

Newstead Town Board Meeting- June 27, 2011

A regular meeting was called to order by the Newstead Town Board on Monday, June 27, 2011 at 8:00pm at the Newstead Town Hall.

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

Roll Call was taken with all board members present except Councilman Rooney who is ill.

Supervisor Cummings led the pledge to the flag.

Minutes from the previous regular meeting held on June 13, 2011 were presented for approval. A motion was made by Councilman Mayrose, seconded by Councilman Baran to approve as presented.
Carried

Communications – The Town Clerk presented the following correspondence:

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

An application for a liquor license renewal for The Rothland's located at 12089 Clarence Center Rd.

A letter from the E & WG Foundation notifying the town that they have not been chosen to receive the grant applied for construction of baseball fields at the town park.

A copy of the Erie County Water Authority Comprehensive Annual Financial Report for 2009-2010 was received.

A notice for a training session on hazardous weather & flooding preparedness was received from the NYS Division of Homeland Security & Emergency Services. Anyone interested see the Clerk.

A notice for the next Household Hazardous Waste Drop-off day was received from Erie County Environment & Planning. It will be held August 20, 2011 at the ECC-North Campus in Williamsville from 9:00am – 2:00pm.

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

Work Session: The Supervisor reported that at work session held last the following items were discussed: a meeting with Niagara specialty Metals on their proposed 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 of 113 John St stated the airport has been an issue for many years and questioned what it would take to have a public vote on their expansion project. Town Attorney Neill stated that there are no law provisions to take the issue to a public referendum. The public has no right to vote on a private businesses functions. The Town laws must be followed by the airport during any of its projects and that is how the town, thru its policies and procedures, can have some say in how the airport updates the site.

Gary Fogal of 29 Front St questioned churches or not for profits purchasing land and asked if the town has any control over that. Town Attorney Neill stated no, as long as they are using it for the purpose intended and they follow state and federal guidelines. He questioned what can the town do about the airport. Attorney Neill stated set restrictions through the SEQR Negative Declaration process as well as through Zoning Board of Appeals process for variances and Planning Board processes on the site plan requirements for individual projects. Mr. Fogal stated he feels the airport expansion is the single biggest issue ever facing the town and village and he worries about the future

and how big the airport will get over the next 20 years. He feels it will end up being a commercial airport at some point.

Attorney Neill stated once again that the town cannot make up laws to penalize private businesses. Mary Nanni of 55 East Avenue stated the weekend air traffic is horrendous and sometimes she cannot even talk on the phone. She feels it is only going to get worse.

Supervisor Cummings stated if the Zoning Board of Appeals turns down the zoning request that is currently on the table it can be challenged by the airport in court. Any residents that wish to make their comments known should attend the ZBA hearing when it is scheduled. He added that if the Town Board passes the SEQR Neg Dec they will still have a 30 day comment period to add additional comments.

Budget Transfers: A motion was made by Councilwoman Esposito, seconded by Councilman Mayrose to approve the budget transfer per the memo from Bookkeeper Colleen Salmon dated 6/27/11. Carried

Approval of Bills – Councilwoman Esposito reported that the Abstract from Batch(es) #1075 & 1078 from the June 13, 2011 meeting has been reviewed with the previously un-audited vouchers and everything was found in order. She presented Abstract Batches #1080. Vouchers on this abstract numbered from 674 - 708, totaling \$105,087.75 and were presented by Councilwoman Esposito, seconded by Councilman Baran to approve payment as follows:

Abstract Batches #1080:

General Fund (A) -\$12,460.84, General Fund- Outside Village (B) \$1,842.00, Highway (DA) -\$0, Highway: Outside Village (DB) \$38,364.95, Capital Projects: CAP- Highway Garage- (HG) - \$0, CAP-Murder Creek (HM) \$1,665.00, CAP- Town Hall Addition (HT) \$5,597.16, CAP- Water Improvement (HW)- \$0, Drainage (SD)- \$7,542.12, Fire Protection (SF) \$35,970.00, Refuse (SR) \$807.00, Sewer Fund (SS) \$700.02, Sewer District #2 (SS02)- \$79.66, Trust & Agency(TA)- \$0 and Water Districts Consolidated(SW00) \$59.00, (SW1) \$0, (SW2) \$0, (SW3) \$0, (SW4) \$0, (SW5) \$0, (SW6) \$0, (SW7) \$0, (SW7A) \$0, (SW8) \$0, (SW9) \$0, (SW10) \$0

