

## Newstead Town Board Meeting- January 10, 2011

A regular meeting was called to order by the Newstead Town Board on Monday, January 10, 2011 at 8:05pm at the Newstead Town Hall.

Present: David L. Cummings- Supervisor  
Justin Rooney- Councilman  
Cheryl Esposito- Councilwoman  
James Mayrose- Councilman  
Richard Baran- Councilman  
Mike Bassanello- Highway Supt.  
Nathan Neill- Town Attorney  
Scott Rybarczyk- Town Engineer  
Dawn Izydorzak- Town Clerk  
Jennifer Heberling- Deputy Town Clerk

Roll Call was taken with all board members present.

Councilman Rooney led the pledge to the flag.

Minutes from the previous regular meeting held on December 27, 2010 were presented for approval. A motion was made by Councilman Rooney, seconded by Councilman Mayrose to approve as presented. Carried Unanimously

Minutes from the previous organizational meeting held on January 3, 2011 were presented for approval. A motion was made by Councilman Baran, seconded by Councilman Rooney to approve as presented. Carried Unanimously

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

A letter from the NYS Office of Parks, Recreation & Historic Preservation notifying the town that it will not receive funding as requested under the Recreational Trails Program for 2011.

A letter from the Town of Alden notifying the Town of its proposed Right to Farm Law #1 of 2011.

A letter from the Department of State notifying the Town that its Local Law #6 of 2010 was filed on December 23, 2010.

A notice from the Association of Towns regarding its Annual Training School opportunities in New York City from February 20 – 23, 2011.

A letter from Time Warner Cable notifying the town of the current programmers & broadcasters they are currently under negotiations with for service.

The December 2010 Operations Report was received from Amherst Central Alarm Office reporting 45 calls for Akron Fire Co. & 24 calls for Newstead Fire Co.

The 2010 Annual Operations Report was received from Amherst Central Alarm Office reporting totals for Akron Fire Co. & Newstead Fire Co.

The October 1<sup>st</sup> – December 31<sup>st</sup>, 2010 Quarterly Report was received from Allied Waste reporting 1,847+/- residential units collected for and 485.19+/- tons of solid waste collected and 83.34 tons of co-mingled recyclables collected.

A motion was made by Councilman Rooney, seconded by Councilman Mayrose 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: organizational meeting issues, water district issues, joint facility project updates, lower level of library project, planning issues, Murder Creek project update, airport update, contracts for 2011, grants, personnel issues, as well as any other issues brought before the board.

**Privilege of the Floor** – no one spoke

**Budget Transfers:** A motion was made by Councilwoman Esposito, seconded by Councilman Rooney to approve the requested budget transfers per a memo from Bookkeeper Colleen Salmon dated 1/10/2011. Carried Unanimously

**Approval of Bills** – Councilwoman Esposito reported that the Abstract from Batch #1010 from the December 27, 2010 meeting has been reviewed with the previously un-audited vouchers and everything was found in order. She presented Abstract Batches #1014, 1015 & 1016. Vouchers on this abstract numbered from 1392 – 1446 (2010) and 1-16 (2011) totaling \$231,881.49 and were presented by Councilwoman Esposito, seconded by Councilman Baran to approve payment as follows:

Abstract Batches #1014, 1015 & 1016:

General Fund (A) -\$18,100.30, General Fund- Outside Village (B) \$679.54, Highway (DA) -\$0, Highway: Outside Village (DB) \$4,464.55, Capital Projects: CAP- Highway Garage- (HG) - \$9,568.83, CAP-Murder Creek (HM) \$16,500.00, CAP- Town Hall Addition (HT) \$15,959.82, Drainage (SD)- \$0, Fire Protection (SF) \$4,336.24, Refuse (SR) \$29,518.75, Sewer Fund (SS) \$437.00, Sewer District #2 (SS02)- \$108.00, Trust & Agency(TA)- \$2,072.00 and Water Districts (SW1) \$328.95, (SW2) \$265.89, (SW3) \$480.57, (SW4) \$430.31, (SW5) \$123,012.46, (SW6) \$542.60, (SW7) \$704.53, (SW7A) \$154.83, (SW8) \$340.08, (SW9) \$289.37, (SW10) \$3,586.87  
Total: \$231,881.49 Carried Unanimously

**COMMITTEE AND DEPARTMENT HEAD REPORTS:**

**Highway** – Ordered 300 ton of salt.

**Assessor** – report presented on upcoming training & the next Assessment Advisory Committee meeting. The file has been sent to the County. Notified the Board regarding new basic STAR limits and that tentative and final assessment rolls must now be posted on Town websites.

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

Betty Grzybek	12515 McNeeley	Barn Alteration to living space
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The Town Board accepted the report as presented.

**Town Clerk**- She has received back the Delayed Births book from 1880-1911 from its restoration process and has returned it to the towns archives.

