

Newstead Town Board Meeting- June 13, 2011

A public hearing was called to order by the Newstead Town Board on Monday, June 13, 2011 at 7:56pm 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
Jennifer Heberling- Deputy Town Clerk

Roll Call was taken with all board members present.

The Supervisor called the public hearing to order on a proposed site plan by Niagara Specialty Metals for construction of a 7,700 sq. ft. maintenance building.

The Deputy Clerk read the proof of publication.

Comments: Supervisor Cummings began with the following: Wendel has completed two reviews of the project and recommends its approval. The planning board recommends its approval. Both of the fire companies have several comments and concerns, some which will apply tonight and some which will apply later in the project process.

Scott Zitzka, Newstead Fire Chief – 4594 S. Newstead Rd. – asked which suggestions would apply tonight? Some of the concerns he has involve a sprinkler system, an early fire/smoke alarm and a fire department connection system. The building is approximately 1000 feet or more from the closest fire hydrant and he believes this is a major concern. He is also concerned about access to all 4 corners of the building and into the building itself. The main entrance has some clutter that would make getting fire equipment in difficult. He is also concerned that there will be a welding booth inside the new addition.

Supervisor Cummings stated that the fire company's comments will be put into the resolution when it is passed. He believes that if there is a welding booth in the facility, by code, the building would have to be sprinklered. The board definitely wants the concerns of the fire department addressed. All the comments will also be forwarded to the CEO once the resolution is passed.

Board discussed if they want the site plan revised to take some of these suggestions into consideration.

Dan Kowalik, Akron Fire Chief – 105 Main St. – spoke about his interpretation of the building code. If the building is sprinklered, the distance to the closest fire hydrant must be 600 feet. The only hydrant is 1000 feet. Dan completely supports the Newstead Fire Company on their recommendations as the Akron Fire Company would be the mutual aid company. He would also like to see the building sprinklered regardless of the welding booth or not.

The board is in agreement that they will not act tonight. The need Niagara Specialty to come in and will schedule something for next Monday night during work session. Also to ask the CEO to attend the meeting. Scott suggests the board researches which of the recommendations are suggestions and which are actually required by the code.

There being no further comments a motion was made by Councilman Mayrose, seconded by Councilman Baran to close the public hearing at 8:15pm

A regular meeting of the Town Board was called to order at 8:15pm with the same members present as listed above.

Highway Superintendent Bassanello led the pledge to the flag.

Minutes from the previous regular meeting held on May 23, 2011 were presented for approval. A motion was made by Councilman Mayrose, seconded by Councilman Rooney to approve as presented. Carried Unanimously

Communications – The Deputy 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 May 2011 Operations Report was received from Amherst Central Alarm Office reporting 38 calls for Akron Fire Co and 24 calls for Newstead Fire Co.

A letter from the NYS Department of State notifying the town that Local Law #2 of 2011 was filed on June 1, 2011.

A report from Akron Village Clerk Treasurer Dan Borchert notifying the town of the success of the June 4th electronics drop-off. 10 pallets of waste and 15 TV's were dropped off by 20 town residents and 25 village residents.

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

Work Session: The Supervisor reported that at work session held last the following items were discussed: an information meeting for residents of the waterline addition project, water districts issues, building projects updates, planning issues, murder creek project, airport issues, grants, personnel issues, and any other issues brought before the board.

Privilege of the Floor –

Dale Cheavacci, 113 John St. – had spoken to Carl Klingenschmidt at a prior meeting with regards to water issues. The lower end of Akron Falls Park has a lot of water coming down and Mr. Cheavacci's backyard is still very soft. He understands that this has been a very wet spring but he has never seen it this bad and he believes that something is changing.

Andy Young, Owner of Young Enterprises, Orleans Co. – Mr. Young explained that his company does a lot of work in both the Town of Newstead and the Village of Akron and he has concerns with the CEO that he feels need to be addressed. He stated that he believes there are other contractors that have an issue with the CEO but are unwilling to speak up.

Supervisor Cummings explained to Mr. Young that there are certain procedures that have to be followed when civil service is involved. The CEO's probationary period has been extended because he has not finished his school. He also stated that Mr. Young is the only contractor that has come forward at this time and that there have been no complaints made to the Village Mayor. They will be talking to some contractors. He also believes that if the CEO is doing his job, not everyone will be happy all the time. Supervisor Cummings was asked if a back ground check had been run on the CEO prior to be hired and he confirmed that one had been done.

Budget Transfers: none

Approval of Bills – Councilwoman Esposito reported that the Abstract from Batch(es) #1072 from the May 23, 2011 meeting has been reviewed with the previously un-audited vouchers and everything was found in order. She presented Abstract Batches #1075 & 1078. Vouchers on this abstract numbered from 566 – 651, totaling \$230,422.65 and were presented by Councilwoman Esposito, seconded by Councilman Mayrose to approve payment as follows:

Abstract Batches #1075 & 1078:

General Fund (A) -\$25,240.49, General Fund- Outside Village (B) \$59.28, Highway (DA) -\$0, Highway: Outside Village (DB) \$27,699.98, Capital Projects: CAP- Highway Garage- (HG) - \$3,922.29, CAP-Murder Creek (HM) \$1,207.61, CAP- Town Hall Addition (HT) \$45,545.59, CAP- Water Improvement (HW)- \$, Drainage (SD)- \$0, Fire Protection (SF) \$81,151.80, Refuse (SR) \$28,936.44, Sewer Fund (SS) \$0, Sewer District #2 (SS02)- \$262.50, Trust & Agency(TA)- \$0 and Water Districts Consolidated(SW00) \$6,645.86, (SW1) \$0, (SW2) \$0, (SW3) \$0, (SW4) \$0, (SW5) \$0, (SW6) \$0, (SW7) \$9,750.81, (SW7A) \$0, (SW8) \$0, (SW9) \$0, (SW10) \$0

COMMITTEE AND DEPARTMENT HEAD REPORTS:

Highway – he attended school last Monday – Wednesday. Signage reflectivity was covered with new guidelines that must be in place over the next several years. Inspections will be required and we will be responsible for replacing signs that are on our roads. Continuing with stone/oil this week and should be completed by Thursday.

