

Newstead Town Board Meeting- March 26, 2012

A public hearing was called to order by the Newstead Town Board on Monday, March 26, 2012 at 7:50pm at the Newstead Town Hall.

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

Roll Call was taken with all board members present.

The Supervisor called the public hearing to order on the proposed zoning law amendments known as Local Law #2 of 2012.

The Clerk read the proof of publication.

Comments: no one appeared to speak.

There being no further comments a motion was made by Councilman Rooney, seconded by Councilman Baran to close the public hearing at 7:55pm. Carried Unanimously

The regular meeting of the Newstead Town board was called to order at 8:00pm with the same members present as listed above.

Town Attorney Nathan Neill led the pledge to the flag.

Minutes from the previous regular meeting held on March 12, 2012 were presented for approval. A motion was made by Councilman Mayrose, seconded by Councilman York to approve as presented. Carried Unanimously

Communications – The Town Clerk presented the following correspondence:

A letter from Attorney Robert Friedman expressing interest in being appointed as a Deputy Town Prosecutor for the Court.

A copy of a letter from Erie County Legislator Ed Rath to County Executive Mark Poloncarz, thanking him for hosting a minority caucus of the legislature and outlining several capital budget projects to funded in our district this year.

An invitation to the Empire Energy Forum to be held Wednesday, April 4th and Thursday, April 5th on the topic of “Freeing up Energy- Hydraulic Fracturing”.

A letter from New York Rural Water congratulating the Town on being a member for 20 years.

A certified resolution passed by the Lancaster Town Board regarding their opposition to the importation and use of hazardous contaminated byproducts of hydro-fracturing.

A certified resolution passed by the Lancaster Town Board regarding their request that the decision to close the William Street Post Office be reassessed and permanently kept open.

A notice from the Town of Lancaster regarding a public hearing on their proposed “Right to Farm” Local Law to be held on April 2, 2012 at 8:15pm.

A letter from Ron Stefanski of East Amherst regarding the 2012 MS Bike ride “Head for the Hills”. He is requesting permission to place a promotional sign for the event along the Clarence Center Rd portion of the bike path near the 9.1–7.3 mile mark for up to a 2 week period

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 that was held last week the following items were discussed: water districts issues, murder creek update, building projects updates, planning issues updates, grants update, assessment update, personnel issues, as well as any other issues brought before the board.

Privilege of the Floor – no one appeared to speak

Budget Transfers: none

Approval of Bills – Councilman Mayrose reported that the Abstract from Batch(es) # 1165 from the March 12, 2012 meeting has been reviewed with the previously un-audited vouchers and everything was found in order. He presented Abstract Batch(es) #1166 for payment. Vouchers on this abstract numbered from 280- 328, totaling \$1,286,483.78 and were presented by Councilman Mayrose, seconded by Councilman York to approve payment as follows:

Abstract Batch(es) #1166:

General Fund (A) -\$122,957.41, General Fund- Outside Village (B) \$433.57, Highway (DA) -\$0, Highway: Outside Village (DB) \$6,431.41, Capital Projects: CAP- Highway Garage- (HG) - \$28.30, CAP-Murder Creek (HM) \$16,586.79, CAP- Equipment Purchase (HR02)- \$0, CAP- Scotland Rd (HS)- \$0, CAP- Town Hall (HT)- \$0, CAP- Water Improvement (HW)- \$545,960.54, Drainage (SD)- \$0, Fire Protection (SF) \$291,489.00, Refuse (SR) \$369.12, Sewer Fund (SS) \$26.17, Sewer District #2 (SS02)- \$73.03, Trust & Agency(TA)- \$0 and Water Districts: Consolidated (SW00) \$1755.07, (SW1) \$0, (SW2) \$0, (SW3) \$0, (SW4) \$0, (SW5) \$84,118.24, (SW6) \$0, (SW7) \$0, (SW7A) \$2,271.90, (SW8) \$0, (SW9) \$6,020.55, (SW10) \$207,962.68
Total: \$1,286,483.78

Carried Unanimously

COMMITTEE AND DEPARTMENT HEAD REPORTS:

Highway – they have begun off road ditching on Hunts Corners & Meahl Road and will be working on Meahl to Rapids Road next. They are still inventorying parts and moving them to the joint facility. The week of April 9th they will be switching to four 10 hour days and the Superintendent will be on vacation that week.

Assessor – she is currently busy conducting the informal hearings.

