

Newstead Town Board Meeting- June 23, 2014

A regular meeting was called to order by the Newstead Town Board on Monday, June 23, 2014 at 8:00pm at the Newstead Town Hall.

Present: David Cummings- Supervisor
Justin Rooney- Councilman
James Mayrose- Councilman
Marybeth Whiting- Councilwoman
Nathan Neill- Attorney for the Town
Mike Bassanello- Highway Supt
Scott Rybarczyk- Town Engineer
Dawn Izydorzak- Town Clerk
Jennifer Heberling- Deputy Town Clerk

Roll Call was taken with all board members present except Councilman Donald York.

Councilman Mayrose led the pledge to the flag.

Minutes from the previous regular meeting held on June 9, 2014 were presented for approval. A motion was made by Councilman Mayrose, seconded by Councilwoman Whiting to approve as presented. Carried

Agenda Changes – none

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 in negotiations with for service.

The Town received its annual Notice of Tentative State Equalization Rate from NYS Department of Taxation and Finance reporting a 100% equalization rate.

A letter from the Department of State reporting that Local Law #2 of 2014 was received and filed on June 5, 2014.

A request for a liquor license filed by Lillian Meland for PW's Main St Pub located at 11986 Main Rd.

A letter from Jack Willert, owner of Rothland Golf Course requesting a speed reduction on Clarence Center Rd from 45mph to 30 mph in the vicinity of the golf courses as well as the addition of warning/caution signs indicating a crossing for pedestrian traffic.

A notice of the Ride for Roswell event to be held June 27th & June 28th throughout Erie & Niagara Counties.

A letter from the Lancaster, Hamburg, Concord and Amherst Industrial Development Agencies with a report on their IDA's performance over the past year.

A copy of the Erie County Water Authorities Comprehensive Annual Financial Report for 2012 and 2013 was received.

A notice from the Town of Alden regarding changes to their Town Code regarding non-conforming single dwellings to be rebuilt.

The May 2014 Operations Report was received from Amherst Central Alarm Office reporting 41 calls for Akron Fire Co and 32 calls for Newstead Fire Co.

A written decision was received from the Ethics Board regarding recent complaints filed against several town employees and officials.

A letter of resignation was received from library board member Sarah Rooney effective immediately.

A letter from Jane Downey was received regarding her meeting with Councilman York and to share her opposition to the extension of the waterline on Downey Rd.

A letter from the owners of the Downey Homestead was received outlining their concerns with the proposed waterline extension on Downey Rd.

A motion was made by Councilwoman Whiting, seconded by Councilman Rooney 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, park master plan, highway issues, grants, planning issues, July 4th Celebration Committee report, Ethic committee report from their April meeting, next work session and any other issues brought before the Board.

Agenda Items Question Period: no one spoke

Budget Transfers: a motion was made by Councilman Mayrose, seconded by Councilwoman Whiting approving the budget transfers per memo from Bookkeeper Colleen Salmon dated 6/23/14. Carried

Approval of Bills – Councilman Mayrose reported that the Abstract(s) from Batch(es) #1406 from the June 9, 2014 meeting have been reviewed with the previously un-audited vouchers and everything was found in order. He presented Abstract Batch(es) #1408 with epayment for postage and bond payment for payment. Vouchers on this abstract(s) numbered from 586 – 633, totaling \$135,227.97. Councilwoman Whiting seconded to approve payment as follows:

Abstract Batch(es) #1408 with postage epayment & bond payment:
General Fund (A) -\$35,360.95, General Fund- Outside Village (B) \$2,851.87, Highway (DA) -\$0, Highway: Outside Village (DB) \$49,311.63, CAP-Murder Creek (HM) \$0, CAP- Scotland Rd (HS)- \$0, CAP- Water Improvement (HW)- \$0, CAP Water-Downey (HW01)- \$0, Drainage (SD)- \$605.38, Fire Protection (SF) \$34,228.27, Refuse (SR) \$1,296.21, Sewer Fund (SS) \$29.96, Sewer District #2 (SS02)- \$94.76, Trust & Agency(TA)- \$0 and Water Districts: Consolidated (SW00) \$0, (SW1) \$232.13, (SW2) \$0, (SW3) \$0, (SW4) \$0, (SW5) \$0, (SW6) \$0, (SW7) \$9,225.81, (SW7A) \$0, (SW8) \$0, (SW9) \$0, (SW10) \$1,991.00 Total: \$135,227.97 Carried

COMMITTEE AND DEPARTMENT HEAD REPORTS:

Highway – Mike reported that phase 1 of oiling & stoning is complete and off road ditch mowing has started. It is still pretty wet in several areas which is limiting what they can mow.

Assessor – no report presented

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

Tim Prise	5547 Barnum	I.G. Pool
Kim Borden	11921 Hunts Corners	Solar panels
Rothlands Links LLC	12089 Clarence Center	Tent
Ron Winkelman	12288 Tonawanda Creek	Home, garage, stable
Ron Winkelman	12288 Tonawanda Creek	Floodplain Development
Braun’s Concert Cove	11891 Main	Special Event Permit
Kathryn Westermeier	6446 Utlely	Ditch fill
Michael Drabik	6807 Draper	Roof
Niagara Specialty Metals	12600 Clarence Center	Storage Building
Mark Nowakowski	7065 Draper	Roof
Nathan Neill	6424 Hake	Roof
Kelly Schultz	11061 Main	2 Storage Buildings

The Town Board accepted the report as presented.

