

Newstead Town Board Meeting- February 25, 2013

A regular meeting was called to order by the Newstead Town Board on Monday, February 25, 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 Izydorzak- Town Clerk
Jennifer Heberling- Deputy Town Clerk

Roll Call was taken with all board members present.

Councilman York led the pledge to the flag.

Minutes from the previous regular meeting held on February 11, 2013, 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:

The 2012 year-end report and January 2013 operations report were received from Amherst Central Alarm Office. For January, 36 calls were reported for Akron Fire Co. and 16 calls for Newstead Fire Co.

A letter from the Akron Fire Co. notifying the town of the results from their annual election of officers for 2013.

A letter from Dande Farms Restaurant notifying the town of their intent to renew their liquor license for 2013 for their 13278 Carney Rd location.

A letter from Akron Little League Football Inc requesting the town's permission to use the town park facilities for their 2013 season beginning on July 29, 2013 thru the end of October.

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 no work session was held last week due to the holiday. The following issues were discussed prior to tonight's meeting: water district issues, building projects, planning issues, grants, recreation, contracts and court issues, as well as any issues brought before the Board.

Privilege of the Floor – no one spoke

Budget Transfers: a motion was made by Councilman Mayrose, seconded by Councilman Baran to approve the budget transfers per the memo from Bookkeeper Colleen Salmon dated February 25, 2013. Carried Unanimously

Approval of Bills – Councilman Mayrose reported that the Abstract from Batch(es) # 1258 & 1259 from the February 11, 2013 meeting have been reviewed with the previously un-audited vouchers and everything was found in order. He presented Abstract Batch(es) #1264 for payment. Vouchers on these abstract(s) numbered from 144 - 175, totaling \$61,312.19 and were presented by Councilman Mayrose, seconded by Councilman York to approve payment as follows:

Abstract Batch(es) #1264:
General Fund (A) -\$20,625.61, General Fund- Outside Village (B) \$376.92, Highway (DA) -\$0.05, Highway: Outside Village (DB) \$15,650.61, 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)- \$0, Drainage (SD)- \$17.77, Fire Protection (SF) \$222.91, Refuse (SR) \$23,958.45, Sewer Fund (SS) \$26.48, Sewer District #2 (SS02)- \$91.61, Trust & Agency(TA)- \$0 and Water Districts: Consolidated (SW00) \$60.07, (SW1) \$0, (SW2) \$0, (SW3) \$0, (SW4) \$0, (SW5) \$281.71, (SW6) \$0, (SW7) \$0, (SW7A) \$0, (SW8) \$0, (SW9) \$0, (SW10) \$0
Total: \$61,312.19

Carried Unanimously

COMMITTEE AND DEPARTMENT HEAD REPORTS:

Highway – Supt. Bassanello attended the Association of Towns conference last week and stated there were several very good seminars he attended. He also attended a joint facility committee meeting and an Erie Co. Highway Superintendents meeting. He will be going to Albany March 5th – 6th to attend Advocacy Day and an Erie Co. Highway Supt. meeting on March 14th regarding the snow plowing contracts with the County which will be expiring soon.

Assessor – no report was presented

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

Charles Williams	11764 Stage	Addition
Andrew Blasko	12897 Clarence Center	Demolition
ADESA New York LLC	12220 Main	Cell tower antennas

The Town Board accepted the report as presented.

Town Clerk- County/Town tax bills have been coming in at a steady pace. Dawn thanked Jennifer for covering the office alone last week while she was out sick and thanked everyone for their well wishes.

Attorney for the Town – attended the Association of Towns conference last week. Several very good sessions were offered. Several of the issues learned will be discussed.

COUNCILPERSONS:

Rooney – attended the Association of Towns conference last week and he looks forward to sharing some of the information he learned. He is continuing work on the cost estimates for the senior center which should be completed soon.

Mayrose – attended the Association of Towns conference last week with some very good seminars. He also attended the first ethics board meeting, a zoning meeting, a park master plan meeting and the joint facility committee meeting.

