

Newstead Town Board Meeting- July 25, 2011

A regular meeting was called to order by the Newstead Town Board on Monday, July 25, 2011 at 8:00pm at the Newstead Town Hall.

Present: David L. Cummings- Supervisor
Justin Rooney- Councilman
Cheryl Esposito- Councilwoman
James Mayrose- Councilman
Richard Baran- Councilman
Nathan Neill- Town Attorney
Scott Rybarczyk- Town Engineer
Dawn Izydorczak- Town Clerk
Jennifer Heberling- Deputy Town Clerk

Roll Call was taken with all board members present.

Councilman Mayrose led the pledge to the flag.

Minutes from the previous regular meeting held on July 11, 2011 were presented for approval. A motion was made by Councilman Mayrose, seconded by Councilman Baran to approve as presented.
Carried Unanimously

Minutes from the joint town & village meeting held on July 11, 2011 were presented for approval. A motion was made by Councilwoman Esposito, seconded by Councilman Mayrose to approve as presented.
Carried Unanimously

Communications – The Town Clerk presented the following correspondence:

A letter from the NYS Department of State notifying the town that Local Law #3 of 2011 was received and filed on July 6, 2011.

A notice from Erie County Dept of Public Works notifying the town that the Cedar St bridge has reopened effective July 15, 2011.

A certified copy of a proposed Local Law from the Alden Town Board that will rezone property on Broadway in Alden.

A public hearing notice from the Erie Co. Dept of Environment & Planning regarding the renewal of the 8 year Clarence-Newstead Agricultural District #14. The hearing will be held December 5, 2011 at 7:00pm at the Clarence Town Hall. Any proposed modifications to the district must be made by August 30, 2011.

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 the last work session held the following items were discussed: Akron airport SEQR, water districts issues, building projects updates, planning issues, murder creek project, proposed grants, personnel issues, and any other issues brought before the board. An executive session was held before the meeting from 7:30-7:45pm to discuss a personnel issue.

Privilege of the Floor –

Dale Cheavacci – 113 John St – he had requested at the last meeting that the town do a full environmental impact study and has received no response. He asked if the town board was aware that there are aerobatic flight classes being held at the airport with 2 near misses that he witnessed this past weekend.

Supervisor Cummings stated that a full environmental impact study is not required at this time. Nathan Neill explained that the town knows and is aware of all the environmental issues. They feel they would not discover any new issues which would result in a waste of money. The board does not feel the reported training classes relate to the current situation. The Supervisor outlined the entire process and explained that tonight is only the first phase of the process. If the resolution passes

tonight, a 30 day public comment period begins. Then it goes to the ZBA to either approve or deny the variance requests. As the projects proceed the issues are addressed in the proper venues.

Dale Cheavacci stated he does not see the difference between the airport issue and the proposed thruway toll barrier issue. He would still like to see a full environmental study done.

David Gray, President of Christian Airmen stated he is not aware of any aerobatics training classes. They do have certified pilots that do aerobatics but no classes and claims that anything like that is done at a couple thousand feet at minimum.

Dale stated he eye witnessed a near collision over the weekend from his backyard just over the tree tops and not at a couple thousand feet.

Harold Finger, 158 East Ave – called to attention Condition Item #5 on page 2 which states “Construction projects on the Akron Airport site may have an unknown impact on drainage along East Ave and other areas in the town and village. If documented flooding problems increase in five years after improvements are completed at the airport, funds from the above mentioned escrow account will be used to assist in mitigating these flooding concerns.” He has concerns with the word “flooding” because most of the problems occurring are not flooding they are drainage related. He also questioned is mitigation only going to happen on the airport property or will it also address mitigation on private property of homeowners? The word “flooding” should be changed to “drainage” and it needs to address guarantees for property owners not the airport. Item #9 on page 3 talks about the maximum number of aircraft based at the airport shall be 80. Harold questioned is that the maximum number in the airports master plan? This needs to be documented in their master plan as well to ensure everyone is on the same page.