Total: \$105,087.75

Carried

COMMITTEE AND DEPARTMENT HEAD REPORTS:

Highway – oil & chipping of roads is done and they will finish up with sweeping next week. The crews are working on the town park readying it for the July 4th celebration. They are also working on the joint highway facility finishing up grading work.

Assessor – nothing to report

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

Craig Kelkenberg	11920 Rapids	One family home
Joe Lotz	12445 Meahl	Addition
Pasinski	12474 Main	Roof & windows
Richard Beyer	7033 Sandhill	One family home
Golden Pond Estates	Lot 204	Roof
David Brucker	7758 Greenbush	Barn addition
Leisurewood Campground	5720 Cummings	Deck
Frank Favale	12304 Meahl	Roof

The Town Board accepted the report as presented.

Town Clerk- nothing at this time

Attorney for the Town – nothing at this time

COUNCILPERSONS:

Rooney – not present

Esposito – she attended the library board meeting with Councilman Mayrose on June 15th where they received updates from the County representatives on possible funding ideas. The Librarian has

received security camera quotes for the complex due to the vandalism that took place earlier this year. The board is planning some fall fundraisers.

Mayrose – he attended the joint highway facility construction meeting today and is happy to report we should be taking occupancy by mid-July.

Baran – the library leak is fixed, the work at the Denio is 85% done with the rest to be completed in the next 2 weeks and the Senior Center roof work is out to bid.

SUPERVISOR – the May Supervisors Report is on file with the Town Clerk. He attended the Association of Erie County Governments meeting where the County Executive presented a library funding proposal. He feels the proposal is not good if the 2% tax cap is implemented. The town may have to start cutting services if it is passed. The cap for the Town of Newstead would equal a 2-1/2 cent increase, which is not a lot. 2% for small towns is much smaller than 2% in towns like Clarence or Amherst. He also stated the new “J” legislative district option is not being well received by many in the County.

UNFINISHED BUSINESS:

Water Districts – an archaeological survey needs to be done due to some prehistoric fragments that have been found on the site. They are starting to work on the easements. They are testing the valve on Cummings Rd this weekend.

Shared Public Works Facility Project – we are on schedule for a mid-July turnover of the building.

Murder Creek Project – the bid opening was June 20th with the bids being favorable to the budget. We are waiting for written confirmation of funding from FEMA to proceed with the contract awards.

Akron Airport – the draft SEQR is ready however more information was received today that has postponed the process again.

NEW BUSINESS:

Approval- Niagara Specialty Metal- Building Project:

A motion was made by Councilman Mayrose, seconded by Councilman Baran issuing a Negative SEQR declaration and approving the site plan dated April 25, 2011 for the construction of a 7,700 sq. ft. maintenance building at 12600 Clarence Center Rd subject to the terms set forth in the resolution.

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

Approval- Liquor License Renewal:

A motion was made by Councilman Mayrose, seconded by Supervisor Cummings approving the liquor license renewal request for The Rothland’s at 12089 Clarence Center Rd.

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

Approval-Pan American Contract:

A motion was made by Councilman Baran, seconded by Councilman Mayrose approving the proposed contract with Pan American Consultants Inc for a Phase II Cultural Resource Investigation on the waterline extensions project near 12727 Koepsel Rd in an amount not to exceed \$9,707.00 and authorizing the supervisor to execute the contract.

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

Question Period – no one spoke. There will be a joint town-village board meeting July 11th at the Village Hall following the Town Board meeting.

There being no further business to come before the board a motion was made by Councilman Baran, seconded by Councilman Mayrose to adjourn the meeting at 8:37pm. Carried

Respectfully Submitted, Dawn D. Izydorczak, Town Clerk