Town Clerk- Dawn read the decision on complaints submitted to the Ethics Board as follows:

Ethics Board Written Decision:

The Town of Newstead Ethics Board met on June 20, 2014 to formally review the report of the Complaint Review Committee. The Ethics Board concurred with the report of the Complaint Review Committee and respectfully submits the following written decision:

- This Board finds that there is no ethics violation found for the complaint against Ralph Migliaccio, specifically noting that the events described in the complaint letter do not constitute a prohibitive activity in terms of Article 18 of General Municipal Law and/or the Town of Newstead Ethics Code.
- This Board also finds that if there is no ethics violation found for the complaint against Ralph Migliaccio, then there can be no ethics violation found for any of the other parties named in the complaint letter.

The Town of Newstead Ethics Board authority is limited to violations of ethics code, not violations of town policy. The Newstead Ethics Board recognizes that the Newstead Town Board addressed their concerns regarding any violation of the Code Enforcement Officer Vehicle Policy at their meeting on June 9, 2014.

Attorney for the Town – nothing at this time

COUNCILPERSONS:

Rooney – he attended the Clarence, Akron, Newstead, Amherst Chiefs Association meeting, spoke with some residents in regards to the noise at Braun’s and thanked his wife, Sarah Rooney, for her time serving on the Library Board.

Mayrose – he met with Highway Supt Mike Bassanello regarding the joint facility and other town projects, met with Judge Campbell, Court Clerk Sandy Pietrowski and Councilwoman Whiting regarding court data and staffing requirements, he met with Assessor Becky Baker regarding changes in the water district charges, he met with Code Enforcement Officer Ralph Migliaccio and Clerk Christine Falkowski regarding some current and upcoming planning department projects. He took sound measurements at various locations in Quarry Hills during Thursday night’s concert at Braun’s and received some complaints from residents regarding the noise from Braun’s Concert Cove.

York – not present

Whiting– she received complaint’s on the noise from Braun’s, spoke with Librarian Kristine Sutton on HVAC concerns at the library and met with Councilman Mayrose, Judge Campbell and Sandy on court issues.

Supervisor- the May Supervisor’s report is on file with the Town Clerk. He met with the grant writers, the Senior Director regarding repairs at the Senior Center, and the owner of Rothland’s on his speed reduction and signage request. He took several complaints throughout the week on the noise at Braun’s Concert Cove, some regarding the volume some regarding the bass. He met with the Code Enforcement Officer on planning issues and the Assessor to clarify water district charges.

UNFINISHED BUSINESS:

Joint Facility- they are meeting with Sherwin Williams on the floor issues this week and Hamburg Overhead Door has finished all work on the doors and submitted a short report on all the work done.

Planning Projects- nothing new

Conservation issues- Murder Creek- the contract is out for signatures from D & H.

Water projects- a resolution to bid materials will be addressed under new business.

NEW BUSINESS:

Public Hearing- 18,000 sq ft addition- Whiting Door:

A motion was made by Councilman Mayrose, seconded by Councilman Rooney approving the calling of a public hearing on the proposed a 18,000 sq ft addition by Whiting Door at 113 Cedar St, to be held on July 14, 2014 at 7:30pm and authorizing the Town Clerk to publish the legal notice.

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

Carried

Public Hearing- Wind Turbine- 11936 Rapids Rd:

A motion was made by Councilman Mayrose, seconded by Councilman Rooney approving the calling of a public hearing on the proposed construction of a 140 ft wind turbine by at 11936 Rapids Rd, to be held on July 14, 2014 at 7:40pm and authorizing the Town Clerk to publish the legal notice.

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

Public Hearing- Wind Turbine- 12375 Meahl Rd:

A motion was made by Councilman Rooney, seconded by Councilman Mayrose approving the calling of a public hearing on the proposed construction of a 140 ft wind turbine by at 12375 Meahl Rd, to be held on July 14, 2014 at 7:50pm and authorizing the Town Clerk to publish the legal notice.

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

Authorization to Bid- Draper & Downey Rd Waterline:

A motion was made by Councilman Mayrose, seconded by Councilwoman Whiting authorizing the bidding of materials for the proposed construction of waterline extensions on Draper & Downey Roads and authorizing the Town Clerk to publish the legal notice.

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

Approval- Liquor License request:

A motion was made by Councilman Rooney, seconded by Councilman Mayrose approving the request for a liquor license approval with waiver of the 30 day requirement for PW’s Main St Pub located at 11986 Main Rd.

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

Approval- Speed Study Request- Clarence Center Rd:

A motion was made by Councilman Mayrose, seconded by Councilman Rooney approving the request for a speed study and signage additions to be conducted on Clarence Center Rd in the vicinity of the golf courses and authorizing the Town Clerk to forward the request on to Erie County and the NYSDOT.

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

Approval-Change of Auction Deadline Date:

A motion was made by Councilman Rooney, seconded by Councilman Mayrose approving the changing of the deadline date for the auction of the 26 Jackson St property to August 5th.

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

Accept Resignation- Sarah Rooney:

A motion was made by Councilman Mayrose, seconded by Councilwoman Whiting to accept the immediate resignation of Sarah Rooney from the Library Board, with regrets.

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

Privilege of the Floor/Question Period:

The following spoke with issues of concern:

- Kevin Borth of Scotland Rd- several issues
- Dick Sutton of Quarry Hill Estates- noise at Braun’s
- Dale Cheavacci of John St- airport issues

There will be no work session held on June 30, 2014. The next work session will be on July 7, 2014.

There being no further business to come before the board a motion was made by Councilman Mayrose, seconded by Councilwoman Whiting to adjourn the regular meeting at 8:40pm.

Carried

Respectfully Submitted,
Dawn D. Izydorczak, RMC, Town Clerk