

Newstead Town Board Meeting- August 12, 2013

A regular meeting was called to order by the Newstead Town Board on Monday, August 12, 2013 at 8:00pm at the Newstead Town Hall.

Present: David Cummings- Supervisor
Justin Rooney- Councilman
James Mayrose- Councilman
Richard Baran- 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 except Councilman York.

Councilman Rooney led the pledge to the flag.

Minutes from the previous regular meeting held on July 22, 2013, were presented for approval. A motion was made by Councilman Mayrose, seconded by Councilman Rooney to approve as presented. Carried

Communications – The Town Clerk presented the following correspondence:

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

A letter from the Department of State notifying the town that Local Law #2 of 2013 has been received and filed on July 31, 2013.

A letter from NYS Ag & Markets regarding the proposed new construction of a building at Kreher's Poultry Farm.

A letter from the Ride for Roswell group requesting use of the town roads for it bike fundraiser in June of 2014.

A letter from the Northern Erie Sno-Seekers group requesting use of the town bike path shoulders for their 2013-14 winter snowmobiling season.

The July 2013 Operation Report was received from Amherst Central Alarm office reporting 44 calls for Akron Fire Co and 34 calls for Newstead Fire Co.

A thank you card was received from Dick, Wilma & Chris Beyer to the Town Board for attending the opening of the new Destroyer Park Golf.

Certified resolutions regarding support for a resolution to the Erie County Snow Plowing & De-Icing contract were received from the Towns of Sardinia, Concord, Collins, West Seneca, Alden, Marilla and Orchard Park.

A petition to lower the speed limit on North Millgrove Rd was submitted with 31 signatures from residents living on North Millgrove(12), Hiller(8), Billo(2), Nice (1), and Stage (2) Roads as well as residents from Williamsville (2) and Lockport (4).

Letters regarding the noise from Braun's Concert Cove were received from: Erick Breeze, Sue Holtz, Elizabeth Black, Carl & Brenda Carothers, Dan Keeton, Diane Koehler and Mike & Kim Coppola all of Barnum Rd. Michael Cheman of Stage Rd. Dennis Crahen, Sue Fay Allen, Laurie Curtis, Michael & Paula Long, David & Sandra Smith and Michael Conover all of Howe Rd. Linda Jackson of Quarry Hill Estates.

A letter from Senior Director Debb Sabbatis requesting permission to attend the Massachusetts Association of Councils on Aging and Senior Center Directors Conference from October 4th – 7th.

A letter from Erie County Department of Environment & Planning confirming that the Clarence Center Rd sidewalk project has been cancelled and the funding for that project will be added back to the CDBG for use on other projects.

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

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, recreation, park master plan, old highway garage issues, assessor training, senior van policy, budget, snow seekers request, joint facility and any other issues brought before the Board.

Privilege of the Floor – The following residents from Quarry Hill Estates were present for an on-going dialogue regarding the noise from the concerts at Braun’s Concert Cove on Main Rd: Paul & Linda Jackson, Jim Richards, Dick Sutton, Mary McGuire, Judy Geyer, Wallace Rudder, Alvin and Rose Dahn, Carol & Art Schmidle, Carol & Levant Bender. They presented the Board a petition signed by 98 residents of Quarry Hills as well as Stage Rd, Havens Rd, and Havenwood Rd.

Dennis Crahen of Howe Rd also spoke regarding the Brauns Concert Cove noise and foul language being projected from the concerts with many nights going past 11:00pm and as late as 1:30am. He feels the new building structure that was put up has made the noise worse and is acting like a tunnel for the noise. He also thanked Highway Supt. Mike Bassanello and his crews for assistance they gave him recently on an issue near his home.

Supervisor Cummings addressed many of the concerns raised and stated the Board is continuing to work with Mr. Braun on a regular basis to try to address the noise issues and they appreciate the continued input from all the residents. Councilman Baran also stated he will get in touch with Sargent Kenyon to try to address some of the parking issues occurring at the site and on Havens Rd.

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 August 12, 2013. Carried

Approval of Bills – Councilman Mayrose reported that the Abstract from Batch(es) # 1307 plus BAN payoff from the July 22, 2013 meeting have been reviewed with the previously un-audited vouchers and everything was found in order. He presented Abstract Batch(es) #1309, 1310 & 1316 for payment. Vouchers on this abstract(s) numbered from 753 – 816, totaling \$98,426.27. Councilman Rooney seconded to approve payment as follows:

Abstract Batch(es) #1309,1310 & 1316:
General Fund (A) -\$44,530.47, General Fund- Outside Village (B) \$374.16, Highway (DA) -\$0,
Highway: Outside Village (DB) \$2,803.28, Capital Projects: CAP- Highway Garage- (HG) -
\$9,884.55, CAP-Murder Creek (HM) \$37.54, 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)
\$24,381.87, Sewer Fund (SS) \$4,743.28, Sewer District #2 (SS02)- \$217.50, Trust & Agency(TA)-
\$0 and Water Districts: Consolidated (SW00) \$6,892.26, (SW1) \$0, (SW2) \$0, (SW3) \$0, (SW4) \$0,
(SW5) \$0, (SW6) \$0, (SW7) \$0, (SW7A) \$0, (SW8) \$0, (SW9) \$0, (SW10) \$0
Total: \$98,426.27 Carried

COMMITTEE AND DEPARTMENT HEAD REPORTS:

Highway – he and Councilman Mayrose met with football league representatives regarding an issue with the fields and will be attending the highway association meeting next Tuesday regarding snow removal contracts.

