

Newstead Town Board Meeting- June 24, 2013

A regular meeting was called to order by the Newstead Town Board on Monday, June 24, 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

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 June 10, 2013, were presented for approval. A motion was made by Councilman Baran, seconded by Councilman Rooney to approve as presented.
Carried Unanimously

Communications – The Town Clerk presented the following correspondence:

The 2012 Annual Report was received from the Newstead Library.

A letter was received from the NYS DEC regarding the SEQR Lead Agency papers filed for the Downey & Draper Rd waterline extensions.

An amendment notice on the proposed Local Law amending the Zoning Code by the Town of Lancaster was received changing the location of the public hearing to be held on July 1, 2012 to the Lancaster Opera House at 7:15pm.

A copy of a resolution passed by the Lancaster Town Board calling on the County Executive and County Legislature to help resolve the snow removal and de-icing issues on County Roads.

A notice of the grand opening of the Destroyer Park Golf to be held on July 7, 2013 at 12:00pm at 7065 Sandhill Rd.

The 2011 and 2012 annual reports were received from Erie County Water Authority.

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

Work Session: The Supervisor reported that at work session held last week the following issues were discussed: senior van issues, e-z pass sales, Rx cards and notice of claims were discussed with the Clerk, water district issues, joint facility report, building projects, planning issues, contracts, grants, ethics committee report, park master plan and old highway garage issues, and any other issues brought before the Board.

Privilege of the Floor – Jeannine Morlacci of 5176 Crittenden Rd appeared questioning protocol for the CEO to go on a home owners property. Supervisor Cummings apologized for not getting back to her sooner on this issue but he got off track last week with the missing person event that happened. He will address her concerns and talk to the CEO regarding the issue.

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 June 24, 2013.
Carried Unanimously

Approval of Bills – Councilman Mayrose reported that the Abstract from Batch(es) # 1295 from the June 10, 2013 meeting have been reviewed with the previously un-audited vouchers and everything was found in order. He presented Abstract Batch(es) #1297 & 1299 plus electronic bond payment

for payment. Vouchers on this abstract(s) numbered from 593 – 633, totaling \$128,270.73 and were presented by Councilman Mayrose, seconded by Councilman Baran to approve payment as follows:

Abstract Batch(es) #1297 & 1299 plus electronic bond payment:
 General Fund (A) -\$32,694.75, General Fund- Outside Village (B) \$2,342.52, Highway (DA) -\$0,
 Highway: Outside Village (DB) \$34,158.31, Capital Projects: CAP- Highway Garage- (HG) - \$0,
 CAP-Murder Creek (HM) \$0, CAP- Equipment Purchase (HR02)- \$0, CAP- Library Basement
 (HR04) \$7,293.71, CAP- Scotland Rd (HS)- \$0, CAP- Town Hall (HT)- \$0, CAP- Water
 Improvement (HW)- \$0, Drainage (SD)- \$753.00, Fire Protection (SF) \$36,776.00, Refuse (SR)
 \$1,393.12, Sewer Fund (SS) \$1,275.82, Sewer District #2 (SS02)- \$85.97, Trust & Agency(TA)- \$0
 and Water Districts: Consolidated (SW00) \$45.72, (SW1) \$0, (SW2) \$0, (SW3) \$0, (SW4) \$0,
 (SW5) \$0, (SW6) \$0, (SW7) \$9,400.81, (SW7A) \$0, (SW8) \$0, (SW9) \$0, (SW10) \$2,051.00
 Total: \$128,270.73 Carried Unanimously

COMMITTEE AND DEPARTMENT HEAD REPORTS:

Highway – He attended the association’s monthly meeting where the snow contracts were discussed. There will be a meeting on July 11th with the County, Association of Erie County Governments members and the Highway Superintendents members to discuss the contracts. The crews will finish oiling & stoning of roads this week.

Assessor – Becky presented a report on the B.A.R. hearings, an update on STAR exemptions being removed for homeowners who owe tax liabilities over \$4,500, doing inventory collection for Quarry Hills and also gave a report on GIS activities due to the missing person event last week. Supervisor Cummings thanked Becky for all the extra time she spent last week printing off maps for the NYS Troopers and Erie County Sheriff’s to use in the missing person search.

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

Kelly Schultz	11167 Main	Addition
Kelly Schultz	11061 Main	Storage building
Angelo Allesandro	11931 Rapids	Deck
Daniel Wetzler	12543 Clarence Center	Permit renewal
Steven Richardson	4678 South Newstead	Foundation
Carmen Callana	13251 Main	Demolition
July 4 th Celebration Committee	Akron/Newstead	Special event permit
James Donner	11872 Stage	Pergola
Joe Dugan	12352 Rapids	Shed
Paul Muck	6470 Utley	I.G. Pool
Mrs. Linneman	12318 Buckwheat	Deck
Ray Braun	11891 Main	Special event permit
Laura Strollo	13527 Boomingdale	A.G. Pool
Marcey Roddie	12727 Koepsel	Shed
Jerry Reiner	13021 Stage	Roof
Linda Mullane	4487 South Newstead	Windows
Lawrence Dellinger	12532 Hunts Corners	Shed addition
Richard Baran	12784 Carney	Stairs

The Town Board accepted the report as presented.

Town Clerk- nothing to report

Attorney for the Town – we are starting to have issues with the Wahl Rd site again. Nathan reminded everyone that Wahl Rd is still a Town road even though it is partially abandoned. No one is allowed to put up barriers on the road and it cannot be legally blocked for any reason by anyone other than the Town.

