

## Newstead Town Board Meeting- April 14, 2014

A regular meeting was called to order by the Newstead Town Board on Monday, April 14, 2014 at 8:00pm at the Newstead Town Hall.

Present: David Cummings- Supervisor  
Donald York- Councilman  
Marybeth Whiting- Councilwoman  
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 except Councilman Rooney who is on medical leave and Councilman Mayrose who is on vacation.

Supervisor Cummings led the pledge to the flag.

Minutes from the previous regular meeting held on March 24, 2014 were presented for approval. A motion was made by Councilwoman Whiting, seconded by Councilman York to approve as presented. Carried

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

A letter was received from Harris Beach, PLLC notifying the town that the PILOT agreement for Five Corners Business Park has been terminated by the ECIDA effective March 1, 2014.

A letter was received from Greco Trapp, PLLC on behalf of the Village of Alden notifying the town that the Village is currently negotiating with Time Warner Cable for its new franchise agreement and they have been contacted by National Council inviting them to join a coalition to negotiate the terms of the proposed Comcast buyout of Time Warner Cable. The town is being asked if they would like to join in the coalition on this issue.

A certified resolution was received from the Village of Williamsville regarding “Saving the Social Security Office” located in the Town of Amherst.

A letter from the National MS Society regarding their annual Bike MS ride event and asking the towns permission to place bike advertisements along the bike paths once again beginning in May.

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

The March 2014 Operations Report was received from Amherst Central Alarm Office reporting 35 calls for Akron Fire Co and 17 calls for Newstead Fire Co.

A letter providing notice of the Village Zoning Board of Appeals holding a public hearing on April 16, 2014 at 7:00pm on the proposed Special Use Permit at 42 Jackson St.

Southern Tier West announces their annual training sessions to be held May 7, 2014 at Houghton College from 7:30am-4:00pm. Anyone interested please see the Town Clerk.

A notification of ruling was received from the NYS Supreme Court notifying the Town that the Fourth Judicial Department Appellate Division has overturned the judgment of the Erie County Supreme Court in the case of the Christian Airmen, Inc. vs. Zoning Board of Appeals.

A motion was made by Councilwoman Whiting, seconded by Councilman York 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: a presentation of the towns new website by the Town Clerk, a meeting with Ray

Braun, water district issues, building projects, parks issues, highway issues, planning issues, recreation issues, court reports, contracts and any other issues brought before the Board.

The Supervisor expressed his thanks again to Dawn and Julie for all the work they put into the new website. He stated it is very easy to navigate and find what you are looking for and contains a lot more information than any other town website he has seen.

**Agenda Items Question Period:** no one spoke

**Budget Transfers:** none

**Approval of Bills** – Councilman York reported that the Abstract(s) from Batch(es) #1388 from the March 24, 2014 meeting have been reviewed with the previously un-audited vouchers and everything was found in order. He presented Abstract Batch(es) #1389 & 1393 for payment. Vouchers on this abstract(s) numbered from 274- 278 and 300-374, totaling \$229,288.91. Councilwoman Whiting seconded to approve payment as follows:

Abstract Batch(es) #1389 & 1393:  
General Fund (A) -\$43,406.41, General Fund- Outside Village (B) \$845.05, Highway (DA) -\$0, Highway: Outside Village (DB) \$15,395.47, CAP-Murder Creek (HM) \$0, CAP- Scotland Rd (HS)- \$0, CAP- Water Improvement (HW)- \$0, CAP Water-Downey (HW01)- \$0, Drainage (SD)- \$0, Fire Protection (SF) \$4,577.44, Refuse (SR) \$23,745.04, Sewer Fund (SS) \$2,587.81, Sewer District #2 (SS02)- \$431.66, Trust & Agency(TA)- \$0 and Water Districts: Consolidated (SW00) \$10,163.03, (SW1) \$0, (SW2) \$0, (SW3) \$0, (SW4) \$0, (SW5) \$0, (SW6) \$0, (SW7) \$0, (SW7A) \$0, (SW8) \$0, (SW9) \$0, (SW10) \$1258,137.00 Total: \$229,288.91 Carried

**COMMITTEE AND DEPARTMENT HEAD REPORTS:**

**Highway** – he attended the DEC meeting on wetland issues and attended a storm water seminar. The crews are rolling the town park fields prepping them for the coming season and the highway department will go to summer hours effective April 21<sup>st</sup>.

**Assessor** – no report presented

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

Eric Pirson	11732 Rapids	Permit renewal
The Marrano Group	4040 Pohl	Driveway
Keith Partridge	12898 Swift Mills	Shed
Chris Johnson	5354 Crittenden	Roof
John Jeziorowski	13523 Dorsch	Permit renewal
Charles Williams	11764 Stage	Permit renewal
Ron Winkelman	12288 Tonawanda Creek	Pond
Jonathan Fox	6910 Cedar	Patio
John Smith	11267 Clarence Center	Permit renewal

The Town Board accepted the report as presented.

**Town Clerk-** Dawn reported the new website is live at the old existing address of [www.eriegov/newstead](http://www.eriegov/newstead) . She will not be at the next meeting due to being in Saratoga for State Conference and then on vacation afterwards.

**Attorney for the Town** – nothing at this time

**COUNCILPERSONS:**

**Rooney** – not present but the Supervisor wished him a speedy recovery from all the staff.

**Mayrose** – not present

**York** – he spoke with Rhonda at People Inc. about the possibility of moving the parking to the rear of the homes instead of in the front. She will explore that idea with their engineers and get back to him. He is continuing to work on the July 4<sup>th</sup> celebration.

