

## Newstead Town Board Meeting- April 6, 2009

A Regular Meeting was called to order by the Newstead Town Board on Monday, April 6, 2009 at 8:00pm at the Newstead Town Hall.

Present: David Cummings– Supervisor  
Tom George- Councilman  
Harold Finger- Councilman  
Justin Rooney- Councilman  
Cheryl Esposito- Councilwoman  
Nathan Neill- Town Attorney  
Mike Bassanello- Highway Supt.  
Scott Rybarczyk- Town Engineer  
Dawn Izydorzak- Town Clerk  
Kathy Lang- Deputy Clerk

Roll Call was taken with all board members present.

Councilman George led the pledge to the flag.

Minutes from the previous regular meeting held on March 23, 2009 were presented for approval. A motion was made by Councilman George, seconded by Councilman Rooney to approve as presented. Carried Unanimously

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

A letter was received from Time Warner Cable notifying the town of the 24 programmers they are currently under negotiations with for continuation of service.

A notice from Whiting Door Manufacturing Corp. pursuant to the Worker Adjustment & Retraining Notification Act that they will have impending layoffs at the Cedar Street plant in 2009.

Copies of a letters sent to Governor Paterson in opposition to Part NN, Sections 26 thru 28 of the Governors budget bill were received from the following: Erie Co. Association of Town Superintendents of Highways, Assemblywoman Jane Corwin, & Assemblyman Jack Quinn.

A letter from R & J of WNY Corp requesting renewal of their liquor license for the establishment located at 11891 Main Rd.

A letter from the Akron Celebration Team requesting use of the town park facilities for their fireworks display to be held on July 2, 2009.

The March 2009 Operations Report was received from Amherst Central Alarm Office reporting 36 calls for Akron Fire Co. and 29 calls for Newstead Fire Co.

Letters were received from Senator Michael Ranzenhofer and Assemblywoman Joan Christensen thanking the town for their resolution regarding opposition to Part NN, Sections 26 thru 28 of the Governors budget bill.

The January – March 2009 Quarterly Report was received from Allied Waste reporting 1,820+/- residential units collected for with 543.44 +/- tons of solid waste collected and 66.77 tons of co-mingled recyclables collected.

A letter from residents Kevin & Diane Ernst regarding their complaints against their neighbors business Peronne Trenching operating at 6500 Draper Rd.

A motion was made by Councilman George, seconded by Councilman Finger 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: Muir Woods's project, water district issues, Joint Facilities, grant submissions, planning issues, town park use requests, computer policy, recreation fee proposal, police policy, personnel issues and any other items found necessary.

**Privilege of the Floor** – No one spoke

**Budget Transfers:** A motion was made by Councilman Finger, seconded by Councilwoman Esposito approving the requested budget transfers per a memo from Bookkeeper Colleen Salmon dated 4/6/09. Carried Unanimously

**Approval of Bills** -Councilwoman Esposito reported that the Abstracts from Batches #812 from the March 9, 2009 meeting have been reviewed with the previously UN-audited vouchers and everything was found in order. She presented Abstract Batch #817. Vouchers on this abstract numbered 323 - 373 totaling \$207,370.22 and were presented by Councilwoman Esposito, seconded by Councilman Finger to approve payment as follows:

Abstract Batch #817:

General Fund (A) -\$31,356.97, General Fund- Outside Village (B) \$773.29, Highway (DA) -\$0, Capital Projects: CAP-WD#10-phase (HI)- \$0, Library Basement (HR04)- \$16,000.00, Murder Creek Stabilization (HM) - \$0, Highway: Outside Village (DB) \$26,673.59, Drainage (SD)- \$0, Fire Protection (SF) \$5,062.61, Refuse (SR) \$0, 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) \$120,829.48, Trust & Agency(TA)- \$0  
Total: \$207,370.22 Carried Unanimously

**COMMITTEE AND DEPARTMENT HEAD REPORTS:**

**Highway** –He is hosting Erie County Highway Superintendents Association on April 16 at Ivy Ridge and all on the board are invited. Two of the three new trucks have been delivered. They are cleaning up the hedgerow at the Town Park. He is trying to get Senator Mike Ranzenhofer to attend the Erie County Highway meeting this week as a guest speaker.

