

Newstead Town Board Meeting- September 23, 2013

A public hearing was called to order by the Newstead Town Board on Monday, September 23, 2013 at 7:54pm 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 Izydorzak, Town Clerk
Jennifer Heberling- Deputy Town Clerk

Roll Call was taken with all board members present.

The Supervisor called the public hearing to order on the proposed uses for CDBG funds for the 2014 grant season.

The Clerk read the proof of publication.

Supervisor Cummings explained the potential grant funding uses and past projects we have been awarded. His suggestion is to have a handicapped bathroom put into the Denio Building.

Comments: no one else spoke.

There being no one else to comment, a motion was made by Councilman Mayrose, seconded by Councilman York to close the public hearing at 8:00pm.

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

Supervisor Cummings led the pledge to the flag.

Minutes from the previous regular meeting held on September 9, 2013, were presented for approval. A motion was made by Councilman York, seconded by Councilman Baran to approve as presented.
Carried Unanimously

Communications – The Town Clerk presented the following correspondence:

3 letters were received from Time Warner Cable notifying the town of the programmers and service providers they are currently under negotiations with for service.

A certified resolution from the Town of Cheektowaga regarding their support of proposed legislation relating to Mortgage Foreclosure of Vacant Properties.

A letter from Recreation Board member Mark Barszcz tendering his resignation from the Recreation Board effective immediately.

A letter from the Rural Transit Van Service regarding the 2014-15 CDBG funding cycle and renewal of the contract for the next year.

The August 2013 Operations Report was received from Amherst Central Alarm office reporting 43 calls for Akron Fire Co and 26 calls for Newstead Fire Co.

A letter from the Town of Clarence regarding a FBI Community Relations Executive Seminar Training on Threat Awareness for Public Officials to be held on October 3rd from 9:00-12:00.

A letter from Justice Joseph R. Glowonia informing the town that he has determined that the Christian Armen's request for a use variance for the entire airport property should be granted.

Discussion was held by the board with regards to the decision from Judge Glownia. There was no reason given for the decision and the town will be appealing the decision.

A motion was made by Councilman 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 issues were discussed: water district issues, building projects, planning issues, grants, recreation evaluations, parks master plan and any other issues brought before the Board.

Privilege of the Floor – The following residents were present from Quarry Hill Estates for an ongoing dialogue with the Board on the noise conditions from Braun’s Concert Cove: Mr. Radder, Mrs. Jackson, Mr. & Mrs. Dahn, Mrs. McQuire, Mr. Richards and Elaine Dinolla.

Supervisor Cummings explained that prior to the Board meeting they met with Mr. Braun and explained to him there will be a noise ordinance and changes to the Special Event Permit adopted later this year which will affect all of his concerts for next year. There are 2 to 3 more events scheduled for this year and Mr. Braun has agreed to work with the Board on using different sound levels at those concerts to assist in getting acceptable noise levels for the noise ordinance. The Board also received a letter from the Fire Chief regarding several concerns with safety and fire codes at the concerts that need to be addressed. At the meeting Mr. Braun did not say anything about concerts into the winter, contrary to rumors that have been circulating.

Budget Transfers: none

Approval of Bills – Councilman Mayrose reported that the Abstract from Batch(es) # 1330 & 1323 from the September 9, 2013 meeting have been reviewed with the previously un-audited vouchers and everything was found in order. He presented Abstract Batch(es) #1326 and wire for bond payment for payment. Vouchers on this abstract(s) numbered from 912-947, totaling \$110,795.87. Councilman Baran seconded to approve payment as follows:

Abstract Batch(es) #1326 and wire for bond payment:
General Fund (A) -\$30,312.34, General Fund- Outside Village (B) \$90.00, Highway (DA) -\$0, Highway: Outside Village (DB) \$1,203.46, Capital Projects: CAP- Highway Garage- (HG) - \$0, CAP-Murder Creek (HM) \$, CAP- Equipment Purchase (HR02)- \$0, CAP- Library Basement (HR04) \$0, CAP- Scotland Rd (HS)- \$0, CAP- Water-Downey Rd (HW01) - \$11,005.00, CAP- Town Hall (HT)- \$0, CAP- Water Improvement (HW)- \$0, Drainage (SD)- \$0, Fire Protection (SF) \$1,700.00, Refuse (SR) \$25,368.63, Sewer Fund (SS) \$0, Sewer District #2 (SS02)- \$0, Trust & Agency(TA)- \$0 and Water Districts: Consolidated (SW00) \$0, (SW1) \$0, (SW2) \$0, (SW3) \$0, (SW4) \$0, (SW5) \$12,500.00, (SW6) \$0, (SW7) \$0, (SW7A) \$197.00, (SW8) \$0, (SW9) \$522.10, (SW10) \$27,897.34
Total: \$110,795.87

Carried Unanimously

COMMITTEE AND DEPARTMENT HEAD REPORTS:

Highway – Mike attended the fall conference last week, they set the flag pole at Veterans Park and repaired the driveway, they are working on ditching along the Clarence Center bike path and still doing roadside mowing.

Assessor – no report presented.

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

Quarry Hill Estates	11789 Main	Street light poles
Nicole Affolter	12800 Carney	Pond
Jason Koons	8372 Greenbush	One family home
Doug Mohr	11821 Clarence Ctr	Roof
Jason Koons	8372 Greenbush	Floodplain development
Victoria Grays	11920 Clarence Ctr	Roof

Albert Wagner	11174 Main	Roof
Anthony Pingitore	4954 S Newstead	Shed
Dinee Larson	7877 Greenbush	Roof
Patrick Bendiak	8265 Cedar	One family home

The Town Board accepted the report as presented.

Town Clerk- nothing at this time

Attorney for the Town – nothing at this time

COUNCILPERSONS:

Rooney – he attended the recreation board meeting, Newstead Historical Society presentation, the Chamber of Commerce year end car show, AFC clam bake, reviewed the tentative budget, is working on noise complaints at Braun’s, working on Hearts and Hands contract, sat in on both criminal & traffic court and would like a Swift Mills Bridge update as he could not attend that meeting.

Mayrose – he spoke with residents of Quarry Hills on the Braun’s concert noise issue, met with Deb at the Senior Center regarding an issue with the French doors not locking properly, met with Mike Bassanello and Ryan Buckley at the Veteran’s Park to install the new flag pole for an Eagle Scout project, he spoke with Sandy and Judge Campbell about court issues, met with Councilman Rooney to discuss the fire company contracts, met with Leg. Ed Rath and members of the Village and Town Boards to discuss the Swift Mills Rd bridge, met with the schools insurance agent and the Recreation Director about an injury that occurred during the summer session of recreation at the school, attended the AFC clam bake and attended Tonya’s Trot.

Baran – the emergency doors at the senior center have been fixed and he is having the handicapped button moved. He attended the AFC clam back and Tanya’s Trot.

York – he attended the Chamber of Commerce meeting, Celebration Committee meeting, Swift Mills bridge meeting and court on Wednesday.

Supervisor – the August Supervisors report is on file with the Town Clerk. He announced they have reached a tentative 3 year agreement on the Erie County Snow Plowing contract. He attended the Elma Supervisors meeting, met with the grant writer’s, reported the library lower level project is done and is ready for a final cleaning. The board will meet there one night so everyone can see it. The timeline for the Swift Mills bridge has tentatively been moved up to 2014 and Erie County DPW will inspect the bridge again to see if can be opened to one lane. He informed the Board of Sheriff Howards Media Day to be held October 2nd in Alden if any of the Board members would like to attend.

UNFINISHED BUSINESS:

Joint Facility- nothing new

Planning Issues- working on adding a noise ordinance to the special event permit process, other proposals for code changes will be coming from the Planning Board and they will be talking to our attorney regarding the airport decision.

Conservation issues- Emerald Ash Borer- to be discussed at joint meeting
Murder Creek- to be discussed at joint meeting

Water projects- they received comments from the Department of Health and are working on addressing the comments. They are still waiting for comments from ECWA.

