Friday afternoons, however when they get posted is determined by them.

Erie County Legislator Ed Rath was present to give the Town Board an update on the County Legislative Budget for 2013. He explained that running the County is a \$1.3 billion dollar enterprise and this is County Executive Poloncarz's first budget which figures predominantly on health and public safety as well as infrastructure maintenance. A 3.45% increase in County tax is proposed with unfunded mandates being a large part of that increase. He does not want to see a property tax increase if they can avoid it and will be looking for alternative ways to decrease that number. There is a public hearing at the County Hall on Monday November 19th at 5:00pm for anyone interested in commenting on the budget to attend. He stated he is the town's partner in government and is here if there is anything he can assist with.

Supervisor Cummings asked him about the status of the State Street bridge replacement as well as the Brooklyn St bridge replacement in the Akron Falls Park.

Leg. Rath stated the State St bridge is a joint partnership with the Village of Akron and he will look into the status of both projects and get back to the Supervisor. He also updated them that the John St project has been completed, however the Bloomingdale portion of that original project has been put on hold indefinitely by County Executive Poloncarz, as it is not on his top priorities list.

Councilman York questioned him on the past proposals to form a land bank to address the many vacant properties owing back taxes throughout the County.

Leg. Rath responded that is still in process and he will keep him up to date with its progress.

Doug Ceisner of 100 East Ave questioned Leg. Rath regarding IDA's such as the Arrowhead Golf Course that have all kinds of liens against the property and if there is a way the County can recoup the tax money owed when they don't pay their bills. Leg. Rath stated he will research that and get back to him.

Budget Transfers: a motion was made by Councilman Mayrose, seconded by Councilman York to approve the budget transfers per the memo from Bookkeeper Colleen Salmon dated November 12, 2012.
Carried Unanimously

Approval of Bills – Councilman Mayrose reported that the Abstract from Batch(es) # 1225 from the October 22, 2012 meeting has been reviewed with the previously un-audited vouchers and everything was found in order. He presented Abstract Batch(es) #1228 & 1230 for payment. Vouchers on this abstract numbered from 1206 – 1273 totaling \$88,301.26 and were presented by Councilman Mayrose, seconded by Councilman Baran to approve payment as follows:

Abstract Batch(es) #1228 & 1230:

General Fund (A) -\$18,868.19, General Fund- Outside Village (B) \$581.78, Highway (DA) -\$0, Highway: Outside Village (DB) \$10,756.44, Capital Projects: CAP- Highway Garage- (HG) - \$10,405.44, CAP-Murder Creek (HM) \$500.00, CAP- Equipment Purchase (HR02)- \$0, CAP_ Library Basement (HR04) \$4,700.00, CAP- Scotland Rd (HS)- \$0, CAP- Town Hall (HT)- \$0, CAP- Water Improvement (HW)- \$491.96, Drainage (SD)- \$0, Fire Protection (SF) \$4,712.30, Refuse (SR) \$29,924.45, Sewer Fund (SS) \$0, Sewer District #2 (SS02)- \$245.00, Trust & Agency(TA)- \$0

and Water Districts: Consolidated (SW00) \$7,115.70, (SW1) \$0, (SW2) \$0, (SW3) \$0, (SW4) \$0, (SW5) \$0, (SW6) \$0, (SW7) \$0, (SW7A) \$0, (SW8) \$0, (SW9) \$0, (SW10) \$0
Total: \$88,301.26 Carried Unanimously

COMMITTEE AND DEPARTMENT HEAD REPORTS:

Highway – they have 4 trucks ready for winter, the salt shed is completed and they are beginning to fill it with salt/sand, the contractors on the Rt. 93 project assisted them with some drainage issues at the front entrance to the Town Park driveways.

Assessor – no report was presented

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

Brian Wight	7592 Scotland	Pole barn
Thomas Wagner	13548 Carney	Roof
Charles Karcher	13220 Martin	Roof
Stephen Blochwitz	13059 Dorsch	I.G. Pool
Patricia Sharkey	12635 Brucker	Garage
Chuck McConnaughey	13008 Main	Roof

The Town Board accepted the report as presented.

Town Clerk- Dawn presented the quarterly Dog Control Officers report. School taxes are winding down with the final date to take payments of November 30, 2012.

Attorney for the Town – nothing at this time

COUNCILPERSONS:

Rooney – he attended the recreation committee meeting with their next meeting scheduled for this Thursday, the Veterans lunch where they discussed the possibility of having a ceremony like the one held on Memorial Day, took tours of several other Town Parks to get ideas for our master plan, met with the Mayor regarding fire issues, and attended the Household Hazardous Waste drop-off held by the Village & Town. He also continued work on the sex offender law and the ethics law. Justine thanked all the Veterans for their service and dedication to our Country.

