

Newstead Town Board Meeting- August 8, 2011

A public hearing was called to order by the Newstead Town Board on Monday, August 8, 2011 at 8:04pm 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 #4 of the year 2011 which if approved will require a voter referendum to increase the term of the Town Supervisor from two (2) years to four (4) years effective January 1, 2012.

The Clerk read the proof of publication.

Supervisor Cummings explained that the law would be passed only if approved by the voters in November.

Comments:

Doug Ceisner, 100 East Ave. – is against changing the term to 4 years because the Supervisor is the only one who can declare a state of emergency. He cited an instance of this happening several years ago and stated it put the town into a lawsuit and cost the taxpayers a million dollars. He thinks it should stay at 2 years because of that. If the people don't like the person they can make a change. He feels the state representatives terms should change too. It does not cost the town any more money to run the election every 2 years.

Supervisor Cummings said that this has been brought up 2 times before in the town and was not passed by the voters. It has been a long time since the last time. He does not disagree with the points Mr. Ceisner brought up. This was not his agenda, it was suggested by a Councilman. The main thing is the board wants the people to decide.

Mr. Ceisner also thinks it should not start this term, it should start the next term.

Supervisor Cummings explained the thought of the board was to stagger the Supervisors election with the election of the Town Clerk and the Highway Superintendent so you never have all of the key positions running the town replaced all at the same time.

Dick Forrestel, 11 Madison Ave. – feels this should be passed. Instead of the Supervisor always looking towards the next election, he should be able to focus on doing the job at hand.

Councilman Baran feels the people should decide.

There being no further comments a motion was made by Councilman Mayrose, seconded by Councilman Baran to close the public hearing at 8:14pm.

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

Councilwoman Esposito led the pledge to the flag.

Minutes from the previous regular meeting held on July 25, 2011 were presented for approval. A motion was made by Councilman Rooney, seconded by Councilman Mayrose to approve as presented.
Carried Unanimously

Communications – The Town Clerk presented the following correspondence:

A letter and packet of information was received from the Buffalo & Erie County Library Director regarding several proposals on new ways to fund the library system.

A public notice bulletin was received from the NYS DEC announcing they are seeking comments on the cleanup of the 8471 Fletcher Rd properties until September 6, 2011. If no comments are received in that time period the properties will be removed from the State Superfund list effective October 6, 2011.

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

The July 2011 Operations Report was received from Amherst Central Alarm Office reporting 49 calls for Akron Fire Co and 36 calls for Newstead Fire Co.

A notice of a pre-letting meeting on the proposed reconstruction of John Street from Cedar to Bloomingdale Ave in the Village which will be held on August 11, 2011 at 11:00am at the Erie Co DPW offices at 95 Franklin St in Buffalo.

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 the last work session held the following items were discussed: water districts issues, building projects updates, planning issues, murder creek project, Akron Airport SEQR comments, proposed grants, assessing issues, 2012 budget, and an executive session on personnel issues, as well as any other issues brought before the board. Executive session was held prior to tonight's meeting as well on the highway contract and personnel issues.

Privilege of the Floor – Doug Ceisner, 100 East Ave. – questioned if the town found out who did the damage to the library and how it was paid for. The town does not know who did it. It is still under investigation by the Village Police. The towns insurance paid for everything except the \$1,000 deductible.

Budget Transfers: A motion was made by Councilman Mayrose, seconded by Councilman Baran to approve the budget transfer per the memo from Bookkeeper Colleen Salmon dated 8/8/11. Carried Unanimously

Approval of Bills – Councilwoman Esposito reported that the Abstract from Batch(es) #1087, 1089, 1090 & BAN payoff from the July 25, 2011 meeting has been reviewed with the previously un-audited vouchers and everything was found in order. She presented Abstract Batch(es) #1091, 1094, 1096 and 1097. Vouchers on this abstract numbered from 795, 818-819 and 839-900, totaling \$404,991.61 and were presented by Councilwoman Esposito, seconded by Councilman Mayrose to approve payment as follows:

Abstract Batches #1091, 1094, 1096 and 1097:

General Fund (A) -\$42,655.81, General Fund- Outside Village (B) \$158.43, Highway (DA) -\$0, Highway: Outside Village (DB) \$1,579.46, Capital Projects: CAP- Highway Garage- (HG) - \$146,854.88, CAP-Murder Creek (HM) \$127,822.10, CAP- Equipment Purchase (HR02)- \$0, CAP- Scotland Rd (HS)- \$0, CAP - Town Hall (HT)- \$22,238.09, CAP- Water Improvement (HW)- \$102.08, Drainage (SD)- \$0, Fire Protection (SF) \$25,566.30, Refuse (SR) \$28,290.92, Sewer Fund (SS) \$0, Sewer District #2 (SS02)- \$95.61, Trust & Agency(TA)- \$892.50 and Water Districts: Consolidated (SW00) \$6,563.43, (SW1) \$0, (SW2) \$0, (SW3) \$0, (SW4) \$0, (SW5) \$0, (SW6) \$0, (SW7) \$0, (SW7A) \$0, (SW8) \$0, (SW9) \$0, (SW10) \$2,172.00.

