

## Newstead Town Board Meeting- March 14, 2011

A public hearing was called to order by the Newstead Town Board on Monday, March 14, 2011 at 7:50pm 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.

The Supervisor called the public hearing on proposed Local Law #1 of 2011 to order.

The Clerk read the proof of publication. The Supervisor outlined the purpose of both laws and why they were presented together to save tax dollars on ads & law printing costs.

### Comments:

Dr. Sandra Corrie of 12628 Main Rd & 12887 Dorsch Rd stated she had concerns that there was no language in the kennel law regarding grandfathering existing kennels. Her animal hospital on Main Rd now offers boarding for approximately 20 dogs and her new proposed building will offer more boarding totaling in excess of the 25 allowable dogs under the new law. She stated monitoring the humane treatment of animals is delegated to the humane societies already and the town doesn't need to govern this. She stated she feels there is a lot of duplicating services with other agencies and is she is also confused by the new multi-dog permit. She does not like the request for neighbor references and questioned if someone new is applying how are they going to get neighbor references. Her dogs are mostly kept in the house and she feels an inspection of her home is against her constitutional rights.

Wade Bogart of Hake Rd stated while he does not have too many problems with the new kennel law, the town has changed very much in the past 30 years he has been here and that in the country you are going to have animals and barking dogs. This is a rural community. He has been a dedicated dog man all his life and agrees with Dr. Corrie that there is some duplication of services already provided by other agencies. He has spoken with the DCO and if the AKC Inspector agrees will provide a copy of his last AKC inspection certificate to the DCO in lieu of an on-site inspection. He feels Dr. Corrie's business and others breeders like him bring business to the area and feels the town needs to make amendments to the law to ensure that Dr. Corrie can operate under the new law.

Town Attorney Neill questioned how many dogs are usually on the premises currently at the animal hospital. Dr. Corrie stated that ideally most cycle thru daily but some stay on site for post surgery recuperation. The current capacity of kennels in the current building is 20.

There being no further comments there was a motion by Councilman Mayrose, seconded by Councilman Baran to close the public hearing at 8:27pm.

The regular meeting of the Town Board was called to order at 8:27pm with the same members present as above.

Councilwoman Esposito led the pledge to the flag.

The Supervisor made a special presentation to Akron Firefighter Kenneth Pagels in honor of his recent award from the National Volunteer Fire Councils Fire Prevention Award.

Minutes from the previous regular meeting held on February 28, 2011 were presented for approval. A motion was made by Councilman Mayrose, seconded by Councilman Rooney to approve as presented. Carried Unanimously

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

A letter from the Akron Fire Company regarding their comments on the environmental review of the proposed airport projects.

A notice from the Southern Tier West Regional Planning & Development Board on their annual conference to be held May 11, 2011 from 7:30am – 4pm at Houghton College.

A liquor license renewal application from Dande Farms Restaurant located at 13278 Carney Rd requesting the town approve their renewal application for 2011.

The February 2011 Operations Report from Amherst Central Alarm Office reporting 33 calls for Akron Fire Company and 19 calls for Newstead Fire Company.

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 work session held last the following items were discussed: water districts issues, building projects updates, planning issues, murder creek project, airport issues, grant applications, personnel issues, scheduling a joint town/village meeting and limerick hall.

**Privilege of the Floor** –

Doug Ceisner of 100 East Ave asked the Supervisor if he had answers to his questions from the last meeting. He questioned the article asking people to call with information or complaints on the airport and he also questioned the many construction companies being allowed to operate as home based businesses in the town, especially those on Crittenden Rd, Draper Rd & Havens Rd.

The Supervisor explained he left immediately after the last meeting to go on vacation and will have answers to Mr. Ceisner later this week.

Bob Scheib of 51 Brooklyn St presented the Board members with a list of concerns in the community that he had presented to the sitting board in August of 2005. Some of those items have been addressed since but many have not. Many of the issues are related to the Village not Town. He stated he considers himself an activist for the safety of Akron & Newstead residents and asked the Town to consider asking for Community Development Block Grant monies to address some of these safety issues, particularly on Buell St intersections with Westgate, Brooklyn & Jackson and the Pixley's entrance & exit areas, as well as a town owned Senior Van.

**Budget Transfers:** a motion was made by Councilwoman Esposito, seconded by Councilman Rooney to approve the budget transfers per Bookkeeper Colleen Salmons memo dated 3/14/11. Carried Unanimously

**Approval of Bills** – Councilwoman Esposito reported that the Abstract from Batches #1046 & 1047 from the February 28, 2011 meeting has been reviewed with the previously un-audited vouchers and everything was found in order. She presented Abstract Batches #1050 & 1051 with a wire transfer. Vouchers on this abstract numbered from 207 - 270, totaling \$355,653.84 and were presented by Councilwoman Esposito, seconded by Councilman Rooney to approve payment as follows:

Abstract Batches #1050 & 1051 with a wire transfer:

General Fund (A) -\$128,132.10, General Fund- Outside Village (B) \$349.82, Highway (DA) -\$4.27, Highway: Outside Village (DB) \$19,510.62, Capital Projects: CAP- Highway Garage- (HG) - \$4,355.75, CAP-Murder Creek (HM) \$9,000.00, CAP- Town Hall Addition (HT) \$11,343.59, CAP- Water Improvement (HW)- \$15,135.15, Drainage (SD)- \$1,091.56, Fire Protection (SF) \$21,047.84, Refuse (SR) \$29,642.16, Sewer Fund (SS) \$0, Sewer District #2 (SS02)- \$150.00, Trust & Agency(TA)- \$11,790.88 and Water Districts Consolidated(SW00) \$6,508.86, (SW1) \$0, (SW2) \$0, (SW3) \$0, (SW4) \$0, (SW5) \$2,794.08, (SW6) \$1,982.71, (SW7) \$0, (SW7A) \$2,260.24, (SW8) \$0, (SW9) \$6,093.52, (SW10) \$84,460.69

