

Newstead Town Board Meeting- January 13, 2014

A regular meeting was called to order by the Newstead Town Board on Monday, January 13, 2014 at 8:06pm at the Newstead Town Hall.

Present: David Cummings- Supervisor
Justin Rooney- Councilman
James Mayrose- Councilman
Donald York- Councilman
Marybeth Whiting- Councilwoman
Scott Rybarczyk- Town Engineer
Nathan Neill- Town Attorney
Michael Bassanello- Highway Supt.
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 December 30, 2013 were presented for approval. A motion was made by Councilman Mayrose, seconded by Councilman York to approve as presented. Minutes from the Organizational meeting held on January 6, 2014 were presented for approval. A motion was made by Councilwoman Whiting, seconded by Councilman Mayrose to approve as presented. Carried Unanimously

Communications – The Deputy Town Clerk presented the following correspondence:

The 2013 Building & Planning Departments Report was received.

A packet was received from the NYS Association of Towns regarding their upcoming training school in NYC from February 16th-19th of 2014.

A letter from the Newstead Historical Society requesting use of the Newstead Cultural Center for an adult only, by invitation fundraising event on Saturday, April 5, 2014.

A letter from Senator Mike Ranzenhofer's office regarding the "Tax Policy Review and Reform Initiative Report" which was released by the NYS Senate Republican Conference in November.

A letter from Time Warner Cable regarding the programmers and broadcasters they are currently in negotiations with for service.

A letter from Akron Little League Football that was received back in November 2013 requesting use of the Veteran's Park fields and shelter for their 2014 football season beginning on July 21, 2014 thru October 25th, 2014.

A letter from Akron Soccer League requesting use of the Veteran's Park fields and shelter and the Skyline Park fields for their 2014 season beginning on April 1, 2014 thru October 25th, 2014 at Skyline fields and thru August 31, 2014 at the Veteran's Park fields.

A letter from Akron Soccer League requesting use of the Veteran's Park fields and shelter and the Skyline Park fields for their 2014 Kick-it First Tournament beginning on May 2, 2014 thru May 4, 2014.

A letter from Erie County Executive Mark Poloncarz informing the town that the county has received \$268,172 in CDBG funding for the Rural Transit Van Service for 2014.

The December 2013 Operations Report was received from Amherst Central alarm Office reporting 44 calls for Akron Fire Co and 25 calls for Newstead Fire Co.

A notice from the City of Buffalo announcing an Electronics and Christmas Tree recycling event at the Honeywell Specialty Metals site at 20 Peabody St, Buffalo NY on Saturday January 18, 2014 from 9:00am – 12:00pm.

A letter from Tracy Oakes expressing interest in serving on the Assessment Advisory Committee.

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

Work Session: The Supervisor reported that no work session was held last week but the following issues were discussed prior to tonight's meeting: water district issues, building projects, contracts, planning issues, recreation, old highway garage updates, court issues, personnel issues, and any other issues brought before the Board. The Board will go back into work session following the meeting this evening.

Agenda Item Questions: no one spoke

Budget Transfers: a motion was made by Councilman Mayrose, seconded by Councilwoman Whiting to approve the budget transfers per the memo from Bookkeeper Colleen Salmon dated January 13, 2014. Carried Unanimously

Approval of Bills – Councilman Mayrose reported that the Abstract from Batch(es) #1358 for 2013 & 1359 for 2014 from the January 6, 2014 meeting have been reviewed with the previously un-audited vouchers and everything was found in order. He presented Abstract Batch(es) #1362 for 2013 and 1363 for 2014 for payment. Vouchers on this abstract(s) numbered from 1336 - 1372 (2013) and 2 -18 (2014), totaling \$86,919.96. Councilman Rooney seconded to approve payment as follows:

Abstract Batch(es) #1362(2013) & 1363(2014):
General Fund (A) -\$17,829.50, General Fund- Outside Village (B) \$430.00, Highway (DA) -\$0, Highway: Outside Village (DB) \$30,927.35, Capital Projects: CAP- Highway Garage- (HG) - \$0, CAP-Murder Creek (HM) \$0, CAP- Equipment Purchase (HR02)- \$0, CAP- Library Basement (HR04) \$0, CAP- Scotland Rd (HS)- \$0, CAP Water-Downey (HW01)- \$0, CAP- Town Hall (HT)- \$0, CAP- Water Improvement (HW)- \$0, Drainage (SD)- \$0, Fire Protection (SF) \$4,561.36, Refuse (SR) \$23,856.00, Sewer Fund (SS) \$2,068.16, Sewer District #2 (SS02)- \$276.22, Trust & Agency(TA)- \$0 and Water Districts: Consolidated (SW00) \$6,971.37, (SW1) \$0, (SW2) \$0, (SW3) \$0, (SW4) \$0, (SW5) \$0, (SW6) \$0, (SW7) \$0, (SW7A) \$0, (SW8) \$0, (SW9) \$0, (SW10) \$0 Total: \$86,919.96 Carried Unanimously

COMMITTEE AND DEPARTMENT HEAD REPORTS:

Highway – new truck is in service and the auction items are up for bid on Auction International. Thanked all the highway guys for the great job they did during the blizzard.