Total: \$404,991.61

Carried Unanimously

COMMITTEE AND DEPARTMENT HEAD REPORTS:

Highway – the crews have been working on the Murder Creek project with Eastwood. The blacktop at the joint facility has been completed. They have also been working on field ditch mowing and mowing of the bike path. Mike has attended several meetings on the joint facility & murder creek.

Assessor – Assessment Advisory Committee Chairman Fred Pask to give report at next work session.

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

Edward Baker	5507 Barnum	Pole barn extension
Greg Snyder	11812 Stage	Pavers & pergola
Donald Leising	5931 Cummings	Garage addition
Don Lavocat	11549 Meahl	Garage
Paul Hennessy	11621 Rapids	Deck 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 – our Assessor Becky Baker is being recognized by the State Assessors Association for the community outreach she has done with the Taxes, Taxes, Taxes articles she wrote. He has attended several joint facility and Murder Creek meetings.

Baran – work on all the town buildings will be done by the end of the summer.

SUPERVISOR – attended the joint facility, Murder Creek and ECWA meetings. Budget sheets are in and work is beginning on that. No information yet on how the 2% tax cap is going to work.

UNFINISHED BUSINESS:

Water Districts – meeting was held with ECWA, ECDH, fire chiefs and emergency management regarding water pressure problems. The Cummings Rd area will be separated into its own “water pressure area” which should help to alleviate the problems there and hopefully have a positive effect on other areas as well. The Hunts Corners Rd connection was also discussed and it seems everyone is on board to proceed with that segment as well. The agencies are making final comments on the new waterline extension project and Scott is hoping to go to bid in 2 weeks for the new water lines. They are working on the final cost estimates.

Shared Public Works Facility Project – the committee is meeting this week on the final punch list items and will discuss the move in schedule and how the to coordinate each move in.

Murder Creek Project – 225 linear feet of wall has been installed and back filled. Both companies are very reputable and are working very well together. The rock wall should be completed by August 20th. There are a few unforeseen items that have come up which are being addressed.

NEW BUSINESS:

Recreation Trails Grant:

A motion was made by Councilman Rooney, seconded by Councilman Mayrose authorizing the Supervisor to file an application for funds to NYS Office of Parks Recreation & Historic Preservation for a grant in the amount of \$190,000 to fund improvements to the Newstead Bike Path system.

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

Hydrant Authorization at 12600 Clarence Center Rd:

A motion was made by Councilman Baran, seconded by Councilman Mayrose authorizing Niagara Specialty Metals to install a new fire hydrant at 12600 Clarence Center Rd on the condition that Niagara Specialty Metals takes full responsibility for all costs associated with said hydrant. (Resolution Attached) Cummings-Aye, Rooney -Aye, Esposito-Aye, Mayrose-Aye, Baran-Aye
Carried Unanimously

Akron Airport- Fuel Farm Municipal Endorsement:

A motion was made by Councilman Mayrose, seconded by Councilwoman Esposito issuing a municipal endorsement solely for the airport to apply for state funding on the proposed Akron Airport fuel farm project subject to the conditions and terms set forth in the resolution and authorizing the Supervisor to execute the SEQR form. (Resolution Attached) Cummings-Aye, Rooney-No, Esposito-Aye, Mayrose-Aye, Baran-No
Carried

Murder Creek Grant Letter authorization:

A motion was made by Councilman Mayrose, seconded by Councilwoman Esposito authorizing the Supervisor to draft a letter to the NYS DEC clarifying the town’s proposal to address additional sites adjacent to the Murder Creek project as outlined in the Water Quality Grant application filed by the town. Cummings-Aye, Rooney-Aye, Esposito-Aye, Mayrose-Aye, Baran-Aye
Carried Unanimously

Adoption- Local Law #4 of 2011:

A motion was made by Councilwoman Esposito, seconded by Councilman Rooney to adopt the proposed Local Law #4 of 2011 that will, subject to a voter referendum on November 8, 2011, change the term of the Town Supervisor from 2 years to 4 years effective January 1, 2012. (Resolution Attached) Cummings-Aye, Rooney -Aye, Esposito-Aye, Mayrose-Aye, Baran-Aye
Carried Unanimously

Councilman Rooney commented that changing the term is necessary as the Supervisors job is a very important and time consuming position. Councilman Mayrose agreed and stated the job takes time to fully understand the intricacies of how government works whether it’s the Supervisors position or a Councilman position. Supervisor Cummings stated the key is that the public will make the final decision. It is up to them.

Question Period – no one spoke

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 8:42pm.
Carried Unanimously

Respectfully Submitted,
Dawn D. Izydorzak, Town Clerk