

## Newstead Town Board Meeting- May 14, 2012

A hearing was called to order by the Newstead Town Board on Monday, May 14, 2012 at 7:50pm at the Newstead Town Hall.

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

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

The Supervisor stated the hearing with the owner of 13655 Main Rd, on the proposal to demolish all unsafe buildings on said property, would not be held tonight. The Supervisor explained that this property was just auctioned off on May 5, 2012 and a new owner has taken over the property. Once title transfer has been received by the Assessor's office the town will start working on this with the new owner.

The regular meeting of the Newstead Town board was called to order at 8:00pm with the same members present as listed above.

Councilman Rooney led the pledge to the flag.

Minutes from the previous regular meeting held on April 23, 2012 and the special meeting held on April 30, 2012, were presented for approval. A motion was made by Councilman Mayrose, seconded by Councilman York to approve as presented. Carried

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

A letter from the NYS Department of State notifying the town that Local Law #2 of 2012 was filed on April 19, 2012.

A letter from the Erie County Dept. of Environment & Planning announcing training for local boards to be held on June 14, 2012 at the ECC North Campus from 5:00pm-9:30pm. Anyone interested in attending can see the Clerk for a form.

A proclamation was received from the NYS Town Clerk's Association in celebration of the organizations 30<sup>th</sup> Anniversary.

Comments on the Akron Airport site plan were submitted in writing by resident Charles Carter.

Certificates of Training Attendance were received from Erie County Real Property for the following Board of Assessment Review members: Michael Rushok, Stan Serwon & Stephen Carlson.

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

**Work Session:** The Supervisor reported that at the work session that was held last week the following items were discussed: water districts issues, building projects updates, planning issues updates, multiple town contracts, assessment of condos, as well as any other issues brought before the board.

Supervisor Cummings made a statement recapping the comments and what took place at the last meeting held on April 30<sup>th</sup>.

**Privilege of the Floor** – Kevin Borth of Scotland Rd was present to address the board about an issue he had brought before them months ago regarding 31 trees being removed from his property by

highway crews who thought they were on his neighbor's property. He is very upset this has not been cleaned out and the 15 new trees he was promised planted. He also stated he contacted the DEC about the town moving a waterway when they cleaned out the ditch in the back of his property. He feels this may lead to litigation if not resolved. He also stated his issues with the new revaluation assessments and feels they are unfair with no "rhyme or reason". He also stated he is very upset with Councilman Rooney for not getting back to him on putting up a 4-way stop sign at Martin & Scotland Roads.

Highway Supt. Mike Bassanello stated they have petitioned the County several times on the stop sign issue and the County always comes back stating the signage is not warranted and they deny the request. This is a County road and their decision supersedes the town.

Supervisor Cummings promised to get back to him on all of these issues.

Charles Carter of 6 Marshall Ave recommends that the CEO, Fire Marshall and Town Engineers look at the airport site plans before signing off on the project to avert any problems of liability.

Town Engineer Scott Rybarczyk addressed some of his issues.

Greg Brown of 80 Eckerson Ave asked if the site plan submitted is close to final and if it gets okayed he is concerned because the cross wind runway is on the site plan significantly bigger than previous plans. He commented on the May 10<sup>th</sup> ad in the Akron Bugle requesting bids by the airport for a fuel farm. He asked if that project is included with this proposal. He feels the airport is intentionally submitting small projects separately to keep under a threshold so they do not have to comply with certain requirements.

Dale Cheavacci of 113 John St feels when they get this project in they will continue to add and add and never go away. The airport keeps adding all these new improvements and yet their assessment keeps going down. He asked that when it is okayed by the Board they just make sure it is done properly.

Kevin Borth asked about the appointments of the Assessment Review Board and what their credentials are. He has issues with the fact that none of them is a real estate professional and asked that it be looked at in the future. The town needs to hire qualified individuals for these positions.