Assessor – Becky presented a report stating the Basic STAR exemption renewal period has been extended by NYS Dept of Taxation. They are continuing work on the Mobile Home Park project and she has been in contact with the school regarding offering veteran's exemptions. She asked for the Boards opinion on raising the income limits on the senior and disabled exemptions and needs an answer by March 1st. They are looking into purchasing the new GIS equipment and then setting up a training session for anyone interested in learning.

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

William Lorenz	4231 Billo	Special permit renewal
James Marfurt	4870 N Millgrove	Special permit renewal
Gary Roth	6505 Draper	Special permit renewal
Jason Schlabach	6453 Utlej	Special permit renewal
Richard Beyer	7033 Sandhill	Special permit renewal
Kevin Gaik	11678 Main	Special permit renewal
James Ames	11198 Hunts Corners	Special permit renewal
Dan Sutton	11174 Crego	Special permit renewal

Taryn Vohwinkel	12390 Hunts Corners	Special permit renewal
Harold Frey	11720 Main	Special permit renewal
Doug Matusek	12663 McNeeley	Special permit renewal

The Town Board accepted the report as presented.

Town Clerk - Jennifer presented the Dog Control Officers report for the 4th quarter of 2013.

Attorney for the Town – nothing to report

COUNCILPERSONS:

Rooney – thanked the Celebration Committee for their hard work last year, had drainage and GIS committee meetings with Councilwoman Whiting, reviewed the minutes from the organizational meeting and updated his new committee assignments, spoke to Highway Superintendent Bassanello several times regarding road conditions and flooding, spoke with residents on Dye Road regarding flooding and drainage concerns and asked if the town website could be updated with weather advisories and cancellations once we have that ability. Also stated that if anyone is on a committee this year that he served on last year, he would be more than willing to share information.

Mayrose – met with Mike Bassanello regarding the repair and maintenance of the overhead doors at the joint facility, met with Village Trustee Peter Forrestal regarding court data, pre and post consolidation, spoke with Judge Campbell regarding some continuing court issues due to the consolidation and they are putting together a plan to address these issues in the coming year, met with Christine Falkowski and Ralph Migliaccio regarding some planning issues, contacted Ray Braun to discuss plans for bringing in a company that specializes in sound mitigation and spoke to Councilwoman Whiting regarding a number of committees they will both be serving on in 2014.

Whiting – attended drainage and GIS committee meetings and discussed ideas of where they want to go, wants to meet with Mike Bassanello regarding drainage issues she heard about during her campaign and wants to discuss how to improve cooperation between the town and the village.

York – attended the officials school in Rochester, thanked those who took part in the Safe Act protest on Saturday, spoke to a resident on Rapids Road regarding a parking issue and checked various ditches and creeks for flooding.

Supervisor- The November and December Supervisor’s Reports are on file with the Town Clerk. Installed the Senior Officers and attended their board meeting, has been busy with Superintendent Bassanello and the disaster coordinators during the storm and put out a travel advisory and talked with Christine Falkowski and Ralph Migliaccio regarding planning issues.

UNFINISHED BUSINESS:

Joint Facility – nothing new

Planning Issues – discussed some issues during work session

Conservation issues- Emerald Ash Borer- Carl and Lou Tandy are working on updating the recommendations for the town website. Murder Creek – nothing new

Water projects – Scott informed the board that he is willing to work with the board regarding water issues in the town.

NEW BUSINESS:

Approval- 2014 Bond Counsel Contract:

A motion was made by Councilman Rooney, seconded by Councilman Mayrose approving the 2014 contract with Hawkins Delafield & Wood for Bond Counsel Services and authorizing the Supervisor to sign the contract.

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

Approval- 2014 Expenditure of Highway Funds:

A motion was made by Councilman Mayrose, seconded by Councilwoman Whiting approving the 2014 agreement with NYS to expend funds received for road repair throughout the town over 29.33 miles of town highways.