Baran – attended the Association of Towns conference last week and stated it was a success. The lighting at the Denio is done ahead of schedule and a very good job was done by the contractor.

York – he has met with the Judges and DCO on dog licensing issues and is looking at rabies vaccination process/programs.

Supervisor- The Supervisor's Report for January 2013 is on file with the Town Clerk. He attended the Association of Towns conference last week which was very informative & educational. He also attended the first ethics board meeting, a joint facility committee meeting and met with contractors on the library roof and lower level projects.

UNFINISHED BUSINESS:

Planning Issues- current issues being worked on are the environmental study at the old highway facility to prepare it for being sold, an annexation request by Niagara Label, the new proposed expansion at the Kelly Schultz properties on Main Rd. A meeting is also being set to discuss the airport litigation/requests. The grant writer is currently working on 3 grant submittals for the town.

Water Districts- we are waiting on the final approvals from ECDOH on the PRV project and Scott would like work session time to discuss any potential water line projects the Board would like to undertake this year so that he can get them into the schedule for Wendel.

Building Projects- the Denio is done and the ongoing issues with the library roof & lower level project are being addressed.

Ethics Board Report- the first meeting of the new ethics board was held on February 21st. The board elected its officers as follows: Chairman Todd Esposito, Vice Chairman Tim Morgan, Secretary Colleen Salmon. The Complaint Committee was formed with members Mary Nanni, Allison Massaro and Colleen Salmon. They will schedule another meeting for mid-year.

Conservation Advisory Report for 2012- The 2012 annual report was received from the Conservation Advisory Council Chairman Carl Klingenschmitt. It is on file with the Town Clerk.

NEW BUSINESS:

Supervisor Cummings stated this following resolution is supported by The Erie County Association of Governments and they have asked all towns to support it as well.

Approval- Opposition to NYS Traffic Ticket Surcharge:

A motion was made by Councilman Mayrose, seconded by Councilman York approving the towns opposition to the Governor's proposal to restrict the ability of local courts to plea bargain traffic tickets and add an \$80.00 surcharge to all stopping/standing/parking violations regardless of circumstances relating to court infractions, unduly placing an increased financial burden on towns and taxpayers.

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

Supervisor Cummings stated they are passing this resolution with amendments and are approving the changes only.

Approval- Request to NYS for Justice Court Funding changes:

A motion was made by Councilman York, seconded by Supervisor Cummings approving the request to the Governor and State Legislature to increase reimbursement fees to assist local governments in funding justice court operations and requesting that costs associated with any new laws affecting the courts are not borne by town taxpayers.

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

Councilman Rooney expressed several reservations with the resolution and its wording as presented. He feels it is poorly written and does not well represent what is intended.

Approval- Request for Repeal of the Safe Act:

A motion was made by Councilman Baran, seconded by Councilman Mayrose approving the request to the Governor and State Legislature to repeal the Safe Act law and request that they re-look at all aspects of gun control using proper legal procedures and in a more logical manner, focusing on the real issues related to gun control.

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

Approval- Policy on Request for Service Organizations Financial Reporting:

A motion was made by Councilman Rooney, seconded by Councilman Mayrose approving the policy to require any service organizations receiving funding from the Town of Newstead to submit annual financial statements to the town prior to receiving said funding each year.

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

Approval- Liquor License Renewal- Dande Farms:

A motion was made by Councilman Mayrose, seconded by Councilman York approving the request for renewal of a liquor license for Dande Farms Restaurant located at 13278 Carney Rd.

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

Approval- Town Park Request- Akron Little League Football:

A motion was made by Councilman Baran, seconded by Councilman Mayrose approving the request for use of the Town Park by Akron Little League Football for their 2013 season from July 29th – October 2013.

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

Supervisor Cummings informed the Board that the written response to the NYS Comptroller's Office is under draft review and he is looking for final comments from the Board.

There will be no work session held next week as 3 out of 5 of the board members will be unavailable to attend. The work session prior to the next meeting will start earlier than normal to accommodate this cancellation.

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 8:40pm.

Carried Unanimously

Respectfully Submitted,
Dawn D. Izydorcak, Town Clerk