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

**COUNCILPERSONS:**

**Rooney** - nothing at this time

**Esposito** – nothing at this time

**Mayrose** – nothing at this time

**Baran** – interior repairs at the Senior Center are complete.

**SUPERVISOR** – he is out of town for the next 9 days. Deputy Supervisor Rooney will be in charge in his absence. He thanked Dawn for all her work on the Town Hall project and thanked all the Board members for not taking a raise.

**UNFINISHED BUSINESS:**

**Water Districts** – resolutions on bonding will be presented later under new business.

**Shared Public Works Facility Project** – project progressing and should have everything enclosed by end of next week.

**Murder Creek Project** – Apex has completed the reports. Preliminary design in progress and was reviewed 12/27/10 by the committee. We anticipate the final documents for this phase and are ready to start the next phase, design/construction.

**Grants** – NYS Office of Parks and Recreation grant was denied. We have received 90% of the grant money for the Town Hall addition and we have received 100% from the Justice Court grant. 75% of the Joint Facility money has been received.

**NEW BUSINESS:**

**Approval- SEQRA Waterline Project:**

A motion was made by Councilman Mayrose, seconded by Councilwoman Esposito issuing a Determination of Non-Significance of Construction of Water District under SEQRA for the proposed Water Districts project for 20,050 linear feet of waterline at a cost of \$1,750,000.00.

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

**Approval- Map, Plan & Report for Waterline Project:**

A motion was made by Councilman Baran, seconded by Councilman Mayrose approving the proposed Map, Plan & Report on the Waterline project for 20,050 linear feet of waterline subject to the terms set forth in the resolution.

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

**Approval- Bonding on Waterline Project:**

A motion was made by Councilman Rooney, seconded by Councilman Baran approving the proposed Increase & Improvement to Water District project for 20,050 linear feet of waterline at a cost of \$1,750,000.00 subject to the terms set forth in the resolution.

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

**Approval- Apex Design Phase- Murder Creek Project:**

A motion was made by Councilwoman Esposito, seconded by Councilman Rooney approving the proposed expense of \$31,000 to Apex Consulting for the Design Phase & Construction Estimates of the Murder Creek Slope Stabilization project.

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

**Site Plan Amendment-Akron Animal Hospital:**

A motion was made by Councilman Mayrose, seconded by Councilman Baran approving the Negative SEQRA Declaration and the proposed amended site plan dated 9/17/10 for the Akron animal Hospital expansion project subject to the terms set forth in the resolution.

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

**Approval- Senior Van Contract Renewal:**

A motion was made by Councilman Baran, seconded by Councilman Mayrose approving the renewal of the Senior Van Service contract with the Town of Clarence for 2011.

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

**Approval- Highway Repairs Contract Renewal:**

A motion was made by Councilman Rooney, seconded by Councilman Mayrose approving the renewal of the annual General Repairs to Highways contract for 2011.

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

**Approval- Grant Services of WNY Contract Renewal:**

A motion was made by Councilwoman Esposito, seconded by Councilman Mayrose approving the renewal of the Grant Services of WNY contract for 2011 at a cost of \$18,000.

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

**Approval- Bonding Services Contract Renewal:**

A motion was made by Councilman Mayrose, seconded by Councilman Baran approving the renewal of the Bonding Service contract with Hawkins, Delafield & Wood, LLP for 2011.

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

**Approval- Legal Services Contract Renewal:**

A motion was made by Councilman Baran, seconded by Councilman Rooney approving the renewal of the Legal Services contract with Nathan Neill for 2011.

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

**Approval- Engineering Services Contract Renewal:**

A motion was made by Councilman Rooney, seconded by Councilman Mayrose approving the renewal of the Engineering Services contract with Wendel Duchscherer Architects & Engineers for 2011 at a rate of \$1,754.00 per month plus additional plan review fees as set.

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

**Approval- Erie County Nutrition Contract for 2011:**

A motion was made by Councilman Mayrose, seconded by Councilman Baran approving the Erie County Nutrition Contract for 2011 and authorizing the supervisor to execute said contract.

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

**Approval- Replacement of HVAC Unit at Town Hall:**

A motion was made by Councilman Baran, seconded by Councilman Rooney approving the replacement of the HVAC unit at the Town Hall under the town hall addition project at a cost of \$9,445.00.

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

**Assessors Training Approval:**

A motion was made by Councilman Rooney, seconded by Councilman Mayrose approving the training requests of Assessor Rebecca Baker.

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

**Approval- Billing to Clarence for Inspector Fees:**

A motion was made by Councilwoman Esposito, seconded by Councilman Baran approving the payment of \$3,624.12 for Building Inspector services to the Town from 11/1/2010-12/2/2010.

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

The Supervisor reported he has e-mailed Passero Associates requesting a status update on the airport and notifying them he would like them to meet with the Towns CAC and schedule a tour of the airport facilities.

**Question Period-** no one spoke

There being no further business to come before the board a motion was made by Councilman Rooney, seconded by Councilman Mayrose to adjourn the meeting at 8:51pm.

Carried Unanimously

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