Supervisor Cummings thanked everyone for their comments.

Scott Zitzka, 4594 South Newstead Rd, Chief of Newstead Fire Company asked if the town was having water pressure issues. Supervisor Cummings confirmed that there are some issues in the town and ECWA is involved as well as the town engineers at Wendel and ECHD. They are trying to address some short term solutions to get through the drought. This is on top of the past pressure issues. Once we get through this drought period they are looking at long term solutions to the pressure problems. Scott asked why the fire company was not directly notified of these issues. The supervisor was under the impression that they had been notified thru the disaster coordinators. The board will discuss this with the disaster coordinators where the communication gap is.

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 7/25/11. Carried Unanimously

Approval of Bills – Councilwoman Esposito reported that the Abstract from Batch(es) #1084 & 1085 from the July 11, 2011 meeting has been reviewed with the previously un-audited vouchers and everything was found in order. She presented Abstract Batch(es) #1087, 1089 1090 & BAN pay-off. Vouchers on this abstract numbered from 776 – 794, 796-817, totaling \$2,867,962.45 and were presented by Councilwoman Esposito, seconded by Councilman Mayrose to approve payment as follows:

Abstract Batches #1087, 1089 1090 & BAN pay-off:
General Fund (A) -\$29,159.42, General Fund- Outside Village (B) \$487.35, Highway (DA) -\$0,
Highway: Outside Village (DB) \$27,346.62, Capital Projects: CAP- Highway Garage- (HG) -
\$1,501,700.00, CAP-Murder Creek (HM) \$9,466.00, CAP- Equipment Purchase (HR02)-
\$185,000.00, CAP- Scotland Rd (HS)- \$350,000.00, CAP_ Town Hall (HT)- \$750,000.00, CAP-
Water Improvement (HW)- \$0, Drainage (SD)- \$0, Fire Protection (SF) \$75.00, Refuse (SR) \$0,
Sewer Fund (SS) \$2,797.30, Sewer District #2 (SS02)- \$333.01, Trust & Agency(TA)- \$6,347.
75 and Water Districts: Consolidated (SW00) \$5,250.00, (SW1) \$0, (SW2) \$0, (SW3) \$0, (SW4) \$0,
(SW5) \$0, (SW6) \$0, (SW7) \$0, (SW7A) \$0, (SW8) \$0, (SW9) \$0, (SW10) \$0
Total: \$2,867,962.45 Carried Unanimously

COMMITTEE AND DEPARTMENT HEAD REPORTS:

Highway – Murder Creek project has started and they are assisting everyday and the paving is complete at the joint facility.

Assessor – nothing to report.

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

Robert Johannes	13523 Carney	Gazebo
Doug Rosenberg	8031 Maple	Roof
Mark Molitor	6161 Dye	Shed
William Lawrie	5373 S Newstead	Roof
Arthur Atwater	11126 Crego	Roof
James Krzysiak	4151 S Newstead	Roof
Steven Murzynowski	7393 Downey	A.G. Pool
Gene Norton	11902 Buckwheat	Roof

The Town Board accepted the report as presented.

Town Clerk- nothing to report.

Attorney for the Town – nothing to report.

COUNCILPERSONS:

Rooney – nothing to report.

Esposito – nothing to report.

Mayrose – attended the Board of Assessment Review meeting. They are working on trying to simplify the exemption forms that will be going out in the fall and also discussed future topics for the Taxes, Taxes, Taxes ad campaign.

Baran – spoke with Trident Insurance agent and a check is forthcoming less the deductible for the vandalism at the library. The reimbursement has been approved by the insurance company.

SUPERVISOR – The June Supervisors Report is on file with the Town Clerk. Budget worksheets have been distributed to all departments. State funding is unsure and hard to predict. Tax cap restricts us to no more than a 2% tax increase.

UNFINISHED BUSINESS:

Water Districts – they are aware of the water pressure issues in the town. Scott has been out with ECWA testing the pressure at various homes throughout the town. Some short term solutions involve asking larger users to cut back at peak times. They are also working on long term solutions with ECWA.