Supervisor Cummings addressed several of the comments as follows: no the fuel farm project is not part of this current plan, that will be a totally separate project. Every year the town advertises for all of its boards and committees and makes appointments when there are openings. The positions are filled by people who express an interest in sitting on a board or committee most of which are volunteering their time. Some boards and committees get very little response or interest. The Board of Assessment Review in particular requires training provided by the County Real Property Office.

**Budget Transfers:** a motion was made by Councilman Mayrose, seconded by Councilman Rooney to approve the proposed budget transfers per memo from Bookkeeper Colleen Salmon dated 5/14/12.

Carried

**Approval of Bills** – Councilman Mayrose reported that the Abstract from Batch(es) # 1177 from the April 23, 2012 meeting has been reviewed with the previously un-audited vouchers and everything was found in order. He presented Abstract Batch(es) #1181 & 1182 for payment. Vouchers on this abstract numbered from 481 - 557, totaling \$146,547.02 and were presented by Councilman Mayrose, seconded by Councilman Rooney to approve payment as follows:

Abstract Batch(es) #1181 & 1182:

General Fund (A) -\$29,603.62, General Fund- Outside Village (B) \$455.97, Highway (DA) -\$0, Highway: Outside Village (DB) \$70,308.96, Capital Projects: CAP- Highway Garage- (HG) - \$2,115.00, CAP-Murder Creek (HM) \$1,000.00, CAP- Equipment Purchase (HR02)- \$0, CAP- Scotland Rd (HS)- \$0, CAP- Town Hall (HT)- \$0, CAP- Water Improvement (HW)- \$2,207.59, Drainage (SD)- \$0, Fire Protection (SF) \$4,357.68, Refuse (SR) \$29,512.32, Sewer Fund (SS) \$9.44, Sewer District #2 (SS02)- \$138.33, Trust & Agency(TA)- \$0 and Water Districts: Consolidated (SW00) \$6,838.11, (SW1) \$0, (SW2) \$0, (SW3) \$0, (SW4) \$0, (SW5) \$0, (SW6) \$0, (SW7) \$0, (SW7A) \$0, (SW8) \$0, (SW9) \$0, (SW10) \$0

Total: \$146,547.02

Carried

**COMMITTEE AND DEPARTMENT HEAD REPORTS:**

**Highway** – Mike thanked the girl scouts for the donation of and assisting his crews in planting 38 trees at the town hall and 15 trees at the joint facility. He reported the town hall parking lot expansion was started today and they have began mowing roadside ditches, as well as continuing to assist the village crews with the Marshall Ave project.

**Assessor** – the board received copies of the results of the reval service survey that had gone out to certain residents.

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

Nick Cerasani	7370 Maple	A.G. Pool
Glenn Wheeler	5640 Cummings	Shed
Adam Massaro	13482 Bloomingdale	Permit renewal
Paul Czechowicz	13898 Siehl	Shed
Mark Maier	12956 Carney	Deck
Chris Doktor	4185 S Newstead	I.G. Pool
Fred Bedford	6714 Cedar	Roof
Nicholas Lydell	12320 Nice	Permit renewal
Dan Mault	8057 Maple	Deck
Rothland Golf Course	12089 Clarence Center	Solar panels
Bedford's Greenhouse	v/l Cedar St	Fill
Rich Carter	6410 Dye	Deck

The Town Board accepted the report as presented.

**Town Clerk-** nothing to report

**Attorney for the Town** – nothing to report

**COUNCILPERSONS:**

**Rooney** – nothing to report

**Mayrose** – he met with the library board and the new cameras are in and working. He also met with the assessment committee on upcoming reval project issues.

**Baran** – not present

**York** – nothing to report

**Supervisor-** he attended the Association of Erie County Governments meeting as well as several other committee meetings.

**UNFINISHED BUSINESS:**

**Water Districts** – E & R is busy finishing up the punch list items and we are moving forward on the PRV's project, with it to hopefully be done this summer. The ½ mile section of line to go into Maple Rd will be started once the town crews are done helping the village on Marshall Ave.