NEW BUSINESS:

Approval- OAPH Water District Improvements:

A motion was made by Councilman Mayrose, seconded by Councilman Baran approving the increase and improvements of the water district on Downey and Draper Roads in an amount estimated at \$260,000.

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

A motion was made by Councilman Mayrose, seconded by Councilman Rooney approving the appropriation of \$260,000 in bonds for the increase and improvement of the water district on Draper Roads and authorizing the clerk to publish the bond resolution in the Akron Bugle.

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

Public Hearing- 2014 Budget:

A motion was made by Councilman Rooney, seconded by Councilman Mayrose authorizing the calling of a public hearing on the proposed 2014 Budget, to be held on Monday October 28th at 7:45pm at the town hall and authorizing the Clerk to publish the notice.

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

Close Out of Town Hall Capital Project Account:

A motion was made by Councilman York, seconded by Councilman Baran authorizing the close out of Town Hall Capital Account with proceeds of \$8,725.65 being transferred to the General Fund.

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

Close Out of Joint Facility Capital Project Account:

A motion was made by Councilman Baran, seconded by Councilman Mayrose authorizing the close out of Joint Facility Capital Account with proceeds of \$37.13 being transferred to the General Fund.

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

Close Out of Highway Truck Purchase Capital Project Account:

A motion was made by Councilman York, seconded by Councilman Mayrose authorizing the close out of Highway Truck Purchase Capital Account with proceeds of \$1,425.92 being transferred to the Town Outside Village Highway Fund.

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

Approval to Submit Justice Court Grant application:

A motion was made by Councilman Rooney, seconded by Councilman Mayrose authorizing the Town Board in conjunction with the Town Justices to submit a grant application for Justice Court funds for a security camera system for the Town Hall/Justice Court property interior and exterior, as well as other court related office equipment.

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

Murder Creek Bid Refusal:

A motion was made by Councilman Rooney, seconded by Councilman Baran to reject the single bid received on August 29, 2013 for the Murder Creek Project Phase 2 and to rebid in the spring.

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

Approval- Training Request- ZBA:

A motion was made by Councilman Mayrose, seconded by Councilman Rooney authorizing the training request of Zoning Board of Appeals member Fred Pask to attend training in Rochester NY and Buffalo NY.

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

Resignation Recreation Board Member:

A motion was made by Councilman Mayrose, seconded by Councilman Rooney to accept the resignation of Recreation Board Member Mark Barszcz. Councilmen Mayrose & Rooney thanked Mark for his service to the board.

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

Question Period – no one appeared to speak.

The board then entered into a joint meeting with the Village of Akron.

A joint meeting of the Town of Newstead and Village of Akron Boards was called to order at 8:55pm with the following members present:

Village Board Members

Mayor Carl Patterson	Clerk/Treasurer Dan Borchert
Trustee Kathy Capan	DPW Super Chief Jon Cummings
Trustee Michael Middaugh	Brad Baehr, DPW
Trustee Peter Forrestel	
Trustee Keith Hatswell	

Town Board Members

Supervisor David Cummings	Attorney Nathan Neill
Councilman Justin Rooney	Town Clerk Dawn Izydorczak
Councilman Dick Baran	Highway Supt. Mike Bassanello
Councilman Jim Mayrose	Town Engineer Scott Rybarczyk
Councilman Don York	CAC members Carl Klingenschmitt, Ed Burke & Lewis Tandy

Murder Creek project update-(CARL K.) Carl Klingenschmitt reported to the boards that the replantings from this spring are taking well. The phase 2 bids did not come in well with both being higher than the budget for the project. On the rebid the single bid submitted increased over the first bidding. They are requesting an extension on the grant from the state until next spring and will rebid at that time. Water diversion in the creek seems to be a big issue so they are working over the winter to seek a permit to working directly in the creek.

Emerald Ash Borer- (CARL K) Carl reported to the boards that the bug is moving slowly into Newstead area. Lou Tandy sits on a 7 County Committee specializing in tracking the EAB movement and has provided information and brochures to both the Town and Village websites. The CAC has asked the Villages permission for DPW worker Brad Baehr to assist the CAC with their tree inventory project and assessing the threat to the Town and Village trees as he is a certified arborist. The Village Board granted that permission. The CAC will finish the survey and then make recommendations to the Boards.