Mayrose – he met with the CEO on Code issues, attended the recreation task force committee meeting, the joint facility meeting, the Hurricane Sandy disaster meeting and the Household Hazardous Waste drop-off. Jim also thanked all the Veterans for their service and dedication to our Country.

Baran – he also attended the Household Hazardous Waste drop-off where over 100 cars were serviced at the drop-off. Dick also thanked all the Veterans for their service.

York – he met with a representative from Ciminelli on the Muir Woods park development which is slated to begin this spring with the installation of the parking area and work on trails. He also spoke with ECWA who is ready to turn the valves on for the waterline project. He thanked all the Veterans for their service.

Supervisor- he has continued work on the grant proposals and engineering proposals, went over the final roll with the Assessor, worked on the Nutrition contract, met with the CEO on issues, attended the joint facility meeting and the Hurricane Sandy disaster meeting. He stated the Town is really in great hands with our Disaster Coordinators Glenn Joachimiak, Dan Kowalik and Joe Hawes. They stay on top of what’s going on and keep everyone well informed in the event of an emergency. Dave thanked the veterans for their sacrifices for our Country and stated they are the real heroes in this world.

UNFINISHED BUSINESS:

Water Districts – Stan Tataro is beginning work on the Havens Rd extension next week for the 2 added properties. Everything is in place for the PRV's, they are just waiting for National Grid to make the connections to the poles, which due to Hurricane Sandy has been delayed until crews can return to the area.

Joint Highway Facility- the salt shed is completed and in use. Everything on the project went very smooth.

Planning Issues- nothing new

NEW BUSINESS:

Approval- Town Budget for 2013:

A motion was made by Councilman Rooney to reduce the amount for Councilman salaries back to the 2012 rate of pay. The motion died for lack of a second. Supervisor Cummings stated anyone wishing to decline their raise should do so at the Organizational meeting in 2013.

A motion was made by Councilman Mayrose, seconded by Councilman York approving the 2013 Town Budget as presented.

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

Approval- Court Audit of 2011 Records:

A motion was made by Councilman Baran, seconded by Councilman York approving the audit of the Town Justice Court for the 2011 records as completed by Councilman Mayrose.

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

Approval- Change of Property Status- Bright Meadows Golf Course:

A motion was made by Councilman York, seconded by Councilman Rooney approving the determination that Bright Meadows Golf Course has ceased to operate as a par 3 golf course for the period of more than 1 year, therefore the Town approves the status change of the property and hereby discontinues the use of the property as a golf course.

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

New Public Hearing- Local Law #6 of 2012:

A motion was made by Councilman Rooney, seconded by Councilman Mayrose approving the calling of a new public hearing on the proposed Local Law #6 of 2012 regarding proposed amendments to the Subdivision Law to be held November 26, 2012 at 7:40pm.

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

Public Hearing- Local Law #8 of 2012:

A motion was made by Councilman Mayrose, seconded by Councilman York approving the calling of a public hearing for Local Law #8 of 2012 regarding a proposed Ethics Law for November 26, 2012 at 7:50pm.

(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 Baran, seconded by Councilman Mayrose approving the calling of a public hearing for Local Law #9 of 2012 regarding a proposed Special Events Permit Law for December 10, 2012 at 7:45pm.

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

Approval- 2013 Nutrition Contract:

A motion was made by Councilman Baran, seconded by Councilman Mayrose approving the proposed 2013 Nutrition Contract with Erie County and authorizing the Supervisor to sign the contract.

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

Approval- Policy Book Changes:

A motion was made by Councilman Mayrose, seconded by Councilman York approving the attached proposed policy book additions of a non-smoking policy and roadside ditching policy as set forth by the Town Board, effective immediately.

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

Approval- Recreation Employees for Fall-Winter:

A motion was made by Councilman Mayrose, seconded by Councilman York approving the attached list of new employees for the Fall- Winter Recreation Program per Director Dan Roland.

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

Approval- Lead Agency- 11061 Main Rd:

A motion was made by Supervisor Cummings, seconded by Councilman Mayrose issuing a declaration of lead agency status on the proposed project for 4 storage buildings totaling 18,900 sq. ft. to be located at 11061 Main Rd by owner Kelly Schultz and authorizing the building department to conduct a coordinated review.

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

Approval- Northern Erie Sno-Seekers bike path use:

A motion was made by Councilman Mayrose, seconded by Councilman Baran approving the Northern Erie Sno-Seekers use of portions of the bike path for the 2012-13 winter season, subject to the terms set forth in the resolution.

(Resolution Attached) 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 York to adjourn the regular meeting at 9:03pm.

Carried Unanimously

Respectfully Submitted,
Dawn D. Izydorcak, Town Clerk