

Newstead Town Board Meeting- September 26, 2011

A public hearing was called to order by the Newstead Town Board on Monday, September 26, 2011 at 7:58pm 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.
Scott Rybarczyk- Town Engineer
Nathan Neill- Town Attorney
Dawn Izydorzak- Town Clerk
Jennifer Heberling- Deputy Clerk

Roll Call was taken with all board members present.

The Supervisor called the public hearing to order on the proposed storage units building at 11111 Main Rd.

The Town Clerk read the proof of publication.

Comments: Supervisor Cummings stated the planning board has recommended approval of the project. He also stated that while he is not opposed to the project, it has been 10 or more years since the town received a master plan from Kelly Schultz on showing his future build out plans for his site. He would like to see a newly updated master plan submitted to the town as a condition of or at least a comment to this projects approval. Just something that would show his plans down the road.

Town Engineer Scott Rybarczyk also commented that the site has built up significantly and that at some point soon the stormwater regulations will kick in. He agreed that the town really needs to keep track of the buildings that are up on the site and the amount of square footage they take up.

Kevin Borth of 7553 Scotland Rd stated we limit car/auto sales dealers along Main Rd, are we ever going to regulate these types of businesses (self storage facilities) as well? He does not want Newstead to look like a “used car lot” and does not want to become the “storage area” for other communities as well.

There being no further comments a motion was made by Councilman Rooney, seconded by Councilman Baran to close the public hearing at 8:05pm.

The regular meeting of the Newstead Town Board convened at 8:00pm with the same members present as listed above.

Supervisor Cummings led the pledge to the flag.

Minutes from the previous regular meeting held on September 12, 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 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 notice from the Erie County Commissioner of Public Works notifying the town that Crittenden Rd will be restricted to one lane from East Avenue to Main Rd from September 26 thru October 15th for bridge work.

A motion was made by Councilman Baran, seconded by Councilwoman Esposito 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 update, airport ZBA meeting reviewed, proposed grants, personnel issues, budget, as well as any other issues brought before the board.

Privilege of the Floor – Erie County Legislator Ed Rath was in attendance to introduce himself to the Town Board members and town employees present. He stated that due to the current downsizing measure that was passed by the legislature he may be representing the town and village residents starting next year so he is out in the communities learning what issues the local municipalities are dealing with in hopes of helping out if he is elected.

Kevin Borth of 7553 Scotland Rd informed the town board he has hired a litigator to represent him in an action against the town stemming from a ditching incident that took place on his property by the highway department in August of 2010. Easements were obtained by the town in 2009 and it took the highway crews 1 year and 2 weeks to show up to do the work. When they did he alleges that they took 40 hardwood trees off his property, which he had asked for any trees taken that the wood be left behind for his use, and instead gave the wood to his neighbor leaving behind only the brush, which was never cleaned up. This is not the first incident he has had with the town regarding drainage. He had issues with the prior Supervisor and Dande Farms as well approximately 8-10 years ago. He feels he has been taken advantage of by the town repeatedly and he is doing this to make sure everyone is treated fairly and appropriately by the town. He questioned how many of the board members were aware of this incident. None of the board members were aware of it except the Supervisor who had only heard general information about it. Mr. Borth stated he is willing to sit down with the board to negotiate a settlement to make this right.

Mr. Borth also spoke on the proposed budget for 2012. He stated he feels that the current salary structure of the Supervisor's position prohibits someone with a family in their 30's or 40's the ability of running for the job. He stated the town needs to think about this for the future and should increase the salary to make it more appealing to potential younger candidates. The town is growing and takes a lot more responsibility to run these days with all the challenges governments face.

The Supervisor stated the salary is within a couple percent of other comparable communities to Newstead's size and population.

Budget Transfers: none

Approval of Bills – Councilwoman Esposito reported that the Abstract from Batch(es) # 1104, 1106 and 1107 from the September 12, 2011 meeting has been reviewed with the previously un-audited vouchers and everything was found in order. She presented Abstract Batch (es) #1111 + wire transfer for bond payment. Vouchers on this abstract numbered from 1049- 1090, totaling \$138,677.62 and were presented by Councilwoman Esposito, seconded by Councilman Baran to approve payment as follows:

Abstract Batches #1111 + bond wire transfer:

General Fund (A) -\$25,887.32, General Fund- Outside Village (B) \$230.82, Highway (DA) -\$0, Highway: Outside Village (DB) \$4,724.66, Capital Projects: CAP- Highway Garage- (HG) - \$4,936.44, CAP-Murder Creek (HM) \$36,329.40, CAP- Equipment Purchase (HR02)- \$0, CAP- Scotland Rd (HS)- \$0, CAP- Town Hall (HT)- \$0, CAP- Water Improvement (HW)- \$23,073.64, Drainage (SD)- \$0, Fire Protection (SF) \$0, Refuse (SR) \$0, Sewer Fund (SS) \$27.68, Sewer District #2 (SS02)- \$72.92, Trust & Agency(TA)- \$910.82 and Water Districts: Consolidated (SW00) \$0, (SW1) \$0, (SW2) \$0, (SW3) \$0, (SW4) \$0, (SW5) \$12,500.00, (SW6) \$0, (SW7) \$0, (SW7A) \$327.26, (SW8) \$0, (SW9) \$762.98, (SW10) \$28,893.68

Total: \$138,677.62

Carried Unanimously

COMMITTEE AND DEPARTMENT HEAD REPORTS:

Highway – he has attended several murder creek and joint facility meetings as well as the IT meeting this morning.

