

## Newstead Town Board Meeting- March 25, 2013

A regular meeting was called to order by the Newstead Town Board on Monday, March 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 Mayrose led the pledge to the flag.

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

An announcement for the 2013 Southern Tier West Local Government Conference to be held May 8, 2013 from 7:30am – 4:00pm at Houghton College.

A certified resolution passed by the Clarence Town Board regarding their support of repealing or amending the NY Safe Act Law.

A letter from Planning Board member Erik Polkowski asking the Town to consider amending its training requirements for boards, under LL#2 of 2010, to include a carry-over of any extra training hours on top of the required hours to the next years cycle.

A copy of the Negative SEQRA Declaration & Notice of Determination of Non-Significance was received from Erie County regarding the Parkland purchase from the County Parks system.

A notice from the NYS Public Service Commission regarding case 04-M-0159 with an order granting the petition in part and modifying electrical safety standards.

A request from APA Nursery School to use the town park shelter for their end of year picnic on May 23, 2013 from 11am to 2pm.

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

**Work Session:** The Supervisor reported that at the work session held last week the following issues were discussed: they met with the library board to discuss the proposed countywide plan, Conservation Advisory Council issues, water district issues, planning issues, grants, parks master plan, LOSAP review & contract, as well as any issues brought before the Board. They entered executive session to discuss the Comptroller's report response and contract negotiations and took no action.

**Privilege of the Floor** – no one spoke

**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 March 25, 2013. Carried Unanimously

**Approval of Bills** – Councilman Mayrose reported that the Abstract from Batch(es) # 1265 & 1269 from the March 11, 2013 meeting have been reviewed with the previously un-audited vouchers and

everything was found in order. He presented Abstract Batch(es) #1273 – 1274 and wire for Bond Payment for payment. Vouchers on these abstract(s) numbered from 252 - 286, totaling \$741,865.10 and were presented by Councilman Mayrose, seconded by Councilman Rooney to approve payment as follows:

Abstract Batch(es) #1273 – 1274 plus wire for bond payment:  
General Fund (A) -\$110,385.99, General Fund- Outside Village (B) \$694.00, Highway (DA) -\$0, Highway: Outside Village (DB) \$6,432.54, 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)- \$232,380.59, Drainage (SD)- \$0, Fire Protection (SF) \$300,100.00, Refuse (SR) \$0, Sewer Fund (SS) \$53.31, Sewer District #2 (SS02)- \$162.99, Trust & Agency(TA)- \$0 and Water Districts: Consolidated (SW00) \$96.61, (SW1) \$0, (SW2) \$0, (SW3) \$0, (SW4) \$0, (SW5) \$0, (SW6) \$0, (SW7) \$0, (SW7A) \$2,236.60, (SW8) \$0, (SW9) \$5,926.95, (SW10) \$83,395.52  
Total: \$741,865.10 Carried Unanimously

**COMMITTEE AND DEPARTMENT HEAD REPORTS:**

**Highway** – Mike previously presented the board with a list of the proposed ditching projects for 2013. He attended an Erie County Highway Superintendents meeting last week to discuss the snow plow contracts with the County.

**Assessor** – no report was presented

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

Hathaway	11438 Hiller	Remodel
Charles McConnaughey	13008 & 12963 Main	2 signs
Jeanne Manyon	11187 Stage	Hot tub
Brian Braunscheidel	11152 Clarence Ctr	2 lean-to's
Kathy & David DeRose	6649 Utley	One family home
Jason Koons	8372 Greenbush	Demolition
Randolph Rieser	150 Quarry Hill Est	Roof

The Town Board accepted the report as presented.

**Town Clerk-** Nothing at time.

**Attorney for the Town** – Nothing at time.

**COUNCILPERSONS:**

**Rooney** – he continued work on the park master plan and the cost analysis for the senior center and has a rough draft for review by the board. He asked for the flags to be replaced at the town hall as soon as rough weather is done.

