

Newstead Town Board Meeting- March 8, 2010

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
Dawn Izydorczak- Town Clerk
Jennifer Heberling- Deputy Town Clerk

Roll Call was taken with all board members present.

The Supervisor announced that due to a printing error the public hearing scheduled on the unsafe building located at 13962 Bloomingdale Rd would not be held. No one was present to speak regarding the issue. A new hearing will be rescheduled for April 12th.

A regular meeting of the Newstead Town Board was called to order at 8:00pm.

Supervisor Cummings led the pledge to the flag.

Minutes from the previous regular meeting and the joint town/village meeting held on February 22, 2010 were presented for approval. A motion was made by Councilman Rooney, seconded by Councilman Mayrose to approve as presented. Carried Unanimously

Communications – The Town Clerk presented the following:

A letter and application from Dande Farms Restaurant notifying the town of their intent to renew their seasonal liquor license for 13278 Carney Rd.

The February 2010 Operations Report was received from Amherst Central Alarm Office reporting 38 calls for Akron Fire Co and 22 calls for Newstead Fire Co.

A letter from Time Warner Cable notifying the town of the 33 programmers they are currently negotiating service agreement for in the coming month.

A notice of upcoming public hearings by FEMA on Erie County Flood Mapping Open Houses to be held on March 30, 2010 at the Old First Ward Community Center from 4:00-8:00pm, March 31, 2010 at the Clarence Town Park Clubhouse from 4:00-8:00pm and April 1, 2010 at the Village of East Aurora Boys and Girls Club from 4:00-8:00pm.

A motion was made by Councilwoman Esposito, seconded by Councilman Mayrose to receive and file correspondence as presented. Carried Unanimously

Work Session: The Supervisor reported that at the work session held last week the following issues were discussed: a meeting with representatives on the Crittenden Rd subdivision project, water district issues, joint facility, highway dept. issues, town hall addition, grant submissions, Assessment Advisory Committee recommendations, liquor license request, planning issues, EMP resolution, DEC land purchase and re-tree request.

Privilege of the Floor – Roy Bauer of Main Rd explained to the Board that recently he applied to refinance his mortgage and was denied due to the new changes in the law adopted for Main Rd late last year. He questioned if there were any hearings held before the law was adopted. The Supervisor explained to those present that yes, there were several work sessions and meetings where the proposals to changing the law were discussed and a public hearing was held prior to adoption of the law. It was not the board's intention to cause existing homeowners along Main Rd any hardship or difficulties. Since the creation of these issues were brought to their attention the board has began discussions to make amendments to the law and better express what the original intent of the law was. They do not want to create any burden for existing homeowners. Their intent was to stop any brand new construction of homes along Main Rd and will make amendments to the law to address replacement issues for existing homes that have arisen.

Budget Transfers: none

Approval of Bills – Councilwoman Esposito reported that the Abstract from Batches #924 from the February 22, 2010 meeting have been reviewed with the previously un-audited vouchers and everything was found in order. She presented Abstract Batch #925 & 926. Vouchers on this abstract numbered from 153- 202 totaling \$285,420.85 and were presented by Councilwoman Esposito, seconded by Councilman Rooney to approve payment as follows:

Abstract Batch #925 & 926:

General Fund (A) -\$23,071.18, General Fund- Outside Village (B) \$120.00, Highway (DA) -\$0, Capital Projects: CAP- Highway Garage- (HG) - \$28,067.75, CAP- Scotland Rd (HS)- \$159,331.39, CAP- Town Hall Addition (HT) \$0, Highway: Outside Village (DB) \$36,353.08, Drainage (SD)- \$0, Fire Protection (SF) \$4,309.44, Refuse (SR) \$27,699.35, Sewer Fund (SS) \$0, Sewer District #2 (SS02)- \$0, and Water Districts (SW1) \$40.20, (SW2) \$88.44, (SW3) \$112.56, (SW4) \$112.56, (SW5) \$2,420.04, (SW6) \$305.52, (SW7) \$426.12, (SW7A) \$48.24, (SW8) \$32.16, (SW9) \$88.44, (SW10) \$2,794.38, Trust & Agency(TA)- \$0

Total: \$285,420.85

Carried Unanimously

COMMITTEE AND DEPARTMENT HEAD REPORTS:

Highway – Mike attended a meeting in Cheektowaga on the floodplain mapping changes proposed. He will also be attending his upcoming Highway Supt. training schools in Ithaca and Saratoga Springs. The annual tire pick up will be held on May 1, 2010 from 9am – 12 noon and the white goods/metal pick up will be held on May 3, 2010 and August 30, 2010.

Assessor – two reports were presented addressing Assessment Advisory Committees recommendations for 2010.

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

Niagara Specialty Metals 12600 Clarence Center Elevator
The Town Board accepted the report as presented.

