

## Newstead Town Board Meeting- July 23, 2012

A regular meeting was called to order by the Newstead Town Board on Monday, July 23, 2012 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  
Michael Bassanello- Highway Supt.  
Dawn Izydorczak- Town Clerk  
Jennifer Heberling- Deputy Clerk

Roll Call was taken with all board members present.

Supervisor Cummings led the pledge to the flag.

Minutes from the previous regular meeting held on July 9, 2012 were presented for approval. A motion was made by Councilman Baran, seconded by Councilman Mayrose to approve as presented.  
Carried Unanimously

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

A media release from the Buffalo & Erie County Public Library regarding the current statistics of ways the library can save residents time and money.

A letter to the Town Board from Erie County DPW Regional Traffic Engineers notifying the Town of its findings regarding the request for a speed study on South Newstead Rd and why it has been denied again.

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 the work session held last week the following items were discussed: Water district issues, building project updates, planning issues, grants, 2013 budget, refuse contracts, veterans park issues, policy discussion, murder creek update, as well as any other issues brought before the board.

**Privilege of the Floor** – The following residents from Quarry Hill Estates were present to address the Board with their concerns about the noise from recent concerts being held at Braun's Restaurant on Main Rd: Ron Stanzek, Dick Sutton, Ellen & Dave Huels, Linda Jackson, Alvin & Rose Dahn, Jim Richards, Carol Bender, Mary McGuire, Patricia Dunlop, and Bob Duttweiler.

Their complaints were of vibration of their homes and windows, the heavy base vibrations causing health issues for them and their pets, the effect the base can have on pacemakers, cracked windows, the question of why residents were not notified before the concerts were approved, foul language, drug trafficking, traffic noise, not stopping at 11:00pm, practicing during the daytime and most importantly the State Police and Sheriff's inaction and not responding to their calls and complaints.

Also registering similar complaints on the same topic were Judith Cooper of 5440 Barnum Rd, Mike Coppola of Barnum Rd, Robert Bossimonia of Barnum Rd, Sue Fay Allen of Howe Rd.

Doug Ceisner of 100 East Avenue questioned if a SEQR study was done before the concerts were allowed and stated he had brought up the outhouses problem at the June 11<sup>th</sup> meeting.

Doni Roehling of 5993 Cummings Rd questioned if there are occupancy limits for events like these and who regulates the number of outhouses they must have.

Supervisor Cummings addressed everyone and commented that the only permit that was necessary for Braun's was a deck permit and a driveway permit. At this point outdoor music and noise are not

addressed in the Town's ordinances. The town is trying to be proactive for the future and is currently writing a noise ordinance that they hope will be fair to the business owner as well as residents that will be enforceable, which can be a problem with a lot of noise ordinances. The intent will be not to harm the business owners but be fair to the neighboring properties. As for notification to the neighbors, there was no permit necessary and as a commercial business they operate under that zoning. In the interim the town will be meeting with Mr. Braun to discuss his future concerts for this year and address some of the issues. The Supervisor asked for 2-3 representatives from Quarry Hills to sit in on that meeting. Ron Stanzek, Alvin Dahn and Jim Richards volunteered.

Doug Ceisner also questioned the gas wells not being on the tax rolls again and also stated that 150 people went to the Board of Assessment Review and not one of them had their assessments reduced.

**Budget Transfers:** a motion was made by Councilman Mayrose, seconded by Councilman Baran to approve the budget transfers per the memo from Bookkeeper Colleen Salmon dated July 23, 2012.

Carried Unanimously

**Approval of Bills** – Councilman Mayrose reported that the Abstract from Batch(es) # 1194 & 1196 from the July 9, 2012 meeting has been reviewed with the previously un-audited vouchers and everything was found in order. He presented Abstract Batch(es) #1198, 1200 & BAN payoff from 7/26/12 for payment. Vouchers on this abstract numbered from 796-799 & 818-842 totaling \$3,976,336.31 and were presented by Councilman Mayrose, seconded by Councilman Baran to approve payment as follows:

Abstract Batch(es) #1198, 1200 & BAN payoff from 7/26/12:  
 General Fund (A) -\$15,654.79, General Fund- Outside Village (B) \$245.46, Highway (DA) -\$0,  
 Highway: Outside Village (DB) \$20,084.82, Capital Projects: CAP- Highway Garage- (HG) -  
 \$1,500,000.00, CAP-Murder Creek (HM) \$168.75, CAP- Equipment Purchase (HR02)-  
 \$110,000.00, CAP- Scotland Rd (HS)- \$338,000.00, CAP- Town Hall (HT)- \$225,000.00, CAP-  
 Water Improvement (HW)- \$1,750,000.00, Drainage (SD)- \$0, Fire Protection (SF) \$0, Refuse (SR)  
 \$1,747.86, Sewer Fund (SS) \$4,861.04, Sewer District #2 (SS02)- \$208.48, Trust & Agency(TA)-  
 \$0 and Water Districts: Consolidated (SW00) \$10,365.11, (SW1) \$0, (SW2) \$0, (SW3) \$0, (SW4)  
 \$0, (SW5) \$0, (SW6) \$0, (SW7) \$0, (SW7A) \$0, (SW8) \$0, (SW9) \$0, (SW10) \$0  
 Total: \$3,976,336.31

Carried Unanimously

**COMMITTEE AND DEPARTMENT HEAD REPORTS:**

**Highway** – have been working on a drainage issue. On July 30<sup>th</sup>, weather permitting they will start oil & chipping of roads. The base for the new town park sign will be set in time for the unveiling.