**Whiting**– she attended the Recreation Board meeting where a demonstration was given by 2 vendors on online registration systems. A decision was made by the rec board to go with MyRecDept.com. She attended the March watershed meeting, a drainage sub-committee meeting, a meeting at the senior center with their board, met with the Supervisor and the 2 town historians on job descriptions and program suggestions and had several meetings and communications on the group homes with the committee, residents and representatives.

**Supervisor**- the March 2014 Supervisor’s Report is on file with the Town Clerk and the Supervisor reminded everyone what the Supervisor’s Report contains. He presented a refuse and recycling report which outlined that totals from 2012 to 2103 of recycling are up 25% which led to a 25% drop in the overall costs the town paid for 2013. He met with the Seniors Board and the Town Historians. He canvassed other towns for information on their town historian programs and job descriptions. He met with the Commissioner of Erie County Parks regarding the bike path project. We have received a new proposed Time Warner Franchise Agreement which is under review and will be looked at for the next work session. He reported that the Board of Elections is proposing to redistrict the Town of Newstead voting districts. They will go from 7 to 6 with the town staying the same but the village being split into 2 districts instead of 3.

**UNFINISHED BUSINESS:**

**Joint Facility**- there is a staff meeting next week and they are continuing to work on other issues.

**Planning Projects**- the old highway garage will be auctioned off on Auctions International website in an online auction. The decision was received on the airport litigation and there is still 1 more appeal in process.

**Building Projects**- the Supervisor announced the grand opening of the new Cultural Center will be held on April 24, 2014 at 4:00pm at 33 Main St- lower level.

**Conservation issues**- Emerald Ash Borer- Dr. Burke attended the meeting last week and there is nothing new to report. Murder Creek- there will be a meeting with Erie County Soil and residents coming up to go over the plans for the phase 2 project.

**Water projects**- the Board has asked for more numbers before moving forward.

**Parks**- we are still waiting on the State Legislature to vote on the transfer. The County and Town have talked extensively and agreed to work together to maintain the park until the transfer takes place.

**NEW BUSINESS:**

**SEQR Review- Rezoning of Main Rd property:**

A motion was made by Councilman York, seconded by Councilwoman Whiting declaring lead agency status and approving the conduction of a coordinated review on the proposed rezoning of 2,150 ft of two parcels of land on Main Rd as requested by owners Newstead Properties, LLC. (Resolution Attached) Cummings-Aye, Rooney-Absent, Mayrose-Absent, Whiting-Aye, York-Aye  
Carried

The rezoning of this parcel has been recommended by the Planning Board.

**Public Hearing- Local Law #3 of 2014:**

A motion was made by Councilwoman Whiting, seconded by Councilman York approving the calling of a public hearing on proposed local law #3 of 2104 regarding the proposed rezoning of 2,150 ft of two parcels of land on Main Rd as requested by owners Newstead Properties, LLC to be held on May 12, 2014 at 7:50pm and authorizing the Town Clerk to publish the hearing notice. (Resolution Attached) Cummings-Aye, Rooney-Absent, Mayrose-Absent, Whiting-Aye, York-Aye  
Carried

**Approval- LOSAP- NFC:**

A motion was made by Councilman York, seconded by Councilwoman Whiting approving the LOSAP agreement with Newstead Fire Company for 2014.

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

**Approval- Beer/Wine Permit Request:**

A motion was made by Councilwoman Whiting, seconded by Councilman York approving the request by the Cummings family for a beer/wine permit at the veteran's park for a family party on July 27, 2014.

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

**Approval- MS Bike event:**

A motion was made by Councilman York, seconded by Councilwoman Whiting approving the request by the National MS Society to place bike advertisements along the bike path for their annual event and to use town roads and bike paths for the event.

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

**Approval- Apex Change Order:**

A motion was made by Councilman York, seconded by Councilwoman Whiting approving the change order#08-165-002 on the Murder Creek Project to approve additional monitoring for 2014.

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

**Approval- Senior Center Purchase:**

A motion was made by Councilman York, seconded by Councilwoman Whiting approving the purchase of a new automated handicapped door openers for the Senior Center restrooms in an amount not to exceed \$5,000.00.

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

**Approval- Recreation Pay Rates for 2014:**

A motion was made by Councilwoman Whiting, seconded by Councilman York approving the proposed recreation staff pay rates for 2014 per the attached sheet.

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

**Approval- Recreation Grievance Procedures:**

A motion was made by Councilwoman Whiting, seconded by Councilman York approving the proposed Recreation Department Grievance Procedures as presented and recommended by the Recreation Board and Director in November.

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

**Opposition to Closing of Amherst Social Security Office:**

A motion was made by Councilwoman Whiting, seconded by Councilman York declaring the Town Boards opposition to the proposed closing of the Amherst Social Security Office.

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

**Approval- Recreation Online Registration Program:**

A motion was made by Councilwoman Whiting, seconded by Councilman York approving the proposed purchase by the Recreation Department of an online registration program from MyRecDept.com in an amount not to exceed \$3,300.00.

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

**Privilege of the Floor/Question Period:**

Dale Cheavacci of 113 John St asked if the town loses the next ruling on the remaining airport litigation can we appeal that decision as well. The Town Attorney addressed and stated we can but based on this last ruling he feels confident we may not have to. Mr. Cheavacci thanked the Town Board and the Zoning Board of Appeals members for fighting this and taking the time and money to go through the appeals process on behalf of the residents.

There being no further business to come before the board a motion was made by Councilwoman Whiting, seconded by Councilman York to adjourn the regular meeting at 8:45pm.

Carried

Respectfully Submitted,  
Dawn D. Izydorczak, Town Clerk