

Newstead Town Board Meeting- April 8, 2013

The public hearing scheduled will be re-scheduled due to lack of publication. Supervisor Cummings did invite anyone present to give comments. No one was present to speak.

A regular meeting was called to order by the Newstead Town Board on Monday, April 8, 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 Izydorczak- Town Clerk
Jennifer Heberling- Deputy Town Clerk

Roll Call was taken with all board members present.

Councilman Baran led the pledge to the flag.

Minutes from the previous regular meeting held on March 25, 2013, were presented for approval. A motion was made by Councilman Baran, seconded by Councilman York to approve as presented.
Carried Unanimously

Communications – The Town Clerk presented the following correspondence:

A letter from Time Warner Cable notifying the town of the programmers & service providers they are currently in negotiations with for service.

A letter from Erie County Commissioner Maria Whyte notifying the town that CAC member Lewis Tandy's appointment term on the Erie County Management Council will expire on May 31, 2013. A reappointment must be made by April 19, 2013.

A letter from Erie Co. Legislator Ed Rath regarding updates on the pending transfer of a portion of the Akron Falls Park to the Town.

A letter from the Akron Soccer League with updates on the 2013 Kick It First tournament scheduled from May 3rd, 4th & 5th at the Town Park.

A notice from the Erie Co. Board of Elections on an upcoming campaign finance seminar on May 14, 2013 from 9:00am – 12:00pm at the Buffalo Library.

A notice of a "Life in Action" regional meeting by NYSERDA on May 21, 2013.

A letter from resident Charles Carter regarding the article in the Akron Bugle placed by Informed Citizens of Newstead regarding wasting of taxpayer money on fighting the Akron Airport issues.

A letter from resident Charles Carter providing his comments on the Zoning Board of Appeals meeting held on March 28, 2013 regarding the Akron Airport issues.

The March 2013 Operations Report was received from Amherst Central Alarm Office reporting 28 calls for Akron Fire Co and 14 calls for Newstead Fire Co.

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 issues were discussed: water district issues, building projects, planning issues, grants, bike path signage, highway issues, parks master plan, dog control, executive session regarding the airport and contracts, as well as any issues brought before the Board. Executive session was held tonight regarding a

possible settlement with Picone Construction. They are waiting for a response from the village on the terms.

Privilege of the Floor – no one spoke

Budget Transfers: a motion was made by Councilman Rooney, seconded by Councilman Baran to approve the budget transfers per the memo from Bookkeeper Colleen Salmon dated April 8, 2013.
Carried Unanimously

Approval of Bills – Councilman Mayrose reported that the Abstract from Batch(es) # 1273 & 1274 plus wire for bond payment from the March 28, 2013 meeting have been reviewed with the previously un-audited vouchers and everything was found in order. He presented Abstract Batch(es) #1279 for payment. Vouchers on this abstract(s) numbered from 307 - 354, totaling \$249,802.52 and were presented by Councilman Baran, seconded by Councilman York to approve payment as follows:

Abstract Batch(es) #1279:

General Fund (A) -\$22,369.90, General Fund- Outside Village (B) \$1,088.95, Highway (DA) -\$0, Highway: Outside Village (DB) \$3,154.97, 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)- \$0, Fire Protection (SF) \$4,561.36, Refuse (SR) \$0, Sewer Fund (SS) \$0, Sewer District #2 (SS02)- \$210.00, Trust & Agency(TA)- \$0 and Water Districts: Consolidated (SW00) \$6,917.34, (SW1) \$0, (SW2) \$0, (SW3) \$0, (SW4) \$0, (SW5) \$85,397.00, (SW6) \$0, (SW7) \$0, (SW7A) \$0, (SW8) \$0, (SW9) \$0, (SW10) \$126,103.00
Total: \$249,802.52

Carried Unanimously

COMMITTEE AND DEPARTMENT HEAD REPORTS:

Highway – They have started summer hours of 6:30am-4:30pm, Monday thru Thursday beginning this week. The crews have been working on rolling the park fields and Mike will be attending school in East Aurora tomorrow.