**Assessor** – a report was presented by the Assessor regarding the reval update and Article 7 filings.

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

Daniel Wetzler	12543 Clarence Ctr	Permit renewal
Walter Floss	4893 Schutt	Roof
Sleepy Hollow Lake Resort	13800 Siehl	I.G. Pool
Elisa Dugan	12352 Rapids	I.G. Pool
Dennis Hudomint	12473 Swift Mills	Addition/remodel
Richard & Kris Beyer	7033 Sandhill	Demolition
Dennis Jenner	185 Quarry Hill Est	Chimney/wood stove
Pilgrim Properties, LLC	11448 Rapids	Roof
Jim Tartaglia	5849 Davison	Deck roof
Brett Arno	5435 Barnum	Shed
Michael Cheman	12383 Stage	A.G. Pool
Anthony Kaminski	5659 Cummings	A.G. Pool
Kevin Frost	12251 McNeeley	Patio cover
Julie Pappalardo, Trustee	13111 Martin	Shed

The Town Board accepted the report as presented.

**Town Clerk-** Dawn presented the 2<sup>nd</sup> Quarter DCO report.

**Attorney for the Town** – not present

**COUNCILPERSONS:**

**Rooney** – attended the ZBA hearing last week on the airport and road with the Highway Superintendent for a day to review projects and drainage in the town.

**Mayrose** – attended the ZBA hearing last week on the airport, met with Mike on the salt shed design and met with Justice Freeman on the court consolidation issues.

**Baran** – nothing at this time

**York** – thanked the Erie County Water Authority, Erie County Department of Health and Scott from Wendel for all their hard work together in solving the water issues.

**Supervisor-** the June Supervisors Report is on file with the Town Clerk. He attended the ZBA hearing last week on the airport as well as several water meetings where they were finally able to come to a short term solution. He also met with Unison on the cell tower and village officials on several of our joint projects.

**UNFINISHED BUSINESS:**

**Water Districts** – Scott reported that on Thursday temporary mitigation measures were taken thru the adjustment of several valves that seems to have worked in improving pressure for the short term. They will continue to monitor several areas over the next couple weeks until the permanent solution can be implemented. The Maple Rd materials project bid will be awarded tonight and then that project can start.

**Shared Public Works Facility Project** – nothing new

**Murder Creek-** an update report was received from Apex Consulting on July 17<sup>th</sup> reporting that plant conditions have taken a severe turn for the worst since CATCO has not been fulfilling their contract and watering the plantings regularly given the severe drought conditions. CATCO has been put on notice that regular watering need to be performed immediately. Carl reported that CATCO irrigated on Friday in response to Apex's requests and the Phase 2 engineering is under way.

**NEW BUSINESS:**

**Approval- Tax Collection Agreement-Clarence Central:**

A motion was made by Councilman Baran, seconded by Councilman Mayrose approving the proposed contract for tax collection services for the Clarence Central School District for the 2012-2013 collection.

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

**Public Hearing- Local Law #5 of 2012- 2% Tax Cap:**

A motion was made by Councilman Mayrose, seconded by Councilman Baran approving the calling of a public hearing on the proposed Local Law #5 of 2012 regarding provisions for the 2% tax cap law to be held on August 13, 2012 at 7:50pm at the Newstead Town Hall.

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

**Public Hearing- Local Law #6 of 2012- Subdivision Amendments:**

A motion was made by Councilman York, seconded by Councilman Mayrose approving the calling of a public hearing on the proposed Local Law #6 of 2012 regarding changes in the subdivision law to be held on August 27, 2012 at 7:55pm at the Newstead Town Hall.

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

**Approval- Change Order #1- PRV Valve Project:**

A motion was made by Councilman Baran, seconded by Councilman Rooney approving the proposed change order No.1 for contract #11-1 for the waterline project by E&R General Construction Inc in the amount of \$122,100.00 for the two PRV pits project.

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

**Approval- Bid Award- Maple Rd Waterline Materials:**

A motion was made by Councilman Rooney, seconded by Councilman Mayrose approving the award of the proposed low bid for waterline materials to K&S Contractors Supply for a bid in the amount of \$23,349.85 for the Maple Rd waterline extension project.

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

**Question Period** – Doni Roehling of 5993 Cummings Rd questioned the local law overriding the 2% tax cap. The Supervisor explained that the town does this to protect the town just in case to avoid potential penalties from the state. Doni also questioned the temporary water pressure fix.

Doug Ceisner of 100 East Ave questioned why the original water engineering didn't work. Scott Rybarczyk of Wendel explained that over the years several unforeseen circumstances and suppositions that the system was designed on have changed thereby causing the problem.

There will be no work session on July 30, 2012.

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 9:35pm.

Carried Unanimously

Respectfully Submitted,  
Dawn D. Izydorczak, Town Clerk