

## Newstead Town Board Meeting- May 23, 2011

A public hearing was called to order by the Newstead Town Board on Monday, May 23, 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 to order on proposed Local Law #3 of 2011 amending the Zoning Code relative to Lot sizes, Home Based Business and Open Development.

The Clerk read the proof of publication.

### Comments:

Doug Ceisner – 100 East Ave. – questioned money spent on the zoning overlay and yet we are now making it easier to put businesses anywhere. He questioned Kelkenberg Farms being an ag business but they also have a contractor business as well on the property. There are many other illegal businesses. This law is going to cause problems and lead to big mistakes down the road.

There being no further comments a motion was made by Councilman Mayrose, seconded by Councilman Baran to closed the public hearing at 8:00pm

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

Nathan Neill led the pledge to the flag.

Minutes from the previous regular meeting held on May 9, 2011 were presented for approval. A motion was made by Councilman Mayrose, seconded by Councilwoman Esposito to approve as presented. Carried Unanimously

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

A letter from Time Warner Cable notifying the town of the programmers they are currently under negotiations with for continued or new service.

The April 2011 Operations Report was received from Amherst Central Alarm Office reporting 36 calls for Akron Fire Co and 27 calls for Newstead Fire Co.

A copy of a letter from the NYS Department of Transportation to Erie County Department of Public Works denying the towns request for a reduced speed limit on Bloomingdale Rd.

A letter from NYS Office of Real Property notifying the town of their 96% tentative equalization rate for 2011 Assessment Roll.

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 on May 16, 2011, the following items were discussed: a walk thru of the new joint highway facility, water districts issues, building projects updates, planning issues, murder creek project, airport issues, personnel issues, and any other issues brought before the board.

**Privilege of the Floor –**

Doug Ceisner – 100 East Ave. – asked for a correction to the March 14<sup>th</sup> minutes. He made a reference to Crittenden Rd., Wargo & Kelkenberg Farms. No reference to Draper Road.

Mike Borth – 13546 Stage Rd. – questioned what the board is trying to accomplish with the ag home based business. He was sent paperwork on his home based business last year and spoke to the prior CEO who advised him to wait until more issues were resolved before filing it. The Supervisor referred him to the building department as Local Law #3 does not apply to him.

**Budget Transfers:** a motion was made by Councilman Mayrose, seconded by Councilman Rooney to approve the budget transfers per memo from Bookkeeper Colleen Salmon dated 5/23/11.  
Carried Unanimously

**Approval of Bills –** Councilwoman Esposito reported that the Abstract from Batch(es) #1068 & 1069 from the May 9, 2011 meeting has been reviewed with the previously un-audited vouchers and everything was found in order. She presented Abstract Batches #1072. Vouchers on this abstract numbered from 497 – 546, totaling \$109,918.67 and were presented by Councilwoman Esposito, seconded by Councilman Mayrose to approve payment as follows:

Abstract Batches #1072:

General Fund (A) -\$20,253.73, General Fund- Outside Village (B) \$96.42, Highway (DA) -\$0, Highway: Outside Village (DB) \$5,814.70, Capital Projects: CAP- Highway Garage- (HG) - \$58,559.00, CAP-Murder Creek (HM) \$3,998.20, CAP- Town Hall Addition (HT) \$787.74, CAP- Water Improvement (HW)- \$14,431.51, Drainage (SD)- \$0, Fire Protection (SF) \$0, Refuse (SR) \$1,421.46, Sewer Fund (SS) \$21.02, Sewer District #2 (SS02)- \$101.69, Trust & Agency(TA)- \$4,270.00 and Water Districts Consolidated(SW00) \$163.20, (SW1) \$0, (SW2) \$0, (SW3) \$0, (SW4) \$0, (SW5) \$0, (SW6) \$0, (SW7) \$0, (SW7A) \$0, (SW8) \$0, (SW9) \$0, (SW10) \$0  
Total: \$109,918.67  
Carried Unanimously

**COMMITTEE AND DEPARTMENT HEAD REPORTS:**

**Highway** – currently assessing roads for oil & stone, to be done the 2<sup>nd</sup> week of June. Roadside mowing has begun. The culvert by Kumpf’s property is going to be replaced. Mike will be at school on June 6, 7 & 8.

**Assessor** – A comparison of the RFP’s for services on the 2012 reval project are being reviewed and a recommendation for award made to the Board.

