

Newstead Town Board Meeting- March 28, 2011

A regular meeting was called to order by the Newstead Town Board on Monday, March 28, 2011 at 8:07pm at the Newstead Town Hall.

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

Roll Call was taken with all board members present except Councilman Mayrose who is on vacation.

Supervisor Cummings led the pledge to the flag.

Minutes from the previous regular meeting held on March 14, 2011 were presented for approval. A motion was made by Councilman Baran, seconded by Councilwoman Esposito to approve as presented. Carried

Communications – The Town Clerk presented the following correspondence:

A letter of resignation was received from Code Enforcement Officer John Good effective February 9, 2011.

A letter of resignation was received from Recreation Board member Terri Bierasinski due to her moving out of the area.

A notice from the Erie County Dept of Environment & Planning announcing the offering of audio/video training modules for Planning & Zoning Board members that are available thru their offices by request.

A letter from the Erie County Dept of Environment & Planning along with brochures on Housing Rehabilitation, Rental Rehabilitation, First Time Home Buyers, Utility Connection and Mobile Homes, which are available in the Clerks information center.

A public hearing notice from the Town of Lancaster on their proposed Zoning Law amendment to Chapter 50 on permitted uses in an Agricultural Residential District which will be held April 4, 2011 at 8:15pm.

280 signatures on a petition were received in opposition of the proposed expansion projects at the Akron Airport.

A motion was made by Councilman Rooney, seconded by Councilman Baran to accept and file the presented correspondence. Carried

Work Session: The Supervisor reported that at work session held last the following items were discussed: an executive session on litigation matters, water districts issues, building projects updates, planning issues, murder creek project, airport issues, town park use, limerick hall, and trees. A joint town/village meeting was held following the work session.

Privilege of the Floor – Doug Ceisner – 100 East Ave – was told he would get a letter of response on his questions on Ag districts and the status of Tom George and his roll in the joint facility project. He has not received anything yet. Supervisor Cummings stated that both he and the Assessor called Mr. Ceisner and verbally answered his questions on the phone. Mr. Ceisner stated he still expects a reply in writing. Mr. Ceisner also questioned who is making up the questions for the Taxes, Taxes, Taxes ads. He was informed that it is a combination of on-line questions received by the assessor and the Assessment Advisory Committee members questions. Mr. Ceisner also questioned the sale of equipment and why we had a sewer cleaning machine. It was explained that the sewer cleaning machine was purchased used from the Village years ago prior to his term in office and was used to

clean culvert pipes and the bobcat was used for ditching projects. The Supervisor formally requested that all future questions from Mr. Ceisner be submitted in writing under FOIL.

Bob Scheib – 51 Brooklyn St – submitted for the record a copy of the tally sheet for the opposition petitions on the Akron Airport projects.

Budget Transfers: a motion was made by Councilwoman Esposito, seconded by Councilman Baran to approve the budget transfers per Bookkeeper Colleen Salmons memo dated 3/28/11.

Carried

Approval of Bills – Councilwoman Esposito reported that the Abstract from Batches #1050 & 1051 from the March 14, 2011 meeting has been reviewed with the previously un-audited vouchers and everything was found in order. She presented Abstract Batches #1054. Vouchers on this abstract numbered from 271 - 308, totaling \$231,005.56 and were presented by Councilwoman Esposito, seconded by Councilman Rooney to approve payment as follows:

Abstract Batches #1054:

General Fund (A) -\$36,974.33, General Fund- Outside Village (B) \$0, Highway (DA) -\$0, Highway: Outside Village (DB) \$4,023.69, Capital Projects: CAP- Highway Garage- (HG) - \$95,941.20, CAP- Murder Creek (HM) \$136.50, CAP- Town Hall Addition (HT) \$0, CAP- Water Improvement (HW)- \$10,228.75, Drainage (SD)- \$0, Fire Protection (SF) \$0, Refuse (SR) \$0, Sewer Fund (SS) \$28.01, Sewer District #2 (SS02)- \$91.68, Trust & Agency(TA)- \$617.50 and Water Districts Consolidated(SW00) \$0, (SW1) \$0, (SW2) \$0, (SW3) \$0, (SW4) \$0, (SW5) \$82,963.90, (SW6) \$0, (SW7) \$0, (SW7A) \$0, (SW8) \$0, (SW9) \$0, (SW10) \$0