Town Clerk- Dawn presented the Dog Control Officers Report for February. The 2010 County/Town tax payments are coming in at a steady pace. The due date is March 15th. Dawn will be on vacation from March 20th – 27th. Jennifer will be in charge.

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- nothing at this time

SUPERVISOR- David reported he is recouping well after his surgery. He had a meeting with the grant writer and has attended several meetings with the architects on the town hall addition.

UNFINISHED BUSINESS:

Water District #10- Scotland Rd Extension- water valves and the meter pit are done and lines are all in. They will be testing the lines this week. Restoration will be covered in the spring.

Shared Public Works Facility Committee- the committee will be meeting this week Friday. The final design is just about finished and they are set to go out to bid in April.

Grants- a NYSEDA grant was applied for the existing town hall building to cover lighting and heating elements and the salt shed grant was submitted and we will wait for a decision. No news on any of our other pending grants.

NEW BUSINESS:

Revaluation Project:

A motion was made by Councilman Rooney, seconded by Councilman Baran based on recommendations from the Assessment Advisory Committee, authorizing the Assessor to not do a revaluation project for 2010 due to levels of current assessments are within 1%.
Cummings-Aye, Rooney -Aye, Esposito-Aye, Mayrose-No, Baran-Aye Carried

Appointment of Historian Assistant for 2010:

A motion was made by Councilman Rooney, seconded by Councilwoman Esposito approving the proposed appointment of Lori Wende to the position of Assistant Town Historian for the remainder of 2010 at no salary.
Cummings-Aye, Rooney -Aye, Esposito-Aye, Mayrose-Aye, Baran-Aye Carried Unanimously

Town Hall Addition Project Bid Approval:

A motion was made by Councilwoman Esposito, seconded by Councilman Baran based on recommendations from the Building Project Committee, authorizing the Supervisor to go out to bid on the construction project for the Town Hall Addition effective immediately.
Cummings-Aye, Rooney -Aye, Esposito-Aye, Mayrose-Aye, Baran-Aye Carried Unanimously

Handicapped Doors Replacement Project Bid Approval:

A motion was made by Councilman Mayrose, seconded by Councilman Rooney based on recommendations from the Building Project Committee, authorizing the Supervisor to go out to bid on the project to replace the handicapped doors on the Town Hall (front set) and the Senior Center effective immediately.
Cummings-Aye, Rooney -Aye, Esposito-Aye, Mayrose-Aye, Baran-Aye Carried Unanimously

Highway Training Approval:

A motion was made by Councilman Baran, seconded by Councilman Rooney approving the request of the Highway Superintendent to attend upcoming highway training sessions in Ithaca and Saratoga Springs.
Cummings-Aye, Rooney -Aye, Esposito-Aye, Mayrose-Aye, Baran-Aye Carried Unanimously

Code Enforcement Officer Training Approval:

A motion was made by Councilwoman Esposito, seconded by Councilman Mayrose approving the request of the Code Enforcement Officer to attend upcoming training sessions in Cheektowaga on Fire Inspections focusing on private schools and Comm Check training.
Cummings-Aye, Rooney -Aye, Esposito-Aye, Mayrose-Aye, Baran-Aye Carried Unanimously

Dande Farms Liquor License Renewal:

A motion was made by Councilman Mayrose, seconded by Councilwoman Esposito approving the request of Dande Farms Restaurant for renewal of their liquor license for the 2010 season.
Cummings-Aye, Rooney -Aye, Esposito-Aye, Mayrose-Aye, Baran-Aye Carried Unanimously

Crittenden Rd- 9-lot Major Subdivision Request:

A motion was made by Councilman Rooney, seconded by Councilman Mayrose to not approve the proposed 9-lot Major Subdivision preliminary concept plan as submitted by Joseph Frey for the development of the north western corner of Crittenden and Main Rd as the proposed plan does not conform to the Master Plan guidelines and the multiple drainage concerns that already exist on the site. Also, the Board feels the proposed 5-Acre lots do not function as actual 5-Acre lots and therefore do not meet the 5-Acre lot exception set forth by the Health Department.
Cummings-Aye, Rooney -Aye, Esposito-Aye, Mayrose-Aye, Baran-Aye Carried Unanimously

Public Hearing Order for 13962 Bloomingdale Rd Unsafe Building:

A motion was made by Supervisor Cummings, seconded by Councilman Rooney approving the calling of a public hearing regarding the unsafe building located at 13962 Bloomingdale Rd to be held on April 12, 2010 at 7:50pm and authorizing the Clerk to publish the notice in the official newspaper of the town.

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

Question Period- no one spoke

There being no further business to come before the board a motion was made by Councilman Mayrose, seconded by Councilman Baran to adjourn the meeting at 8:32pm.

Carried Unanimously

Respectfully Submitted,
Dawn D. Izydorcak, Town Clerk