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

Peter Hennessy	8013 Greenbush	Pole barn
Mark Cianfrini	13273 Martin	Roof
Trinity Church	4809 S Newstead	Electrical fixtures
Janine Litfin	13028 Dorsch	Deck
Robert Folger	12133 McNeeley	Garage
K-1 Properties	5725 Davison	Roof structure
Danielle Kitchell	12455 Hunts Corners	A. G. Pool
Craig Hathaway	11438 Hiller	One Family Home
Craig Hathaway	11438 Hiller	Driveway

The Town Board accepted the report as presented.

Town Clerk – attended a regional town clerk meeting in Geneva today. Topics included vital records and the open meetings law. The session was very informative.

Attorney for the Town – nothing at this time

COUNCILPERSONS:

Rooney – he attended the Economic Forum at UB held by Congresswoman Kathy Hochul. He also attended a meeting with the county parks liaison regarding the county parks for our town park master plan.

Mayrose – he attended the Economic Forum at UB, met with the Supervisor and the CEO regarding town violation court cases, he attended court downtown with regards to the airport litigation and met with the assessor regarding the revaluation project ads.

Baran – nothing at this time

York – nothing at this time

Supervisor – he attended the Association of Erie County Government meeting, a water quality review committee meeting and Congresswoman Kathy Hochul’s Economic Forum at UB.

UNFINISHED BUSINESS:

Water Districts – project is moving well. Disinfection and testing of the lines is done and all passed by ECWA. They will start hooking up services next week.

Shared Public Works Facility Project – they will be holding a staff meeting and safety meeting the first week of April. Day to day operations are going well.

Murder Creek – nothing new to report since Carl’s update at the last work session.

NEW BUSINESS:

SEQRA & Adoption-Local Law #1 of 2012:

A motion was made by Councilman Rooney, seconded by Councilman Mayrose adopting a determination of Non-Significance of Local Law with regards to SEQRA regulations on the proposed Local Law #1 of 2012 entitled Amendments to the Dog Law of the Town of Newstead. (Resolution Attached) Cummings-Aye, Rooney -Aye, Mayrose-Aye, Baran-Aye, York-Aye
Carried Unanimously

A motion was made by Councilman Rooney, seconded by Councilman Mayrose adopting the proposed Local Law #1 of 2012 entitled Amendments to the Dog Law of the Town of Newstead. (Resolution Attached) Cummings-Aye, Rooney -Aye, Mayrose-Aye, Baran-Aye, York-Aye
Carried Unanimously

Local Law #3 of 2012- Public Hearing:

A motion was made by Councilman Mayrose, seconded by Councilman Baran approving the calling of a public hearing on the proposed Local Law #3 of 2012 entitled Rezoning of Real Property and Zoning Map Amendment for the Wargo property on Stage Rd to be held at the town hall on April 23, 2012 at 7:50pm. (Resolution Attached) Cummings-Aye, Rooney -Aye, Mayrose-Aye, Baran-Aye, York-Aye
Carried Unanimously

Special District Assessments:

A motion was made by Councilman York, seconded by Councilman Mayrose approving the determination that refuse charges shall not be assessed on land locked parcels and no special assessments shall be charged on a gas well that has been properly capped under NYSDEC guidelines effective with the 2012 roll year/ 2013 County-Town tax cycle. (Resolution Attached) Cummings-Aye, Rooney -Aye, Mayrose-Aye, Baran-Aye, York-Aye
Carried Unanimously

Appointment- Assistant Town Prosecutor:

A motion was made by Councilman Rooney, seconded by Councilman York approving the appointment of Robert Friedman as a part time Assistant Town Prosecutor for the Court for the remainder of 2012. Cummings-Aye, Rooney -Aye, Mayrose-Aye, Baran-Aye, York-Aye
Carried Unanimously

Approve Cell Phone- Assistant DCO:

A motion was made by Councilman Baran, seconded by Councilman York approving the acquisition of a cell phone for use by the Assistant Dog Control Officer.

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

Approve MS Bike Ride Promotional Sign on Bike Path:

A motion was made by Councilman Mayrose, seconded by Councilman Rooney allowing the WNY Multiple Sclerosis Society to place a promotional sign for their “Head for the Hills” bike ride on the bike path near the 9.1-7.3 mile mark for up to a 2 week period.

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

Question Period – no one appeared to speak.

The board entered into executive session with the Zoning Board and Special Council with regards to a litigation matter. No action was taken in executive session and the boards exited executive session at 8:54pm.

There being no further business to come before the board a motion was made by Councilman Baran, seconded by Councilman Mayrose to adjourn the regular meeting at 8:55pm.

Carried Unanimously

Respectfully Submitted,
Dawn D. Izydorcak, Town Clerk