Archives- (DAN) Dan is still going thru all of his records and once he is done with that project will move boxes to the Town Hall archives.

Joint Facility Floor- (JIM M) Committee members: Councilman Mayrose, DPW Chief Jon Cummings, Highway Supt. Mike Bassanello, Town Attorney Nathan Neill, Village Attorney Don Shonn. Jon and Mike reported that sporadic areas of the floor have been fixed for now but eventually they feel the whole floor will need to be redone. Jon stated the spec on the floor called for Sherwin Williams to make all final determinations on the installation and warranty however in a meeting with one of their representatives the rep told him there may be a problem with the product. The location of the warranty was questioned. Jon & Mike will try to locate it and get it to the town and village attorneys. Then the attorneys will start to put together a suit.

Joint Facility SOP's, and Staffing- (DAVE) Committee members: Supervisor & Mayor. The Supervisor reported that both of the SOP's are predominantly done and will be ongoing works in progress. The Village Board is working to address the full time vs part time nature of their clerk and her status of employment. Jon stated he feels now that the individual SOP's are complete they now need to look to the merging of the 2 positions and an SOP that covers the title of more of a "Department Manager" position. Mike and Jon also stated they will work on an annual project schedule together so that they can better plan for all future scheduling for both departments. Mayor Patterson stated at this point there is loose accountability and that needs to be addressed as well as attempting to better show efficiencies and cost savings to show opportunities to work and purchase equipment together. He would like to see job descriptions set up for all positions across the board.

Joint Master Plan- (DAVE) Committee members: Supervisor, Mayor, Councilman Mayrose & Trustee Capan. The Supervisor and Mayor will put their respective grant writers in contact with each other to pursue funding for a study. Studies such as this are extremely costly and funding will be necessary.

Household Hazardous Waste Event- (DAN) Dan reported that the 3rd Household Hazardous drop-off event will be held October 5th from 9:00am – 12:00pm at the joint facility. Hazman will be there to take all drop-offs again. The issue of compost drop offs and pick-ups was discussed for town residents. The Mayor stated that several months ago the Village approved town residents using the compost pick up site but apparently it was never conveyed to the town hall. They will also allow for Saturday drop offs as long as the Saturday hours continue.

Court Consolidation- (JIM) Committee: Councilman Mayrose and Trustee Forrestel. Trustee Forrestel stated the village has taken a significant decrease in revenue that used to help support the police services. Their officers continue to write tickets but they get no revenue currently. He understands and acknowledges that under the law once the courts were consolidated, they can not have an agreement with the town for revenue, however he doesn't think that is totally fair. Councilman Baran does not want to see the Akron Police Department go away and he thinks the town needs to subsidize the APD in some way. Supervisor Cummings gave the Boards a synopsis of court revenues so far for the year since the consolidation and at this point in time the court is merely breaking even. If at the end of the official first year some sort of revenues are realized, they can sit down and talk about what the town may be able to share with the village. He will continue to monitor and report to the Mayor and the committee will work with the Justices and Sandy on other ongoing issues.

Emergency Services- (JUSTIN) Committee members: Councilman Rooney, Supervisor Cummings, Mayor Patterson & Trustee Hatswell. A meeting will be scheduled for the committee by the chair. A discussion was held on the current negotiations for the fire contracts and how difficult it is to maintain the funding expectations. Future cost needs to be looked at and decreased over time. Everyone agreed the fire service is essential and very necessary but more cooperative efforts need to be implemented to bring cost down.

Niagara Label Sewer District- an update was requested as the town has heard nothing since the last conversation on this. Trustee Forrestel stated the site lines were done and he will work with the crew that did them to get information back to the town along with sewer line proposal information. Town Attorney Neill questioned the best route being under the creek to the lift station but it will also be costly.

The next meeting is scheduled for November 18, 2013.

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 10:40pm.

Carried Unanimously

Respectfully Submitted,
Dawn D. Izydorcak, Town Clerk