

## Newstead Town Board Meeting- June 11, 2012

A public hearing was called to order by the Newstead Town Board on Monday, June 11, 2012 at 7:50pm 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  
Dawn Izydorczak- Town Clerk  
Jennifer Heberling- Deputy Clerk

Roll Call was taken with all board members present.

The Supervisor called the hearing on the proposed Local Law #4 of 2012 –Condominium Conversion Law to order.

The Clerk read the proof of publication.

Comments: no one was present to speak.

There being no further comment a motion was made by Councilman Rooney, seconded by Councilman Mayrose 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.

Councilman Rooney led the pledge to the flag.

Minutes from the previous regular meeting held on May 29, 2012 were presented for approval. A motion was made by Councilman Mayrose, seconded by Councilman Baran to approve as presented. Carried Unanimously

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

A letter from Time Warner Cable regarding the current programmers & broadcasters they are currently under negotiations with for service.

The May Operations Report was received from Amherst Central Alarm Office reporting 44 calls for Akron Fire Co and 21 calls for Newstead Fire Co.

An email was received updating the Board on the placement of the 3 MS Walk advertising bikes along the bike path.

A letter from the NYS Department of Public Service announcing changes to the Lifeline Telephone program effective June 1, 2012.

A letter from E & W G Foundation notifying the town that the funding on the library project has been tabled until their fall cycle.

A letter from The NYS Town Clerk's Association announcing that Town Clerk Dawn Izydorczak has been granted renewal of her Registered Municipal Clerk status with the Association for another 5 years.

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 session that was held last week the following items were discussed: water districts issues, building projects updates, planning issues

updates, grants, murder creek project, town contracts, as well as any other issues brought before the board.

**Privilege of the Floor** – Doug Ceisner of 100 East Ave questioned assessment revaluation issues and comparable sales. He asked how many people went to hearings and how many went to the Board of Assessment Review. Supervisor Cummings gave him the B.A.R. numbers from the Assessors Report for the meeting. He also questioned when the water went out in the south part of town last month was everyone notified about it by the Water Authority. Councilman Rooney and the Supervisor stated yes, everyone needing to be notified was. Mr. Ceisner also questioned why gas wells are not on the tax rolls. The Supervisor will ask the Assessor but he was sure there is a good reason. Mr. Ceisner also asked about why the Buffalo News is no longer sending out reporters to our meetings and questioned the out houses located at Braun’s on Main Rd. Supervisor Cummings stated that when Laura Winchester covered the town she was very loyal about including town news in the Buffalo News but she has since retired and the News has not provided the town with a new reporter. He also addressed the Braun’s questioned stating the port-a-johns were used for events being held at the restaurant and was sure any permits necessary had been filed with the building department.

Dale Cheavacci of 113 John St questioned the progress on the airport site plan and building process. The Supervisor stated the site plan was approved but as far as he is aware no permit has been submitted on the project yet.

Kevin Borth of 7553 Scotland Rd read his letter in response to the Supervisor’s response letter to him regarding issues he has brought before the Board. The letter has not been submitted to the board members yet and the Supervisor stated that once the letter was received he would be willing to address any further issues with responses. The issues were the Scotland & Martin Rd intersection, Assessment issues, drainage/tree removal issues on his property, and his request that the Akron Bugle start to publish the town board minutes in full.

**Budget Transfers:** none

**Approval of Bills** – Councilman Mayrose reported that the Abstract from Batch(es) # 1186 from the May 29, 2012 meeting has been reviewed with the previously un-audited vouchers and everything was found in order. He presented Abstract Batch(es) #1189 for payment. Vouchers on this abstract numbered from 610-668 totaling \$82,075.98 and were presented by Councilman Mayrose, seconded by Councilman Baran to approve payment as follows:

Abstract Batch(es) #1189:

General Fund (A) -\$12,847.46, General Fund- Outside Village (B) \$39.75, Highway (DA) -\$0, Highway: Outside Village (DB) \$7,689.83, Capital Projects: CAP- Highway Garage- (HG) - \$7,357.50, CAP-Murder Creek (HM) \$1,500.00, CAP- Equipment Purchase (HR02)- \$0, CAP- Scotland Rd (HS)- \$0, CAP- Town Hall (HT)- \$0, CAP- Water Improvement (HW)- \$0, Drainage (SD)- \$0, Fire Protection (SF) \$4,494.62, Refuse (SR) \$29,555.08, Sewer Fund (SS) \$0, Sewer District #2 (SS02)- \$157.50, Trust & Agency(TA)- \$0 and Water Districts: Consolidated (SW00) \$6,746.43, (SW1) \$0, (SW2) \$0, (SW3) \$0, (SW4) \$0, (SW5) \$0, (SW6) \$0, (SW7) \$9,575.81, (SW7A) \$0, (SW8) \$0, (SW9) \$0, (SW10) \$2,112.00

Total: \$82,075.98

Carried Unanimously

## **COMMITTEE AND DEPARTMENT HEAD REPORTS:**

**Highway** – not present but a report was presented. The 2012 projects list was presented to the Board. Mike is in Ithaca for Highway Superintendent training this week. The dog shelter has a new roof that the crews installed. They are in process of bidding materials for the waterline project and are getting quotes on a new salt shed. The 2006 truck has been transferred to the DCO and his old truck will be sold soon.