Assessor – received assessor’s report. 30 cases were heard on Grievance Day. Only one is taking it to the next step of small claims court. Rebecca, Julie and Supervisor Cummings met with ENPM, the company that will be assisting with the reval. The data mailings have been sent out and have been coming back steadily. The Buffalo News will be publishing the “Taxes Taxes Taxes” articles in the homefinder. Final roll has been sent in this week and the Eric County Assessor meeting will be held in Newstead in August.

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

Andrew Blasko	12471 Hunts Corners	Roof
Joe Koss	13853 Bloomingdale	Sunroom
Melvin Knerr	12509 Hunts Corners	Roof
Robert Strach	5714 Barnum	Garage
Golden Pond Estates	Lot 265	Manufactured home
Golden Pond Estates	Lot 263	Manufactured home
Joseph Rotundo	5814 Barnum	Garage
I.Bleckman & M. Roseberry	11536 Clarence Center	Roof
Frank Chayan	5128 Crittenden	A.G. Pool
Newstead Fire Co	5691 Cummings	Sign
Mark Maier	12956 Carney	Roof
Golden Pond Estates	Lot 33	Roof
Kelly Pinto	11314 Main	Addition
Clifton Chadwell	Crego Rd	One family home
Clifton Chadwell	Crego Rd	Driveway
Joseph Olaf	12261 Rapids	Roof

The Town Board accepted the report as presented.

Town Clerk- the 2010 Census numbers are in. The town went from 8,404 in 2000 to 8,594 in 2010. This is an increase of 190 people. There is some question as to whether this includes numbers from the 2 mobile home parks. We are looking into that and if it does not, we will be submitting a challenge letter to the Census Bureau to have those residents counted.

Attorney for the Town – wants to make sure that the agreement between the town and ENPM contains everything expected before the contract is signed.

COUNCILPERSONS:

Rooney - nothing

Esposito – attended the 6/9 recreation meeting where they approved the new application. They may initiate substance testing for the employees. There has been some difficulty with having a quorum at some of the meetings and it has been hard to make some decisions.

Mayrose - nothing

Baran – he received a check from the insurance company for the senior center roof. There is a possibility of having to replace the rest of the roof. The Denio is almost done and the leak at the new library will be fixed on Wednesday.

SUPERVISOR – attended the Bloomingdale Cemetery Committee and Celebration Committee meetings. Received and checked on a complaint of dirt on the road at Stage and Billo. Also received calls on some street lights that were out. He did a survey of the street lights and found 6 out. He submitted the forms to have them fixed and should be taken care of in the next several weeks. Also has been informed that the Cedar Street bridge may be opened as early as July 15th.

UNFINISHED BUSINESS:

Water Districts – 90% plans out to agencies. Scott has spoken to many residents that had questions. Informational meeting with the residents went well.

Shared Public Works Facility Project – committee will be meeting this week and there will be a construction meeting next Monday. Concrete on the south side was poured today and they are getting ready to pour the north side and cold storage building.

Murder Creek Project – talked to Rick Lord from FEMA and they have verbally OK'ed phase 2 and will be sending the documentation.

Akron Airport – will be discussed further during the next work session.

NEW BUSINESS:

SEQRA-Local Law #3 of 2011-Zoning Amendments:

A motion was made by Councilman Mayrose, seconded by Councilman Baran issuing a Declaration of Non-Significance of Local Law on the proposed Local Law #3 of 2011 entitled “Amendments to the Zoning Code of the Town of Newstead”.

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

Adoption- Local Law #3 of 2011- Zoning Amendments:

A motion was made by Councilman Mayrose, seconded by Councilman Baran approving the adoption of Local Law #3 of 2011 entitled “Amendments to the Zoning Code of the Town of Newstead”.

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

Approval- Bid Award- Library work:

A motion was made by Councilman Mayrose, seconded by Councilman Baran approving the award of bids for construction at the Newstead Library lower level office area to Rehwaldt Builders for the lowest bid price of \$16,500 and authorizing the Supervisor to execute the contracts.

The board had a discussion regarding the bid approval prior to voting.

(Resolution Attached) 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 Andrew Bower for removal from probation and upgrade to a level 2 status.

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

Approval- B.A.R. Appointments:

A motion was made by Councilman Baran, seconded by Councilman Mayrose approving the appointments of Steve Carlson and Stan Serwon as additional members of the Towns Board of Assessment Review for terms of 5 years.

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

Approval- Joint Facility Committee Appointment:

A motion was made by Councilman Mayrose, seconded by Councilwoman Esposito approving the appointment of Tom George as a volunteer citizen member of the Joint Highway Facility Operations committee.

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

Approval-Recreation Hires for 2011 Summer Program:

A motion was made by Councilwoman Esposito, seconded by Councilman Baran approving the hiring of the 2011 summer staff per memo from the recreation board.

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

Approval-Lateral Restriction Hardship Approval-12160 McNeeley Rd:

A motion was made by Councilman Mayrose, seconded by Councilwoman Esposito approving the lateral restriction hardship application request for property located at 12160 McNeeley Rd., based on the bank requirement letter submitted with the application.

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

Question Period – no one spoke

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 9:00pm.

Carried Unanimously

Respectfully Submitted,
Jennifer Heberling, Deputy Town Clerk