

## Newstead Town Board Meeting- February 14, 2011

A regular meeting was called to order by the Newstead Town Board on Monday, February 14, 2011 at 8:00pm 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 Izydorczak- 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 January 24, 2011 were presented for approval. A motion was made by Councilman Mayrose, seconded by Councilman Baran to approve as presented.  
Carried Unanimously

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

The 2011 Conservation Tree & Shrub Seedling Program brochures were received from Erie Co. Soil & Water. Orders are due by March 18<sup>th</sup>.

A copy of a letter from Erie Co. Department of Public Works to the NYS DOT forwarding the Towns request for a speed study along with a traffic engineering study on Bloomingdale Rd.

A letter from the Community Development Block Grant program notifying the town that it was not selected to receive funding as requested for the Nice Rd waterline connection project or the Skyline Dr/Town Park sidewalk project in 2011.

A letter from the Baseball Tomorrow Fund notifying the town it was not selected for funding on its baseball diamond project in 2011.

A letter from Town of Wales & Town of Aurora Board members & concerned citizens regarding natural gas drilling activities & “fracking”.

A letter from Erie Co. Department of Public Works Commissioner notifying the town that Burdick Rd has been re-opened to traffic.

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

A certified resolution passed by the Town Board of Tonawanda regarding their support of Erie County Legislation requiring residency status in their current service area for all Commissioners appointed to the Erie County Water Authority.

The January Operations report was submitted by Amherst Central Alarm Office reporting 39 calls for Akron Fire Co and 23 calls for Newstead Fire Co.

A notice of a public meeting on “Gas Wells: What you don’t know could hurt you” to be held February 20, 2011 at 2:00pm at the Aurora Town Hall Auditorium.

A request for renewal of a liquor license for Braun’s located at 11891 Main Rd was received from R & J of WNY Corp.

A packet was received from Passero Associates containing the full build out plan for 2011 for the Airport Project along with EAF forms for 6 future projects.

A letter from Trident Risk Management notifying the town that it has made a \$10,000 donation to meals on wheels honoring its local communities.

A letter from Ride for Roswell notifying the town of its planned 2011 Ride route and asking for local assistance on the day of the ride in the form of an exemption from local sign laws on that day.

Notice of a public hearing on proposals to add or remove land from the Agricultural Districts within Erie County to be held February 17, 2011 at 7:30pm at the Cornell Cooperative Extension building in East Aurora.

Letters of resignation were received from Cindy Schilling as a member of the Recreation Board and Paul Nowak as Chairman of the Recreation Board.

A letter of interest to be appointed to the Recreation Board was received from William Murty and Terri Bierasinski.

A motion was made by Councilman Rooney, seconded by Councilwoman Esposito to accept with regret the resignations of Paul Nowak and Cindy Schilling and to accept and file the presented correspondence.  
Carried Unanimously

**Work Session:** The Supervisor reported that at the work session held last week the following items were discussed: meeting with insurance agency on 2011 policy review, meeting with Chairman of Assessment Advisory Committee, water district issues, building projects updates, planning issues, murder creek project update, airport update, grants updates, personnel issues, limerick hall issues & scheduling of next town/village joint meeting.

**Privilege of the Floor** – Doug Ceisner, 100 East Ave, questioned the compensation to Tom George for his oversight of the Joint Facility project, verifying that he received \$9,000 last year and will receive \$9,000 this year. Supervisor Cummings replied he did receive the \$9,000 last year but will only be compensated this year until the project is finished this summer, which will be pro-rated. Mr. Ceisner also questioned if Mr. George is on the payroll or an independent contractor and if so did he provide insurance coverage to the town. He also asked if the Assessor has had any responses yet to her Taxes, Taxes, Taxes ads. Yes, she has and they will be published in next week's issues. Mr. Ceisner also questioned if the Town is staying on top of Agricultural exemptions that are granted or taken off of properties and if they are removed is the Town issued refunds on those that are removed. The Supervisor will look into it and let him know.

**Budget Transfers:** A motion was made by Councilman Mayrose, seconded by Councilwoman Esposito to approve the requested budget transfers per a memo from Bookkeeper Colleen Salmon dated 2/14/2011.  
Carried Unanimously

**Approval of Bills** – Councilwoman Esposito reported that the Abstract from Batches #1020 & 1021 from the January 24, 2011 meeting has been reviewed with the previously un-audited vouchers and everything was found in order. She presented Abstract Batches #1024 & 1043. Vouchers on this abstract numbered from 42 and 64- 148 for 2011 totaling \$297,031.75 and were presented by Councilwoman Esposito, seconded by Councilman Rooney to approve payment as follows:

Abstract Batches #1024 & 1043:

General Fund (A) -\$79,565.26, General Fund- Outside Village (B) \$321.86, Highway (DA) -\$0, Highway: Outside Village (DB) \$37,835.79, Capital Projects: CAP- Highway Garage- (HG) - \$104,916.84, CAP-Murder Creek (HM) \$13,000.00, CAP- Town Hall Addition (HT) \$9,929.30, Drainage (SD)- \$0, Fire Protection (SF) \$6,544.76, Refuse (SR) \$28,408.56, Sewer Fund (SS) \$2,680.74, Sewer District #2 (SS02)- \$435.00, Trust & Agency(TA)- \$6,805.00 and Water Districts Consolidated(SW00) \$6,554.64, (SW1) \$0, (SW2) \$0, (SW3) \$0, (SW4) \$0, (SW5) \$34.00, (SW6) \$0, (SW7) \$0, (SW7A) \$0, (SW8) \$0, (SW9) \$0, (SW10) \$0

Total: \$297,031.75

Carried Unanimously

### **COMMITTEE AND DEPARTMENT HEAD REPORTS:**

**Highway** – Mike attended the joint facility meeting last Monday. The cold storage building work was supposed to start today. The crews really need a break from the snow to do some maintenance. Councilwoman Esposito stated she has received several good comments on the plowing job this winter. She thanked Mike & the crews for a great job.