**Assessor** – no report

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

Richard Urbanski	13428 Main	Sign
Town of Newstead	33 Main	Bathrooms
Andy Kelkenberg	12607 Stage	Pole barn addition
Michael Baran	12800 Carney	Outdoor wood boiler
Urso Construction	5660 Cummings	One family home

The Town Board accepted the report as presented.

**Town Clerk-** The March 2009 Dog Control Officers Report was presented with concerns on 2 dog bites and a rabid raccoon that was tested in the town. 90% of all taxes have been collected and distributed to the County and the Town. Late notices were sent out Friday. We will continue to collect thru June 30<sup>th</sup>.

**Attorney for the Town** – He received a letter on the Toll Barrier issue and they are moving along on the environmental process. He would like work session time on April 20<sup>th</sup> to discuss.

**COUNCILPERSONS:**

**George-** Nothing at this time

**Finger-** There was a fire call at the Newstead Library last week. The custodians were cleaning the higher windows and the cleaning fluid fumes set off the alarm system. The new bathrooms are coming along in the lower level.

**Rooney-** There will be a Recreation Board meeting on April 23 at 7pm. He attended a meeting in the Clarence Hollow on their trail system. He learned some good methods of promoting the area like the Bike Path and trails that we may be able to use in Newstead.

**Esposito-** She attended the Celebration meeting last week and things are coming along for this year's events. Their next meeting is May 7th. They invite more volunteers to attend.

**SUPERVISOR-** He too attended the Celebration meeting. He also attended the Association of Erie County Government meeting. The speaker was from the Assessors group and he would like to discuss some of the ideas presented with our Assessor at a work session.

**UNFINISHED BUSINESS:**

**Water District #10-** Phase 4/Consolidation- They are waiting for response from USDA on grant applications.

**Shared Public Works Facility Committee-** There is a meeting this week where they are hoping to make a final selection/recommendation for the next board meeting. The search and survey are in on the property and the release of surface rights is pending.

**GIS-** training schedules being set and scanning of pre-plans and documents to start this week.

**NEW BUSINESS:**

**Local Law No. 1 of 2009- Zoning Law Amendment:**

A motion was made by Councilman George, seconded by Councilman Finger approving the calling of a public hearing to hear comments on proposed Local Law #1 of 2009 entitled Amendment to the Subdivision Law on April 27, 2009 at 7:50pm at the town hall.

(Resolution Attached) Cummings-Aye, George-Aye, Finger-Aye, Rooney -Aye, Esposito-Aye  
Carried Unanimously

**Support of Incentive Raise- Bookkeeper:**

A motion was made by Councilman Finger, seconded by Councilwoman Esposito approving the request for an incentive raise for Bookkeeper Colleen Salmon in the amount of \$0.65/hour effective April 25, 2009.

(Resolution Attached) Cummings-Aye, George-Aye, Finger-Aye, Rooney -Aye, Esposito-Aye  
Carried Unanimously

**Police Services Inter-Municipal Agreement:**

A motion was made by Councilwoman Esposito, seconded by Councilman Rooney approving the Inter-Municipal Agreement between the Town of Newstead and the Village of Akron which addresses court duties, response calls into the town, reporting and notices, and the 3 year term of the agreement.

(Resolution Attached) Cummings-Aye, George-Aye, Finger-Aye, Rooney -Aye, Esposito-Aye  
Carried Unanimously

**Lead Agency- 11187 Main Rd:**

A motion was made by Councilman Rooney, seconded by Councilman George declaring lead agency status on the project located at 11187 Main Rd by Kelly Schultz for a 9,000 sq. ft. special events building and authorizing the building department to conduct a coordinated review.

