

Newstead Town Board Meeting- April 12, 2010

A Public Hearing was called to order by the Newstead Town Board on Monday, April 12, 2010 at 7:50pm 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 Izydorzak- Town Clerk
Jennifer Heberling- Deputy Town Clerk

Roll Call was taken with all board members present except Councilman Mayrose who is out of town for work.

The Supervisor called the public hearing to order on the unsafe building located at 13962 Bloomingdale Rd.

The Town Clerk read the proof of publication.

Comments: The Supervisor stated that the CEO has been dealing with the prior and current owner for several years trying to rectify the issues on this property.

Wesley Ribbeck of 13974 Bloomingdale Rd. questioned the costs associated with the demolition. Supervisor Cummings explained the process of placing the cost on the tax rolls. It is possible that the cost could exceed the value of the property. Mr. Ribbeck stated he is ready for the property to be torn down.

The CEO has had the building boarded and the utility meters have been pulled.

There being no further comments a motion was made by Councilman Rooney, seconded by Councilman Baran to close the public hearing at 8:02 pm. Carried

A regular meeting of the town board was called to order at 8:02 pm 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 22, 2010 were presented for approval. A motion was made by Councilwoman Esposito, seconded by Councilman Rooney to approve as presented. Carried

Communications – The Town Clerk presented the following:

Two letters were received from Time Warner Cable notifying the town of the programmers and providers they are currently under negotiations with for service as well as programming changes that are scheduled.

A letter was received from 54 Flags/The Rothland's Golf Course requesting renewal of their liquor license for the 2010 season and requesting waiver of the 30-day notification requirements.

A letter was received from The Borderline Bar requesting renewal of their liquor license for the 2010 season.

A letter from the Amherst, Clarence, Newstead EMS Board requesting the town board to approve an amendment to the current EMS contract as provided with the letter.

A notice of public hearing by the Town of Royalton Town Board regarding a proposed outdoor wood burner law to be held April 12, 2010 at 7:15pm.

The March 2010 Operations Report was received from Amherst Central Alarm Office reporting 42 calls for Akron Fire Co and 19 calls for Newstead Fire Co.

The January 1- March 31, 2010 Quarterly Report was received from Allied Waste reporting 1,847 +/- residential units collected for with 383.79 +/- tons of solid waste collected and 64.47 +/- tons of co-mingled recyclables.

A notice of a free pipeline safety emergency response program was received from Paradigm Liaison Services. The session will be held May 10, 2010 at the Hearthstone Manor at 5:30pm.

A letter from NYS Office of Parks, Recreation & Historic Preservation notifying the town it was not selected for funding in 2010 on its youth baseball and softball fields project.

A thank you card and note was received from Howard Stanley for the award presented to him by the town for his heroic efforts in saving a girls life.

A letter from Time Warner Cable regarding their new interactive program guide called "navigator" that will take effect over the next month.

A notice of public hearing by the Town of Alden Town Board regarding a proposed amendment to their vehicle and traffic law.

A letter from the Akron Celebration Team requesting use of the Town Park facilities for the fireworks display on Friday, July 2, 2010, with an alternate rain date of Saturday, July 3rd.

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

Work Session: The Supervisor reported that at the last work session held the following issues were discussed: water district issues, joint facility issues, grant submissions, planning issues, Cleaning Contracts, recreation issues, Village issues construction project updates, and any other items brought before the board.

Privilege of the Floor –

Bob Scheib of 51 Brooklyn St. – encouraged the board to think outside of the box for the future with the construction of the joint facility and the expansion of the town hall. He believes we should be thinking about storage space for 2 new town owned vans for senior services. He also spoke in regards to the Murder Creek erosion/slide potential. The Brooklyn Street bridge will be replaced this year and that change could affect the rate of flow in the creek & affect the planned mitigation project. He suggested the board arrange to meet with county representatives to make sure everyone is on the same page regarding these two projects.

Budget Transfers: none

Approval of Bills – Councilwoman Esposito reported that the Abstract from Batch #933 from the March 22, 2010 meeting has been reviewed with the previously un-audited vouchers and everything was found in order. She presented Abstract Batch #936 & 938. Vouchers on these abstracts numbered from 290- 382 totaling \$273,433.47 and were presented by Councilwoman Esposito, seconded by Councilman Rooney to approve payment as follows:

Abstract Batch #936 & 938:

General Fund (A) -\$42,979.34, General Fund- Outside Village (B) \$732.97, Highway (DA) -\$0, Capital Projects: CAP- Highway Garage- (HG) - \$29,021.50, CAP- Scotland Rd (HS)- \$49,142.33, CAP- Town Hall Addition (HT) \$0, Highway: Outside Village (DB) \$16,268.21, Drainage (SD)- \$0, Fire Protection (SF) \$9,592.98, Refuse (SR) \$28,911.71, Sewer Fund (SS) \$28.32, Sewer District #2 (SS02)- \$321.26, 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) \$92,760.57, Trust & Agency(TA)- \$0
Total: \$273,433.47 Carried

COMMITTEE AND DEPARTMENT HEAD REPORTS:

Highway – Not present, at highway supt. school. They are beginning their summer hours and doing spring maintenance to the town park and athletic fields.

Assessor – the assessor presented a report on the adoption of New York State Assessment Standards to the board with a recommendation to adopt the standards to our town code.