**Assessor** – report presented that the Board of Assessment Review held 132 appointments over 2 days and 19 additional files were submitted without an appointment. Decisions must be finalized by June 28<sup>th</sup> for Final roll to be filed by July 1<sup>st</sup> and decisions notices will be mailed out the first week of July.

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

Patrick Galla	5475 Barnum	Permit renewal
Ray Braun	11891 Main	Driveway
Robert Sweet	7034 Maple	Roof
Ralph Campbell	89 Quarry Hill Est	Manufactured home/carport
The Links at Ivy ridge	12089 Main	Tents
Kevin Stoldt	5010 Havens	One Family Home
Bruce Bruyere	8002 Kathryn	Shed
Keith Rosenberg	7970 Greenbush	Addition
Sharon Ciezki	4459 S Newstead	Roof
Joe Frey	12292 Clarence Center	Tent
Arrowhead Golf Course	12292 Clarence Center	Solar panels
Tina Smith	11440 Rapids	Pole barn

The Town Board accepted the report as presented.

**Town Clerk-** nothing to report

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

### **COUNCILPERSONS:**

**Rooney** – he fielded several army worm calls last week and talked to several County and State Representatives regarding the problem.

**Mayrose** – he met with the Supervisor and St. Theresa’s Church officials on park issues, attended some of the B.A.R. hearings and met with highway department on joint facility issues.

**Baran** – he reported the library roof is to be recoated and some of the brick work near the roof line is to be redone.

**York** – nothing to report

**Supervisor-** The May Supervisors Report is on file with the Town Clerk. He also met with St. Theresa’s officials on park issues and fielded several army worm calls. He thanked Julie Brady for all of her detective work on the army worms and for working with the Erie County Farm Bureau on the issue. The local farmers seem to be on top of it and have sprayed to take care of their crops.

### **UNFINISHED BUSINESS:**

**Water Districts** – they are waiting for the town and village crews to start the Maple Rd section of line and are meeting with the Erie County Dept of Health this week to go over the PRV issue.

**Shared Public Works Facility Project** – they are buttoning up a few last minute items, beginning the process for selling the old town facility and getting bids for the salt shed.

**Murder Creek-** a Report was received from Apex on May 31st with some of the plant-life wilting a little due to lack of rain. Supplemental watering will be scheduled if rain does not come soon. FEMA and DEC funding is still in the pipeline. We are just waiting for checks.

### **NEW BUSINESS:**

#### **Adoption-Local Law #4 of 2012:**

A motion was made by Councilman Mayrose, seconded by Councilman York adopting the proposed Local Law #4 of 2012 entitled Condominium Conversion Law of the Town of Newstead, subject to the terms set forth in the resolution.

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

**Approval- Recreation Appointments:**

A motion was made by Councilman Rooney, seconded by Councilman York approving the appointment of Recreation Attendants for the summer session per the attached sheet.

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

**Approval- Amendment to Driveway Policy:**

A motion was made by Councilman Baran, seconded by Councilman York approving the amendment of the driveway/entranceway policy of the town per the suggestions by the Highway Superintendent.

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

Supervisor Cummings reported on Mr. Bruce Pacyon's request from last meeting regarding the town totally abandoning Wahl Rd. He and Town Attorney Neill have done a lot of investigative work on this and found the town will have to deny the request due to the fact that some of the surrounding property owners have stated they wish to keep that way of access to their properties, otherwise they would become land locked. By abandoning it totally actually Mr. Pacyon would be cut off from access to his property as well if they did the total abandonment. The Supervisor will contact Mr. Pacyon this week to let him know the decision and why.

**Question Period** – Doug Ceisner questioned the liability if anyone gets hurt on Wahl Rd and what if the town gives easements over to the owner in the form of a right of way.

Kevin Borth asked that the Board give a little more background information when discussing a topic for the benefit of those in the audience who don't know about the topic they are discussing.

No work session will be held by the Town Board next week.

There being no further business to come before the board a motion was made by Councilman Rooney, seconded by Councilman Mayrose to adjourn the regular meeting at 8:48pm.

Carried Unanimously

Respectfully Submitted,  
Dawn D. Izydorcak, Town Clerk