Total: \$355,653.84

Carried Unanimously

**COMMITTEE AND DEPARTMENT HEAD REPORTS:**

**Highway** – last Tuesday & Wednesday was Advocacy Day in Albany which he attended with other Highway Superintendents for negotiating a new 5 year Chips capital plan with the DOT and discussing the proposed gas caps. He also attended a meeting with Carl K. to discuss “in kind services” to be performed by the town crews on the Murder Creek project.

**Assessor** – report presented on exemption status updates and completion of road work. The tentative roll will be published on the town website now under new NYS laws requiring this to be done. The PR campaign is now on Question #7 which will be in this week’s papers. Response has been good to the ads so far.

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

Robert Beebe	6801 Maple	Interior remodeling
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The Town Board accepted the report as presented.

**Town Clerk**- Last day of penalty free tax collection is tomorrow.

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

**COUNCILPERSONS:**

**Rooney**- he thanked Carl & Doc Burke for their presentation on the 7<sup>th</sup>. He also attended the Akron Central School dedication ceremony on behalf of the Board, which dedicated the new improvements made at the school and he attended the Akron Fire Co installation dinner and installed officers.

**Esposito**- nothing at this time

**Mayrose**- he also attended the Akron Fire Co installation dinner. He attended the Budget Advisory Committee meeting at the school where they are attempting to address severe budget cuts from the state.

**Baran**- nothing at this time

**SUPERVISOR**- nothing at this time

**UNFINISHED BUSINESS:**

**Water Districts**- 30% design completion on waterline drawings and they will be working with other necessary agencies to progress the design.

**Shared Public Works Facility Project**- new contractors have been on site for Picone to correct issues with the building. A construction meeting will be held next Monday. They have been given a tentative schedule of 6-8 weeks until final completion.

**Murder Creek Project**- Apex update: meeting held to review drawings with Apex, Erie County Soil & Water & town representatives. Report on slope stability factor has been completed with a copy being forwarded to the town. Construction drawings are 99% complete and going thru final in-house review. An anticipated schedule has been prepared. Erie Co Soil & Water update: the US Army Corp of Engineers pre-construction model is complete and has been run and results are consistent with existing data. The stack rock toe protection has been input and post construction models run. Draft plans were mailed out to all interested parties for review & comment. Design of structural lower bank stabilization measures is 99% complete. The final design package should be completed by 3/18/11. Permits will be submitted this week.

The Supervisor stated that the Town Engineer needs to start attending all meetings associated with the project.

**NEW BUSINESS:**

**Approval- Highway Equipment Sale:**

A motion was made by Councilman Baran, seconded by Councilman Mayrose authorizing the sale of the 2008 Kubota Zero Turner Mower to Vincent Heiderman for a bid of \$7,404.00.  
Cummings-Aye, Rooney -Aye, Esposito-Aye, Mayrose-Aye, Baran-Aye Carried Unanimously

**Approval- Highway Equipment Purchase:**

A motion was made by Councilman Baran, seconded by Councilman Mayrose authorizing the Highway Superintendent to purchase a 2011 Zero Turn Mower at a state bid cost of \$13,111.80.  
Cummings-Aye, Rooney -Aye, Esposito-Aye, Mayrose-Aye, Baran-Aye Carried Unanimously

**Approval- Liquor License Renewal:**

A motion was made by Councilman Mayrose, seconded by Councilman Rooney approving the liquor license renewal request for 2011 for 12378 Carney Rd, Dande Farm's Restaurant.  
Cummings-Aye, Rooney -Aye, Esposito-Aye, Mayrose-Aye, Baran-Aye Carried Unanimously

**Approval- Training for DCO:**

A motion was made by Councilman Mayrose, seconded by Councilman Baran approving the training request by the Dog Control Officer for he & his assistant to attend training in Webster, NY in April.  
Cummings-Aye, Rooney -Aye, Esposito-Aye, Mayrose-Aye, Baran-Aye Carried Unanimously

**Approval- Contract Execution with M&T Bank:**

A motion was made by Councilman Mayrose, seconded by Councilman Rooney authorizing the Town Clerk to execute the necessary contracts with M&T Bank and its affiliates for an on-line payment program.  
Cummings-Aye, Rooney -Aye, Esposito-Aye, Mayrose-Aye, Baran-Aye Carried Unanimously

**Question Period-** Bob Scheib questioned Councilman Rooney regarding his question on trees. Councilman Rooney stated it will be discussed at next Mondays work session.

Doug Ceisner questioned why the siding is all down on the joint highway facility building and what is Tom Georges roll in the project.

Supervisor Cummings responded the building due to failures by the structural contractor was out of plumb so all the siding had to be taken down, the structural problems corrected and now the siding will be re-installed all at the contractor's expense. Their inspectors missed the problems, not the town's inspector. As for Mr. George he is the manager of the project on behalf of the town and village and is in place to protect their interests. As a Councilman he had worked on the project from its inception stages approximately 7 years ago and no one knows the project better than he does.

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 9:05pm.

Carried Unanimously

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