Total: \$231,005.56

Carried

COMMITTEE AND DEPARTMENT HEAD REPORTS:

Highway – has 2 items out for bid. He would like to reject the bid for the bobcat and accept the bid for the sewer cleaner. The town will be saving money by rejecting the bid for the bobcat since Mike will be able to get more money on a trade-in. Roadwork and tree work will be starting very soon.

Approval – Accept/Reject Equipment Bids:

A motion was made by Councilman Rooney, seconded by Councilwoman Esposito to accept the bid for the sewer cleaner and reject the bid for the bobcat.

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

Approval – Allow Highway Superintendent to go to bid on new equipment:

A motion was made by Councilman Rooney, seconded by Councilman Baran to allow the Highway Superintendent to go to bid on a new Skidster using the bobcat as a trade in.

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

Assessor – no report presented.

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

Ann Chalmers

12718 Swift Mills

Interior remodeling

The Town Board accepted the report as presented.

Town Clerk- tax collection is at 99%. 202 delinquent notices are being mailed tomorrow.

Attorney for the Town – the release of money from the escrow account on Havenwood needs to be addressed.

COUNCILPERSONS:

Rooney – working on the child ID program and the business survey which is going to take some more time. Also questioned Mike on the drainage plan for the summer.

Esposito – attended the library board meeting. They are looking for a new County Director since the previous one has resigned. Looking into a possible special library district tax for funding. 45% of the grant money is in.

Mayrose – not present

Baran –awarded the door replacement work on the Denio side entry door and is getting quotes on the front door replacement and rehab work as well. He is also working on getting bids for the gutters to be re-hung at the senior center and for more work to be done in the basement of the library.

SUPERVISOR - The February 2011 Supervisors Report is on file with the Town Clerk. He attended the Association of Erie County Government meeting and also reviewed the next phase of the library basement work with contractors.

UNFINISHED BUSINESS:

Water Districts – Approaching 60% design. Soil drilling trucks will be doing soil boring in the area soon.

Shared Public Works Facility Project – nothing new

Murder Creek Project - Apex update: construction drawings and specifications have been delivered to the town for review. Comments from Town Attorney Neill are being addressed. Once final construction costs are received from ECSWCD the final estimated project costs and tentative construction schedule will be finalized. Tentative delivery date on these is March 30th. **Erie Co Soil & Water update:** final design for lower bank is complete and have been submitted to Apex, permits have been submitted to NYSDEC & USACE, the final structural analysis of the stacked rock is complete and submitted, a plan view map has been developed for the Brooklyn Street landowners to sign. All have verbally agreed to sign easements. The district continues to work with Apex on the construction timing and bidding to ensure consistency.

NEW BUSINESS:

Public Hearing-Local Law #1 of 2011-Zoning Amendments:

A motion was made by Councilwoman Esposito, seconded by Councilman Rooney approving the Calling of a public hearing on the proposed amendments to the Town of Newstead Local Law #1 of 2011 entitled “Kennel and Junkyard Amendment to the Zoning Law of the Town of Newstead” to be held April 11, 2011 at 7:50pm at the Newstead Town Hall and authorizing the Town Clerk to publish the legal notice.

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

Question Period-

Bob Scheib – 51 Brooklyn St – asked if Dawn had received a copy of the Buffalo News articles in with the petition. She had not. Original 500 petitions from 1993 referenced in the article were given to the Village of Akron Board and have since disappeared.

There being no further business to come before the board a motion was made by Councilman Baran, seconded by Councilwoman Esposito to adjourn the meeting at 8:39pm.

Carried

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