**Assessor** – report presented regarding the March 1<sup>st</sup> deadline for exemptions, the new advertising forum on the revaluation project for 2012 and any special district issues needing attention need to be complete by May 1<sup>st</sup>.

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

Barry Jones	7389 Downey	Fireplace
Dome & Home LLC	13440 Steiner	Permit renewal
Champion Auto Locators	11678 Main	Special use permit renewal
Michael Shields	12690 Main	Special use permit renewal
Thomas Blair	11720 Main	Special use permit renewal
Dr. Sandra Corrie	12638 Main	Animal hospital
Czeslawa McDonald	13607 Steiner	One family home
Paul Herberger	7463 Maple	Special use permit renewal

The Town Board accepted the report as presented.

**Town Clerk**- Presented January 2011 DCO report. Tax bills were mailed today. The old phone system was donated to the Resurrection Life Church in Cheektowaga. Dawn has a proposal for an on-line payment program & would like work session time to present to the board.

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

#### **COUNCILPERSONS:**

**Rooney**- attended CAC meeting and thanked the CAC for what they do for the town and stated the amount of time they spend on behalf of the Town does not go unnoticed. He also thanked Cindy & Paul for their time served on the Recreation Board.

**Esposito**- attended the Celebration Committee meeting and hopes to have good news to report soon on the summer celebrations planned. She also thanked Cindy & Paul for their time spent on the Recreation Board.

**Mayrose**- thanked Carl & the CAC for all their time & dedication, especially lately on several projects. He attended the Assessment Advisory committee meeting and stated the new educational ads have started and response to them seems good so far. They will be meeting again on the 16<sup>th</sup>.

**Baran**- he has had the Denio lower side door looked at and is waiting for an estimate from a contractor to replace it. The Senior Center gutters will be looked at once some more of the ice has melted. He has also scheduled with Scott & Wendel to look at the roof/drainage issues there. The statue at the Library needs to be sent out for further cleaning. All work at the library has been approved by the insurance company.

**SUPERVISOR**- He stated the CAC's hard work on all projects is greatly appreciated by the Town. He has had a meeting with the Recreation Director to discuss several issues. He attended the Celebration Committee meeting as well as attending Governor Cuomo's speech at Daeman College and several other County Association meetings.

#### **UNFINISHED BUSINESS:**

**Water Districts**- base mapping is complete and out for comments & coordinating with the utility companies. A meeting is being scheduled with ECWA on pressure issues.

**Shared Public Works Facility Project**- several meeting have been held. The main building corrections are underway with a new steel company and the cold storage building construction is starting this week.

**Airport-** work is continuing on analyzing the data gathered from several meetings. The CAC report will be to the Town Board this week and a review of SEQR will continue.

**Murder Creek Project- Apex update:** continuing to work on final construction documents for upper bank portion. Waiting for authorization to proceed with survey work at 105 Main St. Coordinating with Village for work on the 2 storm sewer pipes which will be added as 2 separate alternates on project. **Erie Co Soil & Water update:** continuing to collect & analyze hydrologic and hydraulic data on the area. US Army Corp of Engineers Hydrologic Engineering model 95% complete. Design of structural lower bank stabilization measures is continuing.

**NEW BUSINESS:**

**Public Hearing- Local Law #1 of 2011:**

A motion was made by Councilman Mayrose, seconded by Councilman Rooney approving the calling of a public hearing on the proposed Local Law#1 of 2011 regarding amendments to the Zoning Law addressing Kennels and Junk Yards to be held on March 14, 2011 at 7:50pm at the Town Hall.

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

**Municipal Endorsement for Akron Airport Project:**

A motion was made by Councilman Baran, seconded by Councilman Mayrose issuing a municipal endorsement on the proposed final design for Runway 11-29 reconstruction, subject to the terms set forth in the resolution.

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

**Approval- NYS Police Amended Contract Renewal:**

A motion was made by Councilwoman Esposito, seconded by Councilman Baran approving the amendment to the renewal of the NYS Police contract with the Town for use of office space in the Town Hall for a 5 year period.

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

**Approval- Insurance Contract:**

A motion was made by Councilman Baran, seconded by Councilman Mayrose approving the insurance contract for 2011 with the Fred E. Thomas agency and authorizing the Supervisor to execute the contracts.

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

**Approval- Appointments to Recreation Board:**

A motion was made by Councilman Rooney, seconded by Councilwoman Esposito approving the appointment of Terri Bierasinski and William Murty to complete the terms of Cindy Schilling and Paul Nowak respectively on the Recreation Board effective immediately.

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

**Approval- Akron Fire Co Truck Purchase:**

A motion was made by Supervisor Cummings, seconded by Councilman Mayrose approving the purchase by the Akron Fire Company of a used Pierce/Dash Aerial Truck at a cost of \$450,000.

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

**Approval- Amendment of Phase 1- Havenwood Subdivision:**

A motion was made by Councilman Rooney, seconded by Councilman Mayrose approving the amended Phase 1 subdivision plat dated 2/3/2011 for the Havenwood subdivision and requiring the plat to be filed with the Erie County Clerk after the Supervisor has signed the plat.

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

**Question Period-** Doug Ceisner questioned if anyone found out who did the damage to the library. The Board responded that no formal charges have been filed but suspects are still being investigated by the Village Police and the Erie County Sheriff's Investigation Bureau.

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 8:55pm.

Carried Unanimously

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