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

Greg Gajewski	11687 Clarence Center	Fireplace
Brian Domon	5271 Crittenden	Sign
John Jendrowski	12375 Meahl	Pole barn
David Lamberth	11805 Stage	Solar system
Robert Nye	4168 N Millgrove	Roof
John Alfieri	13402 Main	Fire repairs
Phillip Shantz	12639 Clarence Ctr	Roof
Town of Newstead	33 Main St	Finished basement
Duwayne Grabenstatter	12447 Hunts Corners	Permit renewal
Stephen Marquart	5408 Barnum	Deck
Fastenal	11200 Main	Sign
Orange Dog Garage	11520 Main	Sign

The Town Board accepted the report as presented.

Town Clerk- Dawn reported that 93% of taxes have been collected to date for the 2010 County/Town tax collection. She presented the Dog Control Officers Report for March. Dawn will be away at the Town Clerks Conference from 4/25-4/28.

Attorney for the Town – nothing at this time

COUNCILPERSONS:

Rooney- nothing at this time

Esposito- There will be a Celebration Committee meeting on Wednesday at 7:00 at the Village Inn. She attended a court consolidation meeting on March 31st. The town court will share space with the village court at the village hall during the construction project. The library board met April 6th. They received a grant for outreach to target families that would not typically use the library. This Thursday the recreation board will be meeting to discuss alternate options for where to hold the summer recreation program due to construction at the school.

Mayrose- not present

Baran- stated that he is still waiting for the bid for repairing the Senior Center roof.

SUPERVISOR- February Supervisors report is on file.

UNFINISHED BUSINESS:

Water District #10- Scotland Rd Extension- received approval from ECWA to connect Scotland Road water lines. Water is flowing and restoration work is in process.

Shared Public Works Facility Committee- will go to bid on the building construction within the next couple of weeks.

Grants- The NYS Recreation & Parks Department has denied our grant for baseball fields. The Court received a \$60,000 grant for the town hall/court consolidation project thru the Justice Court Fund. Judge Boller presented the check to the Town Board this evening. Bids on the Town Hall addition project will be opened this Thursday.

NEW BUSINESS:

Municipal Clerks Week:

A motion was made by Councilwoman Esposito, seconded by Councilman Rooney recognizing Municipal Clerks Week during April 19 – April 23, 2010 and extending their appreciation for the vital services the Clerk’s office provides.

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

Resolution & Order After Hearing- 13962 Bloomingdale Rd:

A motion was made by Councilman Rooney, seconded by Councilman Baran authorizing the demolition, debris removal and foundation removal of the buildings located at 13962 Bloomingdale Rd due to unsafe conditions, on the condition that within 30 days of this order no action to repair said property is taken by the reputed owner of the property.

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

Public Hearing- Special Use Permit & Site Plan-7463 Maple Rd:

A motion was made by Councilman Baran, seconded by Councilman Rooney authorizing the calling of a public hearing on the proposed Special Use Permit & Site Plan approval for a home based business operating at 7463 Maple Rd known as “Outdoor Pleasures” landscaping & construction business operated by Paul Herberger, to be held on April 26, 2010 at 7:30 pm.

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

Bond Issuance- Highway Truck Purchase:

A motion was made by Councilman Rooney, seconded by Councilwoman Esposito authorizing the issuance of \$185,000 in serial bonds to purchase a Highway Truck with Plow Package.

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

Public Hearing- Local Law #2 of 2010:

A motion was made by Councilwoman Esposito, seconded by Councilman Rooney authorizing the calling of a public hearing on the proposed Local Law No. 2 of 2010 establishing training standards for Planning Board and Zoning Board of Appeals members of the Town of Newstead, to be held on April 26, 2010 at 7:40 pm.

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

Amendment to EMS Contract Approval:

A motion was made by Councilman Baran, seconded by Councilman Rooney authorizing the Supervisor to execute the amendments to the EMS Contract as presented pursuant to their letter of request.

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

Town Attorney Neill stated these amendments allow for control over the average response time to calls.

Liquor License Renewal- 11825 Main Rd:

A motion was made by Councilman Rooney, seconded by Councilman Baran approving the request by the Borderline Bar to renew its liquor license for the restaurant/bar located at 11825 Main Rd.

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

Liquor License Renewal- 12089 Clarence Center Rd:

A motion was made by Councilman Rooney, seconded by Councilwoman Esposito approving the request by the Rothland’s Golf Course to renew its liquor license for the restaurant/bar and beverage cart service located at 12089 Main Rd and waiving the 30 day notice requirement.

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

LOSAP- 2009 Sponsor Approval Form:

A motion was made by Councilman Baran, seconded by Councilman Rooney approving the annual 2009 sponsor form for reporting to LOSAP for the Newstead Fire Company.

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

Town Park Use – July 2, 2010:

A motion was made by Councilwoman Esposito, seconded by Councilman Baran approving the use of the Newstead Town Park for fireworks on July 2, 2010 with a rain date of July 3, 2010.
Cummings-Aye, Rooney-Aye, Esposito-Aye, Mayrose-Absent, Baran-Aye Carried

The Supervisor announced that the Town will be working in cooperation with the Village on an electronics pickup on May 1st from 9:00am – 12:00pm in the town hall parking lot for all town and village residents.

Question Period- no one spoke

The Board entered executive session at 8:53 pm to discuss confidential personnel issues.
The Town Board exited executive session at 9:30pm having taken no official action.

There being no further business to come before the board a motion was made by Councilman Rooney, seconded by Councilman Baran to adjourn the meeting at 9:30 pm.
Carried

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