Assessor – no report presented

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

Jane & Roger Downey	7297 Downey	Roof
Mark Brunner	13485 Stage	Pole barn
James Schneider	11568 Meahl	Pellet stove
Matthew Alix	11156 Hiller	I.G. Pool & Pergola
Lester Francis	12006 Meahl	Roof
Mark Brunner	13485 Stage	Driveway

The Town Board accepted the report as presented.

Town Clerk- the office has been very busy with the 2011-12 school tax bills due by October 17th, the Deer Management Permit deadline of October 1st and the pre-enumeration postcards due back by October 15th.

Attorney for the Town – nothing at this time

COUNCILPERSONS:

Rooney – he attended the town park master plan meeting with some good work coming out of the 2 meetings so far.

Esposito – she completed the court audit and would like to commend Sandy & Judy for the excellent job they do. They keep very well organized and complete records which make doing the audit easier. She thanked them for doing a great job.

Mayrose – he attended the town park master plan meeting, joint facility meeting, and Zoning Board hearing on the airport.

Baran – he has been sick recently but will check on the progress of the senior center roof this week. He will also check with the insurance company on the status of a check.

SUPERVISOR – The August Supervisors Report is on file with the Town Clerk. He has attended the library board meeting, Zoning Board public hearing on the airport, IT meeting, joint facility meetings, and murder creek meetings. He informed everyone the NYS Comptroller's office was in over the past 3 weeks doing a preliminary audit of the town's records for 2010 and 2011. We are waiting for their report.

UNFINISHED BUSINESS:

Water Districts – we had hoped to be out to bid by now. 3 remaining easements need to be addressed this week or the project may be in jeopardy for construction this fall. ECWA is reviewing the water pressure model Wendel submitted and this is almost complete.

Shared Public Works Facility Project – the Supervisor announced that an open house for the public will be held Saturday October 22 from 9am – 12pm.

Murder Creek Project – Eastwood has submitted final pay requests, which are under review. CATCO began work with several phases of their work being completed. Planting of bio-engineering plants will begin this week. Work is scheduled to be tentatively completed around October 7th. The supervisor once again thanked everyone involved with this great project and stated a lot of volunteer time was donated by several individuals.

Akron Airport- Zoning Board of Appeals hearing was held last week. The Board is now just waiting for them to make a determination on the zoning request.

NEW BUSINESS:

Site Plan Approval- Destroyer Park Golf:

A motion was made by Councilman Mayrose, seconded by Councilman Rooney issuing a negative SEQR declaration on the project and approving the proposed site plan dated July 25, 2011 for the Destroyer Park Golf project located at 7033 Sandhill Rd by owner Richard Beyer, subject to the terms set forth in the resolution.

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

Site Plan Approval- 5-lot Major on Berghorn Rd:

A motion was made by Councilman Baran, seconded by Councilman Mayrose issuing a negative SEQR declaration on the project and approving the revised site plan dated September 9, 2011 for 4 lots instead of 5 for the major subdivision project located on Berghorn Rd by owner Margaret Berry, subject to the terms set forth in the resolution.

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

Site Plan Approval- Deck project at 11891 Main Rd:

A motion was made by Councilman Rooney, seconded by Councilman Mayrose issuing a negative SEQR declaration on the proposed site plan dated September 7, 2011 for the 2,100 sq. ft. wood frame deck and overhead awning project at 11891 Main Rd as submitted by Braun's Restaurant subject to the terms set forth in the resolution.

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

Havenwood Subdivision- Phase 2 Final Plat w/Public improvement:

A motion was made by Councilwoman Esposito, seconded by Councilman Baran approving the proposed final plat for Phase II of the 29-lot major subdivision project located on Havens & Stage Roads by owner Stan Tatara, subject to the terms set forth in the resolution and authorizing the Supervisor to sign the Phase II Plat and that it then be filed in the Erie County Clerk's Office.

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

Justice Department Audit for 2011 completed:

A motion was made by Councilman Rooney, seconded by Councilman Mayrose stating that Councilwoman Esposito has completed the audit of the Justice Department records for 2010 as required by law and requiring a copy of the resolution be sent to the State Justice Department.

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

Resolution correction- Airport Neg Dec Final:

A motion was made by Councilman Mayrose, seconded by Councilwoman Esposito authorizing the correction of the resolution passed on September 12, 2011 regarding the Town Board determination that the Conditioned Negative SEQR Declaration for the Akron Airport shall be deemed effective.

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

Public Hearing- 2012 Proposed Budget:

A motion was made by Councilman Baran, seconded by Councilman Rooney authorizing the calling of a public hearing on the proposed 2012 Town Budget as submitted by the Supervisor, to be held on October 24, 2011 at 7:45 pm at the town hall.

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

Public Hearing- 2012 CDBG Funding for Projects:

A motion was made by Councilwoman Esposito, seconded by Councilman Mayrose authorizing the calling of a public hearing on the proposed use of Community Development Block Grant funds for 2012 by the town, with the hearing to be held on October 10, 2011 at 7:55 pm at the town hall.

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

CDBG Funds- Ranking Rural Van Service:

A motion was made by Councilman Mayrose, seconded by Councilman Baran authorizing the ranking of the Rural Van Service as #3 under the request for Community Development Block Grant Funding request by the town.

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

There will be a town board meeting on the Columbus holiday, Monday October 10, 2011.

Question Period – Kevin Borth questioned if all meetings are live only or is there any skype or video conferencing capabilities available, which would enable members of the public to see or add value to the meetings.

Town Attorney Neill stated board members must be there live or if not present but attending remotely, announce where they will be at so that people would be able to attend where they are physically located as well. Currently the town does not have either of these options available.

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 9:02pm.

Carried Unanimously

Respectfully Submitted,
Dawn D. Izydorcak, Town Clerk