Assessor – no report was presented

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

Frederick Weinreber	12521 Meahl	Garage
A T & T	4490 S Newstead	Cell tower co-location
CMK Builders	5050 Havens	One family home
CMK Builders	5050 Havens	Driveway
CMK Builders	5060 Havens	One family home
CMK Builders	5060 Havens	Driveway
Kris Beyer- Jones	7065 Sandhill	Pond
Greg Gajewski	11687 Clarence Ctr	Hot tub

The Town Board accepted the report as presented.

Town Clerk- Nothing at this time.

Attorney for the Town – Nathan is meeting with Matt Plunkett on the airport litigation tomorrow and then again on Thursday.

COUNCILPERSONS:

Rooney – he will be attending the May 8th conference. He is meeting with the fire company in anticipation of contract negotiations and asked Councilman Mayrose to attend the library meeting in his place, he walked the bike path due to the some garbage complaint issues, he attended the soccer tournament meeting and the ZBA public hearing on the airport.

Mayrose – he attended the CAC meeting regarding the Emerald Ash Borer and the airport, he met with the Supervisor and Julie Brady regarding the airport, he also met with the Supervisor and Judge Campbell regarding the court consolidation. He met with the Highway Superintendent regarding

signage on Martin Road and toured the new wood shop/storage area at the joint facility, he also attended the ZBA public hearing on the airport after which he received many phone calls in support of appealing the court decision. He met with the Supervisor and a Quarry Hill resident regarding Braun's Concert Cove.

Baran – he spoke with Simplex Grinnell regarding a broken sprinkler valve at the senior center, which should be fixed by the end of the week.

York – he attended the CAC meeting on the Emerald Ash Borer and the airport issues and also attended the ZBA public hearing on the Akron airport. He is doing some research on Limerick Hall.

Supervisor – he attended the Supervisors Board meeting in Elma and a committee meeting on CHIP's contract negotiations. He also attended the union contract meeting with the attorney and Councilman Mayrose and is scheduling the next meeting of the Ethics Board. He is working on a short term solution to the floor issue at the joint facility as well as looking at long term solutions.

UNFINISHED BUSINESS:

Joint Facility – floor issues to be resolved for the short and long term. Still working on the 2nd phase of the reply to the state auditors – setting up structural procedures for the future.

Planning Issues- there has been a request to change training requirements for the Planning and Zoning Boards. The Town Board does not want to change the requirements at this point but want to offer an in-house 4 hour courses 1 or 2 times per year. They feel that extra training is always a good thing.

Murder Creek Project- an update was received from Apex notifying the town that they have been talking with CATCO and setting a schedule for replacing dead plants during the spring/summer. The plants have been agreed upon and have been ordered. It has been suggested that when they are planted a root hormone be added to the ground with the new plantings to ensure their success at taking root and surviving. This would be at town expense and Apex is putting together a quote for this expense. Going out to bid in June for the 2nd phase.

NEW BUSINESS:

Public Hearing-11372 Main Rd-Special Use Permit:

A motion was made by Councilman York, seconded by Councilman Baran 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 22, 2013 at 7:35pm at the Town Hall.

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

Public Hearing-11891 Main Rd-Site Plan Approval:

A motion was made by Councilman Rooney, seconded by Councilman Mayrose approving the calling of a public hearing for site plan approval on the proposed Braun's Concert Cove to be located at 11891 Main Rd and authorizing the Clerk to advertise the hearing to be held on April 22, 2013 at 7:40pm at the Town Hall.

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

Approval- Training Request- Zoning:

A motion was made by Councilman Rooney, seconded by Councilman Baran approving the request for Zoning Board of Appeals members Cheryl Esposito and Fred Pask to attend training.

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

Approval– Appointment of ECEMC member:

A motion was made by Councilman Mayrose, seconded by Councilman York approving the appointment of Lewis Tandy to represent the town on the Erie County Environmental Management Council for another 2 year term ending 5/31/2015.

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

Question Period – Carl Klingenschmitt – CAC – would like to have the Emerald Ash Borer added to the agenda for the joint Village/Town meeting next week.

There being no further business to come before the board a motion was made by Councilman Rooney, seconded by Councilman York to adjourn the regular meeting at 8:25pm.

Carried Unanimously

Respectfully Submitted,
Dawn D. Izydorzak, Town Clerk