

## Newstead Town Board Meeting- September 9, 2013

A public hearing was called to order by the Newstead Town Board on Monday, September 9, 2013 at 7:50pm at the Newstead Town Hall.

Present: James Mayrose- Deputy Supervisor  
Justin Rooney- Councilman  
Richard Baran- Councilman  
Donald York- 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 Supervisor Cummings who is out of town.

The Deputy Supervisor called the public hearing to order on the proposed increase in waterline improvements on Downey and Draper Roads.

The Clerk read the proof of publication. Deputy Supervisor Mayrose stated the work on this project would be started next spring.

Comments: Councilman York spoke against spending this kind of money on waterlines for cornfields when there are no homes there now.

Vicky Lombard of Downey Rd asked when homeowners would be notified of the timelines for getting their part of the lines in. Town Engineer Rybarczyk responded early next spring before the project starts.

Kathryn Lombard of Meahl Rd spoke to Councilman York's comment and stated it is not just cornfields. There are several homes that want and need the water in those areas and stated even she has noticed water pressure issues at her home on occasion. If this will help those pressure issues she is in favor of the project.

Councilman Rooney stated that at this point the town is working to get all the steps of the project in place for spring and to assist them in making the best decisions. The Board's goal, as with past administrations, is to get as much waterline in to service the town's residents as is financially feasible.

There being no one else to comment, a motion was made by Councilman Rooney, seconded by Councilman Baran to close the public hearing at 7:59pm. Carried

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

Councilman Baran led the pledge to the flag.

Minutes from the previous regular meeting held on August 26, 2013, were presented for approval. A motion was made by Councilman Baran, seconded by Councilman York 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.

Certified resolutions regarding support for a resolution to the Erie County Snow Plowing & De-Icing contract were received from the Towns of Elma, Boston, and Grand Island.

A certified resolution from the Town of Lancaster regarding proposed amendments to their Business Zoning District code.

A letter from NYS Department of Education informing the Town's that their grant application for the 2013-14 funding cycle has been denied.

A notice of 3 public forums to be held by the Erie county Department of Environment & Planning to determine the needs and priorities of 100,000 low and moderate income residents within the Erie County Community Development Block Grant Consortium. The forums will be held on September 16<sup>th</sup> in Depew, September 17<sup>th</sup> in Lackawanna and September 19<sup>th</sup> in Springville. If anyone is interested in attending please see the Clerk.

A copy of a letter from the Erie County Town Highway Superintendents to Erie County Commissioner of Public Works John Loffredo was received regarding the associations rejection of the new contract proposal for 2014-16.

A fully executed copy of the Inter-municipal Agreement between the Town and Erie County on the parkland purchase was received.

A letter with brochures from the NYS Department of Public Service regarding the Lifeline Discounted Telephone Service.

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

**Work Session:** The Supervisor reported that no work session was held last week due to the holiday but the following issues were discussed prior to tonight's meeting: water district issues, building projects, planning issues, senior van policy, contracts, recreation evaluations, potential dates for the next joint village-town meeting and any other issues brought before the Board.

**Privilege of the Floor** – Sue Fay Allen of Howe Rd, Jackie Rotundo of Barnum Rd, Judy Gruber of North Millgrove Rd, Adrian Ross of Bloomingdale Rd and residents of Quarry Hills Estates were present for the ongoing dialogue regarding the noise from Braun's Concert Cove. Some of the issues discussed were: Parking Issues: no parking signs not being obeyed, dangerous parking conditions on Main Rd, people parking in the cemetery on gravesites, people moving cones from nearby businesses driveways and then parking on their parking lots and lawns. Data Readings: 50 pages of data readings from inside and outside of the venue were taken and are in the process of being evaluated. Police Unresponsive: The NYSP and EC Sheriff's still are being unresponsive to complaint calls most of the time. Permits: several concerns were expressed with Mr. Braun's Special Events permits for next year and questions were asked about potential changes and recommendations for next year including adding noise level requirements to the permit. Public Hearing requirements: many requests were submitted to require Braun's to submit to public hearing requirements before any future permits are issued.

Councilman Rooney stated that they saw the problems with the Havens Rd parking signs being disobeyed and are looking at possibly adding additional signage as well as some other remedies to that problem. He also commented that so far Mr. Braun has been attempting to cooperate with the town even on issues that he does not have to, such as stopping the outdoor patio music at 11:00pm.

Councilman Baran addressed the comments about the Sheriff's not responding. Unfortunately in these times of heavy government cutbacks the Sheriff's patrols are spread very thin and their calls get prioritized with emergency calls coming first over nuisance calls. He stated the Board really is working every day trying to find new avenues to address this problem. It is not going to go away overnight but they are bringing in some experts that may be able to help the situation.

Deputy Supervisor Mayrose stated he knows he is asking a lot but asked the residents to please bear with them to get through this the right way.