**Mayrose** – he attended the Library Committee meeting where the library district was discussed, the highway union mediation meeting, the Fire Chiefs Association meeting at Harris Hill Fire Co with members of the Akron and Newstead Fire Companies. He also met with the Supervisor and Judges on the court consolidation and went with the Supervisor to the Joint Facility to take pictures of the facility as well as the old highway building to send in for the final close out report for the grant. He took a large number of phone calls over the weekend in overwhelming support of the Town's position on and decision to appeal the court's decision on the airport.

**Baran** – he reported he attended a meeting at the senior center, he couldn't remember the name of the presenting group, but they spoke on youth and elderly services. He has asked the groups in attendance at that meeting for their feedback on several town issues.

**York** – he is looking into setting up another driver safety class for the highway employees and has been reviewing the 2013 ditching schedule with Mike.

**Supervisor-** he is one of 3 members that sit on the Erie County Committee overseeing the negotiations for the snow plow contracts and reported that they are moving along with negotiations

and hopes to have a contract to present soon. He also sits on the Erie County Water Quality Control Committee which is looking at several water safety issues. He attended the mediation session on the highway union contract, as well as a “face to face” meeting with the Bank of Akron accounting team along with Bookkeeper Colleen Salmon and Town Clerk Dawn Izydorzak. He attended a meeting with the Village Attorney, Town Attorney and the Attorney hired on the Joint Facility project litigation to discuss that litigation. He also met with the contractors bidding on the library project to go over details of the project.

**UNFINISHED BUSINESS:**

**Joint Facility-** everything is working well, they are fine tuning set ups and working on setting up a new shop area in the cold storage building.

**Planning Issues-** nothing new

**Comptroller Report-** the Supervisor stated he is sure that most everyone has seen the news reports on Thursday and Friday and stated many items reported were very misleading and some untrue. When the reporters came to the town hall on camera it was well after normal business hours and that is why they were not able to access the building. He was available and accessible and did give a statement. He explained that all bills paid by the town require 2 sets of screening and signatures so there is no way any bills were paid without full board knowledge and approval. He also stated that all decisions made regarding the joint facility project were made thru recommendations by the Town and Village committee that oversaw the project and were given final approval by both boards. There were no financial misappropriations or problems, only recommendations by the state for changes in procedural methods that will be addressed on any future projects. The Town has 90 days to respond to the final audit, which the board intends on doing. He assured everyone that neither the Town nor the Village have done anything illegally.

**Building Projects-** building repairs are in progress on the library roof and senior center roof issues. The library lower level project was bid and will be awarded later in meeting.

**Water Districts-** they received final approval on PRV’s and moving of Scotland Rd valve from Dept. of Health. Scott has a meeting with the water authority on implementation of that move. They are working on modeling of proposals for new waterline projects this summer.

**NEW BUSINESS:**

**Public Hearing-11372 Main Rd-Special Use Permit:**

A motion was made by Councilman Baran, seconded by Councilman Mayrose approving the calling of a public hearing for a Special Use Permit on the proposed Smith Auto Sales & Service to be located at 11372 Main Rd and authorizing the Clerk to advertise the hearing to be held on April 8, 2013 at 7:50pm at the Town Hall.

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

**Approval- Bid Award- Library Project:**

A motion was made by Councilman Rooney, seconded by Councilman Mayrose approving the award of bid for the Library Lower Level final phase project to Brad Rehwaldt for a low bid of \$39,500 and authorizing the Supervisor to execute the contract.

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

**Approval- Temporary appointment of Court Clerk(s):**

A motion was made by Councilman Rooney, seconded by Councilman York approving the temporary appointment of Bonnie Pafk and Mary Ellen Orcutt to the positions of Court Clerk PT, based on the recommendation from both Justices effective April 15, 2013 at a \$14.27/hour rate.

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

**Approval-Advertise for Court Clerk Position PT:**

A motion was made by Councilman Mayrose, seconded by Councilman Rooney approving the advertisement of help wanted for the Court Clerk PT position in the local papers.