Assessor – no report presented.

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

CMK Builders	5025 Havenwood	One family home
CMK Builders	5025 Havenwood	Driveway
Anthony Salim	4267 S Newstead	Roof
Stoneledge Stables	6649 Utley	Lean-to
Douglas Bain	6380 Hake	Patio
Mark Molitar	6161 Dye	I.G. Pool
Kevin McFall	5210 Crittenden	I.G. Pool
Joseph Rizzo	5670 Cummings	Deck

The Town Board accepted the report as presented.

Town Clerk – hunting licenses went on sale today, we will be preparing for school tax collection and Dawn will be out of town August 23-26.

Attorney for the Town – nothing

COUNCILPERSONS:

Rooney – has been researching noise ordinances in other towns and case law regarding noise ordinances, reviewed the recent recreation injury with the rec staff and the rec director, spoke with several town clerks with regards to their noise ordinances, working on scheduling the next fire company contract meeting and working on getting a copy of the “State of Bridges in WNY” Report from our representatives.

Mayrose – met with the fire companies to negotiate the new contract, attended the Murder Creek walk through with potential contractors, attended court with the dog control officer and found that he is still having issues with getting offenders to appear in court, met with the Football Organization regarding field placement at Veterans Park and received a number of calls from residents regarding the concerts at Braun's as well as the noise from planes at the airport

Baran – nothing to report

York – not present

Supervisor- the July Supervisor’s Report is on file with the Town Clerk. Met with attorney with regards to the highway contract, stated the library basement job is close to being done, had a discussion regarding drainage in Leisurewood, working on old highway facility, attended the Elma Supervisors meeting, received phone calls regarding Braun’s, the airport noise and burning. He is working on the upcoming budget.

UNFINISHED BUSINESS:

Joint Facility- nothing new

Planning Issues- Jackson St, old highway garage - set to start work on soil removal next week
Library project – the painting and lighting needs to be finished. Looking into grants for a security system.

Conservation issues- Emerald Ash Borer- ready to take inventory.
Murder Creek- bid opening on Thursday at 1:00pm.

Water projects- design is done and in for review by health department. Water pressure testing and flow tests went well and are at acceptable levels.

NEW BUSINESS:

Approval- MunicipiPAY Contract:

A motion was made by Councilman Rooney, seconded by Councilman Mayrose approving the proposed agreement with MunicipiPAY for online payment services and authorizing the Town Clerk to execute the agreement on behalf of the town.

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

Public Hearing- Site Plan Special Use Permit for 12390 Hunts Corners Rd:

A motion was made by Councilman Baran, seconded by Councilman Rooney authorizing the calling of a public hearing on the proposed site plan and special use permit for a dog kennel located at 12390 Hunts Corners Rd and operated by Taryn Vohwinkel, to be held on August 26, 2013 at 7:45pm at the Town Hall.

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

Public Hearing- Local Law #3 of 2013- 2% Tax Cap:

A motion was made by Councilman Mayrose, seconded by Councilman Rooney authorizing the calling of a public hearing on the proposed Local Law #3 of 2013 regarding an override of the 2% tax cap, to be held on August 26, 2013 at 7:50pm at the town hall.

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

US Army Corp Permit Approval- Waterline project:

A motion was made by Councilman Baran, seconded by Councilman Mayrose authorizing the Supervisor to execute the necessary paperwork for a joint application to the NYS DEC and US Army Corp of Engineers for a permit to undertake activities affecting streams, waterways, water bodies, wetlands, coastal areas and sources of water supply for the Downey Rd waterline project.

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

Notice to Bidders for Murder Creek Project:

A motion was made by Councilman Mayrose, seconded by Councilman Baran authorizing the Notice to Bidders for the Murder Creek Phase 2 project be published as required by law, nunc pro tunc and removing the pre-bid meeting attendance requirement in order to bid the project.

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

Approval- Refer Speed Study Petition to Erie County:

A motion was made by Councilman Rooney, seconded by Councilman Mayrose authorizing the Town Clerk to forward the request for a speed study on North Millgrove Rd to Erie County.

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

Approval- Assessor Training:

A motion was made by Councilman Mayrose, seconded by Councilman Baran approving the training request by Assessor Rebecca Baker to attend several sessions of local training.

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

Approval- Jackson St Highway Garage:

A motion was made by Councilman Mayrose, seconded by Councilman Baran approving the contract with LCS to remove topsoil and authorizing the Supervisor to execute the contract.

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

Approval- Ride for Roswell 2014:

A motion was made by Councilman Mayrose, seconded by Councilman Rooney approving the request by Ride for Roswell to use town roads for their bike fundraiser in June 2014.

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

Approval- Senior Director Training:

A motion was made by Councilman Mayrose, seconded by Councilman Baran approving the training request by Senior Director Debb Sabbatis to attend a conference in Massachusetts.

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

Approval– Neighborhood Notification Policy:

A motion was made by Supervisor Cummings, seconded by Councilman Mayrose approving the Neighbor Notification Policy which directs the building department to notify properties located within 500 feet of a property the Town proposes to take action on.

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

Question Period – no one spoke

Supervisor Cummings stated there is a tentatively planned joint meeting with the Village on September 23rd.

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 9:10pm.

Carried Unanimously

Respectfully Submitted,
Dawn D. Izydorczak, Town Clerk