(Resolution Attached) Cummings-Aye, George-Aye, Finger-Aye, Rooney -Aye, Esposito-Aye  
Carried Unanimously

**Public Hearing- 11187 Main Rd:**

A motion was made by Councilman Rooney, seconded by Councilman George approving the calling of a public hearing to hear comments on the proposed project at 11187 Main Rd by Kelly Schultz for a 9,000 sq. ft. special events building on April 27, 2009 at 7:40pm at the Newstead Town Hall.

(Resolution Attached) Cummings-Aye, George-Aye, Finger-Aye, Rooney -Aye, Esposito-Aye  
Carried Unanimously

**Havenwood Subdivision: Neg Dec & Preliminary Plat Approval:**

A motion was made by Councilman George, seconded by Councilman Rooney issuing a Negative SEQRA Declaration under a Type 1 Action on the project located at Stage & Haven Roads by Stanley Tataara for a major 28-lot subdivision, approving the preliminary plat as presented and authorizing the Supervisor to sign the EAF.

(Resolution Attached) Cummings-Aye, George-Aye, Finger-Aye, Rooney -Aye, Esposito-Aye  
Carried Unanimously

**P&A Administrative Services- Agreement Amendment:**

A motion was made by Councilman Finger, seconded by Councilman Rooney approving the COBRA amendment agreement between the town and P & A Administrative Services and authorizing the supervisor to execute the agreement.

(Resolution Attached) Cummings-Aye, George-Aye, Finger-Aye, Rooney -Aye, Esposito-Aye  
Carried Unanimously

**Internet/Computer Acceptable Use Policy:**

A motion was made by Councilman George, seconded by Councilman Finger approving the proposed Internet/Computer Acceptable Use policy effective 04/06/2009.

(Resolution Attached) Cummings-Aye, George-Aye, Finger-Aye, Rooney -Aye, Esposito-Aye  
Carried Unanimously

**Approval- Town Park use:**

A motion was made by Councilman Finger, seconded by Councilwoman Esposito approving the request by the Akron Celebration Team for use of the town park July 2, 2009 for fireworks.

Cummings-Aye, George-Aye, Finger-Aye, Rooney -Aye, Esposito-Aye Carried Unanimously

**Approval- Broadview Contract:**

A motion was made by Councilman George, seconded by Councilman Finger approving the renewal of the town's contract with Broadview Networks for phone service for the next 3 years, with the addition of caller ID on the town hall and highway lines.

Cummings-Aye, George-Aye, Finger-Aye, Rooney -Aye, Esposito-Aye Carried Unanimously

**Approval- Storage Room- Newstead Library:**

A motion was made by Councilman Finger, seconded by Councilman Rooney approving the request for a storage room to be constructed in the lower level of the Newstead Library at a cost not to exceed \$3,600.00.

Cummings-Aye, George-Aye, Finger-Aye, Rooney -Aye, Esposito-Aye Carried Unanimously

The Supervisor announced the retirement of Deputy Town Clerk Kathleen McLeod Lang effective 07/31/09, but her last day at work will be 4/30/09 due to accumulated time off.

**Approval of Deputy Town Clerk rate:**

A motion was made by Councilman George, seconded by Councilman Rooney, to hire Jennifer Heberling as Deputy Town Clerk at \$13.75 per hour effective 05/01/2009.

Cummings- Aye, George-Aye, Finger-Aye, Rooney-Aye, Esposito-Aye Carried Unanimously

**Approval- Clerk Typist hire:**

A motion was made by Councilman George, seconded by Councilman Rooney approving the hiring of Julie Brady as a civil service Clerk-Typist full time in the Building & Assessor's office effective April 20, 2009 at a rate of \$11.25/hour.

Cummings-Aye, George-Aye, Finger-Aye, Rooney -Aye, Esposito-Aye Carried Unanimously

**Question Period-** No one spoke

The Town Board went into Executive Session at 8:45PM to discuss personnel matters. The board exited executive session at 9:40pm.

There being no further business to come before the board a motion was made by Councilman George, seconded by Councilwoman Esposito to adjourn the meeting at 9:41pm.

Carried Unanimously

Respectfully Submitted, Dawn D. Izydorczak, Town Clerk