

Newstead Town Board Meeting- August 22, 2011

A regular meeting was called to order by the Newstead Town Board on Monday, August 22, 2011 at 8:00pm at the Newstead Town Hall.

Present: David L. Cummings- Supervisor
Justin Rooney- Councilman
Cheryl Esposito- Councilwoman
Richard Baran- Councilman
Mike Bassanello- Highway Supt.
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 except for Councilman Mayrose who is on vacation.

Councilman Baran led the pledge to the flag.

Minutes from the previous regular meeting held on August 8, 2011 were presented for approval. A motion was made by Councilman Baran, seconded by Councilwoman Esposito to approve as presented. Carried

Communications – The Town Clerk presented the following correspondence:

A letter from the Town of Clarence Supervisor Scott Bylewski thanking the towns 2 senior van drivers Brenda Cerasani & Jerry Szmania for subbing over in Clarence in July.

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.

A letter was received from the Buffalo & Erie County Library Director regarding an article that ran in the Buffalo News on August 17, 2011, which she claims contained many inaccuracies which the Director attempted to correct for the town.

A notice from the NYS Department of Taxation & Finance notifying the town of its final Equalization Rate for the 2011 Assessment Rolls, which is 96%.

A letter from Erie County Commissioner of Health regarding the counties elimination of the Vector & Pest Control Program in the 2011 budget and new funding available to municipalities to continue the program locally.

A notice for the seminar “Smart Management for Small Communities: Practical Resources for Governance” to be held October 6-7 at the Holiday Valley Inn & Conference Center.

A letter from the NYS Department of State notifying the town that Local Law #4 of 2011 has been received and filed on August 16, 2011.

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

Work Session: The Supervisor reported that at the last work session held the following items were discussed: a report by the Assessment Advisory Committee Chairman Fred Pask, Budget meetings with department heads, water districts issues, building projects updates, planning issues, murder creek project update, proposed grants, personnel issues, and contracts, as well as any other issues brought before the board.

Privilege of the Floor – Dale Cheavacci, 113 John St. – questioned if the Board has gotten back to the school regarding the airport issues. Supervisor Cummings said no, not in writing, but he has discussed it in person with Robin Zymrosz & Mayor Patterson. He will send a letter updating the school board.

Bob Scheib, 51 Brooklyn St. – Winifred Meahl wrote a letter to the Akron Bugle “Sound Out” column. He read the letter and submitted it for the comment period. He also read a letter from Mary Nanni that has been submitted for comments. The 10th anniversary is approaching in September on this issue.

Charles Carter, 6 Marshall Ave. – has also submitted a letter for comment. He read his letter to the Board and those present. He is a retired architect and is looking at the airport issues from a professional standpoint as well as a resident.

Supervisor Cummings explained that the airport Conditioned SEQR Neg Dec 30 day comment period ends on August 24th. The Board will review the comments & pass all information along to the ZBA on 8/29/2011. The ZBA will meet to discuss the variance request at their 9/22/2011 meeting. The outcome of that meeting will determine where things go from there.

Councilwoman Esposito stated that no vote on the project has been made yet, only on the SEQR.

Councilman Baran is worried that anything done in a positive manner can be used against the Board down the road and that is why he has voted no on all of the airport issues.

Bob Scheib clarified that if this ends up coming back to the Town Board, than it will be their final decision. Yes, if it clears the ZBA it is the Town Board’s decision on projects from there.

Dale Cheavacci asked what happens if the ZBA says no?

Nathan Neill explained that the airport can challenge their decision in court but for the Town Board it would stop for now.

Charles Carter expressed his worry about the effect on property values as well.

Budget Transfers: A motion was made by Councilman Rooney, seconded by Councilman Baran to approve the budget transfer per the memo from Bookkeeper Colleen Salmon dated 8/22/11.

Carried

Approval of Bills – Councilwoman Esposito reported that the Abstract from Batch(es) # 1091, 1094, 1096 and 1097 from the August 8, 2011 meeting has been reviewed with the previously un-audited vouchers and everything was found in order. She presented Abstract Batch(es) #1100 & 1101. Vouchers on this abstract numbered from 901- 942, totaling \$201,227.49 and were presented by Councilwoman Esposito, seconded by Councilman Rooney to approve payment as follows:

Abstract Batches #1100 & 1101:

General Fund (A) -\$11,520.00, General Fund- Outside Village (B) \$0, Highway (DA) -\$0, Highway: Outside Village (DB) \$5,312.15, Capital Projects: CAP- Highway Garage- (HG) - \$181,467.18, CAP-Murder Creek (HM) \$2,808.79, CAP- Equipment Purchase (HR02)- \$5.40, CAP- Scotland Rd (HS)- \$11.70, CAP- Town Hall (HT)- \$24.30, CAP- Water Improvement (HW)- \$0, Drainage (SD)- \$0, Fire Protection (SF) \$0, Refuse (SR) \$0, Sewer Fund (SS) \$0, Sewer District #2 (SS02)- \$77.97, Trust & Agency(TA)- \$0 and Water Districts: Consolidated (SW00) \$0, (SW1) \$0, (SW2) \$0, (SW3) \$0, (SW4) \$0, (SW5) \$0, (SW6) \$0, (SW7) \$0, (SW7A) \$0, (SW8) \$0, (SW9) \$0, (SW10) \$0
Total: \$201,227.49

Carried

COMMITTEE AND DEPARTMENT HEAD REPORTS:

Highway – attended Murder Creek and Joint Facility meetings. They replaced a 4 foot cross culvert pipe on Stage Road and ones on Draper Road and Cummings Road are to be done soon. They are also working on off road ditching.