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

**Approval- Sign LOSAP for Newstead Fire Co:**

A motion was made by Councilman Baran, seconded by Councilman York authorizing the Board to sign the LOSAP packet received from Newstead Fire Co under the terms of their agreement.  
Cummings-Aye, Rooney -Aye, Mayrose-Aye, Baran-Aye, York-Aye Carried Unanimously

**Payment Approval for Picone Construction:**

A motion was made by Councilman Mayrose, seconded by Councilman Rooney approving the payment in the amount of \$92,483.18 to Picone Construction, upon consent by the Village of Akron Board, for work performed at the Joint Facility project. This payment will not preclude the Boards from disputing other charges.  
(Resolution Attached) Cummings-Aye, Rooney -Aye, Mayrose-Aye, Baran-Aye, York-Aye  
Carried Unanimously

**Approval-Bid for Highway Truck:**

A motion was made by Councilman Baran, seconded by Councilman Rooney approving the Highway Supt. to advertise for bids in the local paper for a one ton truck with plow to replace a 10 year old truck with plow.  
Cummings-Aye, Rooney -Aye, Mayrose-Aye, Baran-Aye, York-Aye Carried Unanimously

\*The Supervisor reported a resolution on a consolidation study grant will be tabled pending reply from the Village Board on sharing in the cost.

\*He also reminded everyone there will be a Zoning Board of Appeals public hearing on Thursday, March 28 ay 6:30pm on the airport issues.

\*He thanked the several students in attendance for coming to the meeting.

**Question Period** – Harold Finger of 158 East Ave stated the ads placed regarding the airport were deceiving and focus only on the safety of the airport not the safety of residents who live above or below the runway. Fighting this is not a waste of taxpayer dollars and he took over 25 calls over the weekend from people that agree. He thanked the Board for their continued support of this issue.

Supervisor Cummings and Councilman Rooney also shared that any feedback they took on the airport issue was also overwhelmingly in support of the Town fighting the court’s decision on the airport.

Kevin Borth of 7553 Scotland Rd spoke regarding several issues: 1. He was almost in an accident again this morning at Scotland and Martin Roads. He expects the town to be proactive and threatened suits if someone gets hurt. The Supervisor reminded Mr. Borth once again that Scotland Rd is a County Road and the town cannot change the road, the County must approve it and do it. He will contact Charlie Sicklar at the County once again on this issue.

2. He encouraged the town to make sure when they get ready to sell the old highway garage to do it in an open bidding forum with a live auction. The Supervisor stated that is what the town intends to do.

3. Mr. Borth feels that there should be community input on assessments and be able to review the assessment roll before it goes out. He claims the BAR Chairman has the best assessments on raw land of anyone in the town and feels that the current members need to be replaced with non-biased members that have a background in real property.

4. He questioned conflicts of interest and stated he knows of several instances occurring in the town that he wishes to discuss with the Supervisor personally.

Town Attorney Neill stated that the town just adopted and implemented a new Code of Ethics and all employees must file disclosure statements. If there is a potential conflict, those employees involved must recuse themselves from any decisions on that topic.

5. he asked for an update on the airport fuel farm and \$15,000 bond. Town Engineer Rybarczyk stated the \$15,000 bond is set aside to address drainage issues, not the fuel farm. At this point the fuel farm is in a holding pattern waiting for the airport to address several issues on the permit brought up by the building department. Mr. Borth stated if a bond is needed on the fuel farm it should be for millions of dollars.

No one else spoke

Councilman Rooney thanked Supervisor Cummings for all of the calls he has fielded over the past few days, which he has handled with great leadership and grace. All the Supervisor does on behalf of the Board and the residents does not go unnoticed and he feels the Town has overwhelming support from the residents on these issues.

Councilman Mayrose concurred with Councilman Rooney's statement.

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 8:46pm.

Carried Unanimously

Respectfully Submitted,  
Dawn D. Izydorczak, Town Clerk