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

Calvary Baptist Church	12822 Swift mills	One family home
Karen Jozwiak	12261 McNeeley	Roof
Nelson Rappold	7461 Cedar	Addition
Bill Lorenz & Eric Ridge	11422 Hiller	Pole barn
Joan Witzleben	7169 Downey	Roof
Jack Powell	6230 Utley	Roof
Mike Kropelin	13089 Steiner	Roof

The Town Board accepted the report as presented.

**Town Clerk-** the new on-line payments program is up and running with links on the town website.

**Attorney for the Town** – nothing

## **COUNCILPERSONS:**

**Rooney** – He is waiting for the tobacco group to get back to him to schedule a meeting, he visited the highway garage and he thanked everyone who came to the Tyler Gabbey memorial scholarship game. Everyone had a great time.

**Esposito** - nothing

**Mayrose** – He attended both the Murder Creek informational meeting and the assessment meeting. They do have a potential BAR member.

**Baran** – the cleaning at the library due to the vandalism is almost done and they will be meeting on Wednesday to go over the work. The work at the Denio library is continuing with the removal of some lead paint. An issue with the lower level bathrooms needs to be addressed.

**SUPERVISOR**- the April Supervisor’s Report is on file with the Town Clerk. He also attended the murder creek meeting informational meeting. He thanked Carl for all of his work and felt that the residents that attended were pleased.

## **UNFINISHED BUSINESS:**

**Water Districts** – working towards 90% completion. Drawings and packets have been mailed to the residents. Applications and service lines must be in no later than October 2011. Neighbors should pool together to hire contractors to save money.

**Shared Public Works Facility Project** – continuing to progress. Sidewalks formed, restoration on the sewer line and site cleanup being done.

**Murder Creek Project** – had the residents meeting, received the DEC permit and have the pre-bid meeting tomorrow.

**Airport** – SEQR process and conditions being put into document form for review at the next work session.

## **NEW BUSINESS:**

### **Adoption- Local Law #2 of 2011- BAR changes:**

A motion was made by Councilman Baran, seconded by Councilman Mayrose approving the adoption of Local Law #2 of 2011 entitled “Local Law Increasing the Size of the Board of Assessment Review of the Town of Newstead”.

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

### **Approval- Water Project Application:**

A motion was made by Councilman Mayrose, seconded by Councilman Baran approving the proposed Joint Application Form on the waterline extension project to the NYS DEC and US Army Corps of Engineers for a Permit to undertake activities affecting streams, waterways, water bodies, wetlands, coastal areas and sources of water supply and authorizing the Supervisor to execute the application.

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

### **Approval- Water District No. 10 Transfer:**

A motion was made by Councilwoman Esposito, seconded by Councilman Mayrose approving the closing of the Water District No. 10 Capital Account and authorizing the proceeds be transferred to the Water District No. 10 Fund.

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

**Approval- Award Bid for Assessment Services:**

A motion was made by Councilman Baran, seconded by Councilman Rooney approving the award of a bid for services for the 2012 revaluation project to ENPM, Inc. at a cost of \$33,500 and authorizing the Supervisor to sign the approved contracts with said vendor.

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

**Approval- Water District Soil Boring:**

A motion was made by Councilman Mayrose, seconded by Councilman Baran approving the proposal from SJB Services, Inc. in the amount of \$3,750.00 for soil borings and a report on the waterline extension project and authorizing the Supervisor to sign the contracts.

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

**Approval- Town Park Use:**

A motion was made by Councilman Mayrose, seconded by Councilwoman Esposito approving the use of the Town Park for fireworks display during July 3<sup>rd</sup> & 4<sup>th</sup> by the celebration committee.

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

**Approval- CEO Probation Extension:**

A motion was made by Councilman Baran, seconded by Councilman Mayrose approving a 3 month extension of the Code Enforcement Officers Probationary Period. This is to allow for the completion his certification.

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

**Approval- Highway Workers Probation Completion:**

A motion was made by Councilman Rooney, seconded by Councilman Mayrose approving highway laborer Brian Lords for removal from probation and upgrade to a step 2 status.

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

**Question Period** – no one spoke

There will be no meeting next Monday due to the Memorial Day holiday.

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 8:33pm.

Carried Unanimously

Respectfully Submitted,  
Dawn Izydorzak, Town Clerk