COUNCILPERSONS:

Rooney – he met with Akron Fire Company and Newstead Fire Company for negotiations on fire contracts. He also met separately with Akron Fire Company to receive their financial reports. He attended the Akron Newstead Drug Coalition meeting where they are planning a “lock in” for Homecoming 2013. Anyone interested in helping with or joining can contact him. He stopped into court in review of the letter from the APD Chief and attended the recreation employee orientation.

Mayrose – he attended the Joint Facility committee meeting regarding the development of Standard Operating Procedures, spoke with Ryan Buckley regarding his Eagle Scout Project at Veterans Park, met with both fire companies regarding the negotiations, attended the Akron Fire Company budget presentation, spoke with Erie County Legislator Ed Rath regarding the park property purchase and also took part in the Akron Falls Park walk sponsored by Legislator Rath. He met with Mayor Patterson, Trustee Forrestel, and Supervisor Cummings regarding upcoming joint projects and took part in the Missing Person search and was very impressed with how it was organized and carried out.

Baran – he has estimates on the town park shelter roof to be discussed next Monday night.

York – he has received a final rough estimate on the cost to move Limerick Hall to the Town Park property which ranges between \$75,000 - \$100,000. The Board has decided this is an excessive amount and the issue has been withdrawn for consideration.

Supervisor- he attended the Association of Erie County Governments meeting, a CDBG meeting, a meeting with the Village officials, a snow contract meeting, a County debt meeting, a meeting with Recreation Board Chairman Joel Gregorio and assisted in the missing person event last week.

UNFINISHED BUSINESS:

Joint Facility- the committee met. The employees are continuing to work on the Standard Operating Procedures books for their offices.

Planning Issues- several issues are on-going. The sewer development issue is in the Villages hands to submit a grant application for a study and so is the joint master plan update which they also need to apply for grants for.

Water projects- Scott reported they have finished the base mapping and are moving on to designing the lines. They have started the map, plan & report and are continuing to address SEQRA.

Conservation issues- Emerald Ash Borer- Carl has requested GIS hours for Becky to assist them in the inventorying of all the municipally owned land in the town and village. The Board will discuss this at next work session.

Murder Creek- the report for 6/11/13 – 6/24/13 was received from Apex on the status of the project.

NEW BUSINESS:

Notice of Claims Service Designation:

A motion was made by Councilman York, seconded by Councilman Baran approving the designation of the Town Clerk to receive Notices of Claim served upon the Town thru the Secretary of State and authorizing the Town Clerk to execute and submit the required agreement with the Secretary of State on behalf of the Town.

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

Carried Unanimously

Approval- EZ Pass Retail Program:

A motion was made by Councilman Baran, seconded by Councilman Mayrose authorizing the Town Clerks office to become a retail seller of the NYS Thruway EZ Passes and authorizing the Clerk to execute the contracts with the Thruway Authority.

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

Carried Unanimously

Public Hearing- Niagara Label Rezoning:

A motion was made by Councilman Rooney, seconded by Councilman Mayrose approving the calling of a public hearing on the proposed rezoning of a parcel owned by Niagara Label at 12715 Lewis Rd from an RA zone to a C-2 zone to be known as Local Law #2 of 2013. The hearing will be held on July 22, 2103 at 7:50pm at the Town Hall. The Town Clerk is authorized to publish.

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

Carried Unanimously

A discussion was held prior to voting on the IDA resolution:

Councilman Rooney stated his points on the proposed resolution: Just last week the County has offered 2 seats to rural communities thru the Association of Erie County Governments, but the proposed resolution states there is no representation from rural communities. He also questioned the resolution statement of creating a “fair and level playing field”. He questioned who will be our representative on the Clarence IDA if this passes? How many projects from Newstead or Akron have been turned down by the Erie County IDA? He stated we have had many successful projects with ECIDA. He feels it is important to know what the Clarence IDA is doing if a majority of the board want to pass this.

Attorney Neill stated the ECIDA tends not to address smaller projects and only the large towns have representation on their Board. There is no representation for the smaller towns.

Supervisor Cummings stated he is not aware of any local project that has ever been turned down by the ECIDA and confirmed that 2 seats have recently been offered to smaller towns on the ECIDA Board. He feels no matter who represents the Akron-Newstead area businesses that we should know what is going on at all times.

Approval- Supporting IDA Legislation:

A motion was made by Councilman Mayrose, seconded by Councilman Baran to approve the Boards support of proposed legislation to allow neighboring towns to share IDA services thereby allowing the creation of smaller regional IDA’s.

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

Motion FAILED due to lack of a 2/3 majority necessary on a “home rule” motion

Question Period – Marybeth Whiting questioned Town Attorney Neill’s statement that the ECIDA does not do small projects. She feels that is not true. Just last week they approved a small \$300,000 project in a smaller town.

Attorney Neill stated that he is just repeating what an IDA representative told him that small projects won’t come to the ECIDA because they are too difficult to navigate for a small project.

Supervisor Cummings stated that the East Aurora Main St revitalization project was a successful smaller project that was handled by a local IDA instead of the County. No matter the decision tonight the Town will still have some sort of IDA representation.

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 8:50pm.

Carried Unanimously

Respectfully Submitted,
Dawn D. Izydorczak, Town Clerk