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

Approval- 2014 Engineering Contract:

A motion was made by Councilman York, seconded by Councilwoman Whiting approving the 2014 Engineering Contract with Wendel and authorizing the Supervisor to sign the contract.

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

Approval- 2014 Town Attorney Contract:

A motion was made by Councilwoman Whiting, seconded by Councilman Mayrose approving the 2014 contract with Nathan Neill for Town Attorney Services and authorizing the Supervisor to sign the contract.

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

Approval- Home Rule Request for Parkland Purchase:

A motion was made by Councilman Rooney, seconded by Councilman Mayrose approving the Home Rule Request to the NYS Legislature requesting them to authorize the sale of a 131.37 acre portion of Akron Falls Park to the Town of Newstead from Erie County and authorizing the Supervisor to execute the request paperwork.

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

Approval- Green Kangaroo Self Storage Expansion Project:

A motion was made by Councilwoman Whiting, seconded by Councilman Mayrose approving the site plan dated December 9, 2013 for construction of 3 new structures totaling 10,800 sq. ft. at 13399 Main Rd and issuing a negative SEQRA declaration on the project.

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

Approval- Salary Adjustment for Planning/Zoning Clerk for 2014:

A motion was made by Councilman Mayrose, seconded by Councilman York approving a salary increase of \$.75 per hour for the Planning/Zoning Clerk.

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

Approval- Officials Training for AOT:

A motion was made by Councilwoman Whiting, seconded by Councilman Mayrose approving the attendance by town officials and department heads at the Association of Towns Conference in NYC from February 16 – 19, 2014.

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

Approval- Highway Supt Training:

A motion was made by Councilwoman Whiting, seconded by Councilman Rooney approving the attendance by the Highway Supt & staff at training sessions in June and in September.

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

Approval- Request of Use- Cultural Center:

A motion was made by Councilwoman Whiting, seconded by Councilman Mayrose approving the Newstead Historical Society to use the Newstead Cultural Center on April 5, 2014 for an adult only, invitation only fundraising event.

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

Approval- Akron Soccer League Request- Parks:

A motion was made by Councilman Rooney, seconded by Councilman Mayrose approving the Akron Soccer League's use of Veterans Park & Skyline Park from May 2-4, 2014 for the Kick-It First Tournament, Veterans Park from April 1 – August 31, 2014 for travel soccer and Skyline Park from April 1 – October 31, 2014 for in-house recreational soccer.

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

Approval- Special Use Permit Renewals for 2014:

A motion was made by Councilman Mayrose, seconded by Councilman Rooney approving the special use permit renewals as per memo dated 12/19/2013 as received from the Planning Board.

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

Approval- Beer/wine application for Veteran's Park:

A motion was made by Councilwoman Whiting, seconded by Councilman Rooney approving a beer/wine application for a family reunion to be held at Veterans Park on August 2, 2014.

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

Approval- 2014 Fee Schedule:

A motion was made by Councilman Mayrose, seconded by Councilwoman Whiting that the Town of Newstead Fee Schedule be adopted with no changes for 2014.

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

Councilman York explained his opposition to the fee schedule is the green space fee which he feels is too high.

Approval- Akron Little League Football request- Parks:

A motion was made by Councilman Mayrose, seconded by Councilwoman Whiting approving the Akron Little League Football's request to use Veterans Park from July 21 – November 14, 2014 for practices and Saturdays starting August 16 – October 25, 2014 for games.

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

Approval – Appointment to Assessment Advisory Committee:

A motion was made by Councilman Mayrose, seconded by Councilwoman Whiting approving the appointment of Tracy Oakes to the Assessment Advisory Committee until December 31, 2014.

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

Privilege of the Floor/Question Period:

Sue Faye Allen – 11520 Howe Road – encourages the town board to adopt a sound ordinance before the spring concert season begins. Is very worried about the health issues the noise causes.

Supervisor Cummings stated the he and the board agrees and hopes they will have a public hearing sometime in February.

Board went back into work session at 8:55 pm to discuss several items. They re-entered the meeting to take the following action:

Approval- 5040 Havens Rd Drainage Plan:

A motion was made by Councilman Rooney, seconded by Councilman Mayrose approving the site plan amendment of lot grading/drainage for 5040 Havens Rd endorsed by Wendel only if the recommendations set in the resolution are strictly adhered to and enforced by the Town Code Enforcement Officer and subject to the terms set forth in the resolution.

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

There being no further business to come before the board a motion was made by Councilman Mayrose, seconded by Councilman York to adjourn the regular meeting at 9:15pm.

Carried Unanimously

Respectfully Submitted,
Jennifer L. Heberling, Deputy Town Clerk