**Budget Transfers:** a motion was made by Councilman Baran, seconded by Councilman Mayrose to approve the budget transfers per the memo from Bookkeeper Colleen Salmon dated September 9, 2013. Carried

**Approval of Bills** – Councilman Mayrose reported that the Abstract from Batch(es) # 1315 & 1318 from the August 26, 2013 meeting have been reviewed with the previously un-audited vouchers and everything was found in order. He presented Abstract Batch(es) #1320 & 1323 for payment. Vouchers on this abstract(s) numbered from 850 and 871-911, totaling \$24,999.82. Councilman Baran seconded to approve payment as follows:

Abstract Batch(es) #1320 & 1323:  
 General Fund (A) -\$10,220.74, General Fund- Outside Village (B) \$1,599.99, Highway (DA) -\$0, Highway: Outside Village (DB) \$913.78, Capital Projects: CAP- Highway Garage- (HG) - \$0, CAP- Murder Creek (HM) \$7.41, 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) \$0, Sewer Fund (SS) \$0, Sewer District #2 (SS02)- \$150.00, Trust & Agency(TA)- \$700.00 and Water Districts: Consolidated (SW00) \$6,846.54, (SW1) \$0, (SW2) \$0, (SW3) \$0, (SW4) \$0, (SW5) \$0, (SW6) \$0, (SW7) \$0, (SW7A) \$0, (SW8) \$0, (SW9) \$0, (SW10) \$0  
 Total: \$24,999.82 Carried

**COMMITTEE AND DEPARTMENT HEAD REPORTS:**

**Highway** – the base of the flag pole was set this morning. The crews are still mowing and field ditching. Mike will be at conference from September 17-20

**Assessor** – no report presented.

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

Paul Drewiak	12088 Buckwheat	One family home
Richard Cositore	6807 Sandhill	A. G. Pool
John Tryka	11944 Buckwheat	Remodel
Jack Willert	11145 Main	Special event permit
Erie County Parks	Cummings Lodge	Special event permit
Darla Jagielo	12682 Lesswing	Shed
Eric Odachowski	4578 S Ayers	Roof
Don Douglas	12845 Dorsch	Roof
13399 Main Rd LLC	13399 Main	Signs
13399 Main Rd LLC	13399 Main	Cert of Occupancy
Herman Midecke	5433 Crittenden	Roof
Christopher Perkins	6233 Utley	Deck

The Town Board accepted the report as presented.

**Town Clerk**- school tax bills will be mailed this Thursday.

**Attorney for the Town** – not present

**COUNCILPERSONS:**

**Rooney** – he exchanged emails with Carl in regards to noise, took readings at Braun’s on separate occasions, met with Councilman Mayrose in regards to the fire contract negotiations, had contract negotiations with both Akron and Newstead Fire Companies, had conversations with residents from Quarry Hills and reviewed the process for evaluations with the recreation committee chairman.

**Mayrose** – Spoke with residents of Quarry Hill regarding noise issues for Braun’s Concert Cove, took sound reading at Braun’s Concert Cove with Councilman Rooney, Carl Klingenschmitt, and Ed Burke, met with Eagle Scout Ryan Buckley regarding his project at Veterans Park, met with Mike Bassanello at Veterans Park to install the flag pole for the Eagle Scout Project. The Highway employees did a great job and should be commended for their hard work. He attended court and

spoke with Judge Campbell about court issues, met with Councilman Rooney to discuss the fire company contract, met with Councilman York to discuss a number of Town projects, met with both Akron and Newstead fire companies to discuss the upcoming contract, and attended the Akron vs. Newstead Friendly Firemen Competition which I hope will become an annual event.

**Baran** – met with Supervisor Cummings and representatives from Hearts and Hands on their new contract terms.

**York** – still working on the Swift Mills Rd bridge issue and he is exploring the possibility of lower the greenspace fees for the town. He also met with Councilman Mayrose on several issues.

**Supervisor**- not present

### **UNFINISHED BUSINESS:**

**Joint Facility**- nothing new

**Planning Issues**- nothing new

**Conservation issues**- Emerald Ash Borer- nothing new, Murder Creek- a report was received from Apex for inspections done between 7/17/13 – 8/13/13.

**Water projects**- Erie County Health Department approval is pending on the new line designs and they are analyzing the pressure readings.

### **NEW BUSINESS:**

Councilman York, Mayrose and Rooney all commented on the necessity for passing this law this year especially given that the percentage of increase has been reduced to 1.66% over last year's rate while fuel rates, health care and costs of living have increased by much more than that.

#### **Approval- Local Law #3 of 2013- 2% Tax Cap:**

A motion was made by Councilman York, seconded by Councilman Baran approving the proposed Local Law #3 of 2013 regarding an override of the 2% tax cap.

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

#### **Declaration of Surplus Material for Highway:**

A motion was made by Councilman Baran, seconded by Councilman Rooney authorizing the declaration of surplus material for a fuel tank at the Jackson St garage and a 2003 1-ton dump truck with plow and authorizing the Highway Superintendent to sell said items through an auction website.

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

#### **Public Hearing- CDBG:**

A motion was made by Councilman Rooney, seconded by Councilman Baran authorizing the calling of a public hearing on the proposed Community Development Block Grant funding projects, to be held on Monday September 23rd at 7:55pm at the town hall and authorizing the Clerk to publish the notice.

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

#### **Approval- Training Request- Highway Supt.:**

A motion was made by Councilman Rooney, seconded by Councilman York authorizing the training request of the Highway Supt to attend training September 17-20.

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

#### **Approval to conduct Court Audit:**

A motion was made by Councilman Rooney, seconded by Councilman Baran authorizing Town Councilman Mayrose to conduct the annual audit of the Court records.

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

**Question Period** – a student present for Participation in Government class from Buckwheat Rd asked about all of the earlier comments on the Braun’s Concert cove and why residents were attacking the planning board members.

Deputy Supervisor Mayrose explained the situation to all the students present.

There being no further business to come before the board a motion was made by Councilman Baran, seconded by Councilman Rooney to adjourn the regular meeting at 9:03pm.

Carried

Respectfully Submitted,  
Dawn D. Izydorczak, Town Clerk