Assessor – no report presented

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

David Perry
MarryAnn Rosenberg

12681 Koepsel
6992 Sandhill

A. G. Pool & Deck
Roof

Charlie Nadler & David Ciliberto
Daniel Kirst
Kreher Brothers LLC
John Suckow
Daniel Andrusz
Mr. & Mrs. Eichler
Niagara Specialty Metals Inc
The Rothland's LLC

6197 Dye
12284 Tonawanda Creek
13370 Main
7081 Maple
12067 Nice
6674 Draper
12600 Clarence Ctr
12292 Clarence Ctr

Remodel
Storage Addition
Roof
Roof
Pole barn
Lean-to Barn Addition
Industrial Maintenance Bldg
Tent

The Town Board accepted the report as presented.

Town Clerk- the 2011-12 hunting & fishing licenses are on sale now with a deadline date of October 1st to get your Deer Management Permits. The office is getting ready to mail out pre-enumeration notices at the beginning of September to all residents and then the door to door enumeration by the Dog Control Officers will begin in mid-October.

Attorney for the Town – nothing at this time

COUNCILPERSONS:

Rooney – the Murder Creek project looks good and is coming along well. He also announced that he and his wife are expecting a new baby.

Esposito – nothing at this time

Mayrose – not present

Baran – the side door is done at the Denio Building and there is no start date on the senior center roof yet.

SUPERVISOR – The July Supervisors Report is on file with the Town Clerk. All town projects are progressing well.

UNFINISHED BUSINESS:

Water Districts – hydrant resolution to be passed and bids for waterline to be set. Easements are still coming in on the new project then a bid date will be set. The new pressure zone work coming along.

Shared Public Works Facility Project – the number of punch list items is getting smaller. Downspouts, floor repairs & touch up painting still need to be done. The Town Board will announcement a date for the open house once the floor repair work is done.

Murder Creek Project – approximately 500' of the 675' of wall is installed and backfilled and they hope to have the remaining sections complete by the end of the month. Clearing, grubbing and debris removal of the bank is 85% - 90% done. Alternates 1 & 2 work has been completed. Slope repair is 98% complete. Damage to buildings is in progress of being repaired. Both of the sanitary structures found have been removed.

Airport – comments will be accepted until August 24th. If anything in the comments affects the neg dec the Board will change it. Then everything will be given to the ZBA.

NEW BUSINESS:

ECWA Hydrant Fees:

A motion was made by Councilman Baran, seconded by Councilman Rooney agreeing to pay all ECWA public fire protection fire hydrant fees as set forth in the Water Authorities Tariff for the Town of Newstead Consolidated Water District No. 1.

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

Appointment of Deputy Attorney for the Town:

A motion was made by Councilman Rooney, seconded by Councilman Baran establishing the position of Deputy Attorney for the Town and appointing Jennifer Strong, Esq. to the position at no salary.

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

Lead Agency- Destroyer Golf Park:

A motion was made by Councilwoman Esposito, seconded by Councilman Rooney issuing a declaration of Lead Agency on the proposed Destroyer Golf Park project at 7033 Sandhill Rd as submitted by Richard Beyer for a Park Golf Course on the 85 acre site and authorizing the Building Department to conduct a coordinated review.

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

Public Hearing- Destroyer Golf Park:

A motion was made by Councilman Baran, seconded by Councilman Rooney authorizing the calling of a public hearing on the proposed site plan for the Destroyer Golf Park project at 7033 Sandhill Rd as submitted by Richard Beyer for a Park Golf Course on the 85 acre site, to be held on September 12, 2011 at 7:50pm at the town hall.

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

Public Bid- Waterline Extension Project:

A motion was made by Councilman Rooney, seconded by Councilman Baran authorizing the Supervisor to set dates for public bid on the Town of Newstead Waterline Extension Project under Consolidated Water District No. 1 upon receipt of all required easements on the project.

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

County-wide Special Library Districts Opposition:

A motion was made by Councilwoman Esposito, seconded by Councilman Rooney opposing the creation of any type of special legislative districts for public libraries, instead encouraging the County to solve funding gaps thru other economies and requests the Erie County Library Board to build stronger support for the County-wide Library system thru use of the local library boards.

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

Councilman Rooney voiced his concerns that the County is pushing funding this onto the towns.

Master Plan of Town Parks Update Committee:

A motion was made by Councilman Baran, seconded by Councilwoman Esposito appointing Councilman Rooney and Councilman Mayrose as co-chairs to serve on the Master Plan of Town Parks Update Committee.

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

Highway Recommendation:

A motion was made by Councilman Rooney, seconded by Councilman Baran approving the recommendation by the Highway Superintendent that the 2 highway employees hired in December remain at Labor/Equipment Operator rate until 12/31/2011.

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

Question Period – Bob Scheib thanked the Town Board for explaining the airport process to the residents. He feels that it was very helpful.

There being no further business to come before the board a motion was made by Councilman Rooney, seconded by Councilman Baran to adjourn the meeting at 8:55pm.

Carried

Respectfully Submitted,
Dawn D. Izydorczak, Town Clerk