Shared Public Works Facility Project – The blacktop is done and punch list items are being completed. The furniture has been delivered. The move in process will be done slowly by both the town and village highway departments.

Murder Creek Project – work has started and the access road is in. The bank is being cleared and the large rocks to be pinned are being hauled in. Everything is currently on schedule.

NEW BUSINESS:

Neg Dec & Site Plan- Berghorn Rd Major subdivision:

A motion was made by Councilman Rooney, seconded by Councilman Mayrose issuing a negative SEQR declaration and approving the subdivision site plan/grading plan dated June 13, 2011 for a 5-lot major subdivision on Berghorn Rd by owner Margaret Berry subject to the terms set forth in the resolution and authorizing the Supervisor to execute the EAF.

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

Akron Airport Expansion SEQR:

A motion was made by Councilman Mayrose, seconded by Councilwoman Esposito issuing a conditioned negative SEQR declaration on the proposed Akron Airport future expansions subject to the conditions and terms set forth in the resolution and subject to a 30 day comment period and authorizing the Supervisor to execute the EAF.

(Resolution Attached) Cummings-Aye, Rooney -No, Esposito-Aye, Mayrose-Aye, Baran-No
Carried

Public Hearing- Local Law #4 of 2011:

A motion was made by Councilman Rooney, seconded by Councilman Mayrose calling a public hearing on the proposed Local Law #4 of 2011 entitled "Local Law increasing the term of the Town Supervisor of the Town of Newstead from 2 years to 4 years" to be held August 8, 2011 at 7:50pm at the Town Hall with said local law being subject to a public referendum in November.

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

Approval- Clarence Central Tax Collection Contract:

A motion was made by Councilman Baran, seconded by Councilman Mayrose approving the proposed contract with Clarence Central School for the 2011-2012 School Tax Collection period.

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

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

Question Period –

Bob Scheib – 51 Brooklyn St. – regarding the Supervisors term, keep in mind there is a 5 member board and what if it is downsized. He questioned if the board knows why the Mechanic Street bridge is down to 1 lane? One of the beams has rotted and they are trying to lighten the load by not allowing parking on the one side. No, the town had not been notified by the village or state DOT. He also asked if the residents will have to FOIL the clerk's office to receive a copy of the conditions regarding the airport. No, they can just request a copy.

He questioned the timeline of the 30 day comment period. Does airport or ZBA get input? No the input will assist the ZBA in their decision. The ZBA will be provided all comments and information previously submitted.

Councilwoman Esposito commented that the board is trying to work together with the airport and the community, but some things are out of the town's control. The town is trying to work out the issues they can control and make them enforceable.

Dale Cheavacci – 113 John St – stated the airport already does what they want, why keep giving them more? He informed the board that a high school student is working as an air traffic controller at the airport and the retention ponds won't work.

Harold Finger – 158 East Ave – stated he feels the board potentially has a new procedure in the conditions that will enable neighbors & residents to keep the airport in check. He feels what the airport is currently looking to do will address their "master plan" for a total build out, but nothing else should be allowed once these projects are completed.

Supervisor Cummings said the town asked for a final build out plan of everything the airport hopes to do in the future. He wants everything on the table. The town is under the impression these are the final items they hope to do.

Bob has not been able to find out much about the business being conducted up there and how the combined parcels affect the “business within a business” for their mechanic. He is also wondering if the assessments of neighboring property owners are affected by the airport. This is an unseen factor that needs to be looked at.

Dale asked why the assessment was reduced at the airport. There have been improvements made over the last several years and it still went down. Councilwoman Esposito answered that the assessor did extensive research of other reliever airports in the area based on a request by the airport to reduce the assessment, which any property owner can request. She based the new values on assessments of other equivalent reliever airports.

There being no further business to come before the board a motion was made by Councilman Mayrose, seconded by Councilman Rooney to adjourn the meeting at 9:15pm.

Carried Unanimously

Respectfully Submitted,
Dawn D. Izydorzak, Town Clerk