**Shared Public Works Facility Project** – everyone is settled in and they are working on the mechanics shop as well as moving the remaining equipment in.

**Murder Creek-** Reports were received from Apex on April 17<sup>th</sup> and May 1<sup>st</sup> with most all of the plant-life doing well and the south bank stable.

**NEW BUSINESS:**

**SEQRA & Adoption-Local Law #3 of 2012:**

A motion was made by Councilman Mayrose, seconded by Councilman York adopting a determination of Non-Significance of Local Law with regards to SEQRA regulations on the proposed Local Law #3 of 2012 entitled Zoning Map Amendment of the Town of Newstead. (Resolution Attached) Cummings-Aye, Rooney -Aye, Mayrose-Aye, Baran-Absent, York-Aye  
Carried

A motion was made by Councilman York, seconded by Councilman Mayrose adopting the proposed Local Law #3 of 2012 entitled Zoning Map Amendment of the Town of Newstead, subject to the terms set forth in the resolution.

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

**Non-Renewal of Special Use Permit- 12690 Main Rd:**

A motion was made by Councilman Mayrose, seconded by Councilman Rooney declining to renew the temporary Special Use Permit held by Michael Shields for the property located at 12690 Main Rd due to the reasons set forth in the resolution.

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

**Naming of Town Park:**

A motion was made by Councilman Rooney, seconded by Councilman Mayrose approving the decision to formally name the Town Park “Newstead Veterans Park” and approving the expenditure of no more than \$2,200 for signs to be made and erected.

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

**Akron Airport Site Plan:**

A motion was made by Councilman York, seconded by Councilman Mayrose approving the site plan for a t-hanger and maintenance hanger construction project at the Akron Airport, subject to the terms set forth in the resolution.

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

**Public Hearing- Local Law#4 of 2012:**

A motion was made by Councilman Rooney, seconded by Councilman Mayrose approving the calling of a public hearing on the proposed Local Law #4 of 2012 entitled “Condominium Conversion Law” to be held at the town hall on June 11, 2012 at 7:50pm.

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

**Approval- Attorney Appointment:**

A motion was made by Councilman Rooney, seconded by Councilman Mayrose approving the appointment of Guy J. Agostinelli, Attorney at Law to represent the Town on litigation relevant to the Joint Municipal Works Facility project.

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

**Training Approval- Planning & Zoning Boards:**

A motion was made by Councilman Mayrose, seconded by Councilman Rooney approving the training request by John Olaf, as well as any of the Planning Board or Zoning Board members to attend the training for Local Boards to be held at ECC North on June 14th.

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

**Approval- Attorney Appointment:**

A motion was made by Councilman Mayrose, seconded by Councilman York approving the appointment of Matthew Plunkett, Attorney at Law to represent the Town on litigation relevant to the Article 78 proceedings filed by Dr. Hoover.

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

**Question Period** – Charles Carter made a statement relative to the plantings indicated in Local Law #3 of 2012.

Bob Scheib of 55 Brooklyn St stated he is disappointed in the Board's decision tonight on the airport. Petitions signed by hundreds of residents have been submitted in past years as well as the current year and they have all said "No" to expansion at the airport.

Kevin Borth questioned approvals of flight plans and what kind of bonds and containment will be used on the proposed fuel farm. He also asked if the airport is a 501-C3 (tax exempt). He also questioned all the attorneys hired tonight, if they are from the same firm, and who is vetting these attorneys prior to hiring?

Bob Scheib commented on the grant club pole and how nice the new top ball looks.

Dale Cheavacci commented replacing the new top ball was done by the Lion's Club and all the work on the top piece was done by John Klodzinski's company. The village crews put the new piece back up.

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 9:06pm.

Carried

Respectfully Submitted,  
Dawn D. Izydorzak, Town Clerk