

Newstead Town Board Meeting- October 24, 2011

A public hearing was called to order by the Newstead Town Board on Monday, October 24, 2011 at 7:40pm 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 Local Law #5 of 2011 regarding the 2012 2% Tax Cap legislation.

The Town Clerk read the proof of publication. The Supervisor outlined the 2% tax cap law as adopted by New York State and explained the exemptions to the tax cap. He also explained the 2% cap only applies to the tax levy and not to any special district charges or rates and certain items such as health care and pensions are exempt.

Comments: Mark Sivecz of Brucker Rd thanked the Board for being pro-active but stated he is not sure if this is necessary. He stated that state procedures are in place to override the law but cited the procedures for schools not municipalities.

The Supervisor explained the procedure for towns is what the Board is attempting to pass under the local law, and this is just as a precaution. The current budget has the towns increase at 1.8%, which is close enough for cautiousness on the chance the state should change its calculations.

Howard Schaeffer of Meahl Rd agreed it is not necessary. He suggested passing it if it becomes necessary. He was told by Senator Ranzenhofer's office this had to be passed by 2/3 vote of the board.

Supervisor Cummings explained that there is a narrow window of opportunity to adopt the Local Law exempting the town from the cap. If it is not passed in that time frame you cannot do it later, it will be too late. Then if the town does go over the cap it will be penalized by the amount it goes over in the next 3 years budgets.

Peter Kelly of Sandhill Rd agreed this is not necessary. He feels the state legislature put this in place based on the wants of the people and this is a knee jerk reaction when it is not necessary. If things are tight with the budget then trim from within instead of exceeding the numbers. He feels the board should factor in the risks when setting the budget.

Supervisor Cummings clarified that no one on the Board is opposed to the 2% tax cap, but stressed that New York State does not make implementing these mandates easy and have been very vague on its implementation and how to calculate the cap.

Arlene Richardson of South Newstead Rd agrees it is too soon to be doing this. Let the process go thru a years cycle before putting this in place. If you need to do it next year then do it.

Charles Mullins of Main Rd stated he feels this move means the board is planning to fail and he is against it for that reason.

Jennifer Anderson of Meahl Rd questioned where the budget is as presented percentage wise.

Supervisor Cummings responded 1.8% so if the state comes back and tells the town they have calculated an item wrong we could conceivably go over the 2%. If a law suit or some unplanned for event should happen it would be too late to ask for the exemption.

Marilyn Schaeffer of Meahl Rd questioned if passing this law would be permanent and grant us the exemption every year.

Supervisor Cummings stated no, it is for 1 year only and would need to be passed in any year the town felt it was too close to the 2%.

Karen Cox of Crego Rd questioned if there is a cap set of how much you can go over and if not can the town set a cap itself.

Supervisor Cummings stated no there is no cap but the board could certainly set its own cap in the legislation.

Councilman Baran stated he was against adopting this law at first but after really learning its intent he thinks of it as an insurance policy. If you need it, it's there, but if you don't, you don't use it.

There being no further comments a motion was made by Councilman Rooney, seconded by Councilman Baran to close the public hearing at 8:07pm.

The Supervisor called the public hearing to order on the proposed 2012 Town Budget at 8:07pm.

The Town Clerk read the proof of publication. Supervisor Cummings gave an overview of the proposed tax rates for 2012 to those present.

Comments: Phil Whitman of Meahl Rd questioned if insurance costs are paid by employees. Supervisor Cummings stated yes all employees including eligible elected officials pay 10% plus 50% of any years increase towards health insurance except the union employees at the highway department who currently pay 5% towards the cost. The Board is currently in negotiations with the union whose contract expires at the end of the year and is hoping they will begin to pay more towards their insurance costs as well as possibly taking a new plan at a lesser cost. The regular employees began taking lesser plans several years ago to save costs.

Arlene Richardson of South Newstead Rd questioned if the flat refuse rates increased. Yes, from \$2.00/parcel to \$5.00/parcel, which was scheduled to take effect last year but didn't.

Supervisor Cummings stated the Budget is prepared by him, reviewed by the Board and then this public hearing is held. The vote on the budget will be November 14th. The town in past years has done very well on receiving grants to do projects but those sources are drying up.

Peter Kelly of Sandhill Rd stated he is aware union negotiations and health insurance costs are a big part of the budget. Everyone knows money just isn't there anymore and recipients of "Cadillac" plans need to realize that these are hard times and everyone needs to make concessions. He hopes our highway union members recognize that for the good of everyone.

There being no further comments a motion was made by Councilman Mayrose, seconded by Councilwoman Esposito to close the public hearing at 8:22pm.

The regular meeting of the Newstead Town Board convened at 8:22pm with the same members present as listed above.

Supervisor Cummings led the pledge to the flag.

Minutes from the previous regular meeting held on October 10, 2011 were presented for approval. A motion was made by Councilman Mayrose, seconded by Councilwoman Esposito 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 of 30-day Inclusion Period for Agricultural Districts was received from the Erie County Department of Environment & Planning.

Two letters were received from the NYS Department of State informing the town that the Local Government Efficiency grants that were applied for on the Phase 2 work on the joint highway facility and the proposal to update the master plan with the village have been denied for funding.

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: water districts issues, building projects updates, planning issues, murder creek project update, proposed grants, 2012 budget, as well as any other issues brought before the board. The board also went into a 30 minute executive session on union contracts and court contracts.

Privilege of the Floor – no one spoke

Budget Transfers: none

Approval of Bills – Councilwoman Esposito reported that the Abstract from Batch(es) # 1112 & 1115 from the October 10, 2011 meeting has been reviewed with the previously un-audited vouchers and everything was found in order. She presented Abstract Batch(es) #1119 for payment. Vouchers on this abstract numbered from 1163- 1206, totaling \$159,442.64 and were presented by Councilwoman Esposito, seconded by Councilman Baran to approve payment as follows:

Abstract Batches #1119:

General Fund (A) -\$14,978.91, General Fund- Outside Village (B) \$681.64, Highway (DA) -\$0, Highway: Outside Village (DB) \$3,347.82, Capital Projects: CAP- Highway Garage- (HG) - \$6,411.12, CAP-Murder Creek (HM) \$131,037.07, CAP- Equipment Purchase (HR02)- \$0, CAP- Scotland Rd (HS)- \$0, CAP- Town Hall (HT)- \$0, CAP- Water Improvement (HW)- \$458.50, Drainage (SD)- \$0, Fire Protection (SF) \$0, Refuse (SR) \$38.07, Sewer Fund (SS) \$2,416.17, Sewer District #2 (SS02)- \$73.34, 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: \$159,442.64

Carried Unanimously

COMMITTEE AND DEPARTMENT HEAD REPORTS:

Highway – Mike thanked everyone who attended the joint facility open house for coming out to see the building. He also thanked Dawn and everyone else who helped him get ready for the event. Effective 10/31/11 they will be going to winter hours, Monday – Friday 6:30am – 3:00pm. The crews are busy mixing sand and salt. He attended 2 union meetings, joint facility meetings, a murder creek meeting and a seminar on inventories sponsored by the state.

Assessor – report presented updating the board on re-val roadwork schedules, senior exemptions renewal sessions at Akron Mobile Home Park and the senior center, a small claims hearing outcome and a training session she is providing for the planning and zoning boards.

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

George Thomson	7896 Fletcher	Roof
Christopher Gerace	11240 Hiller	Pole barn
Steve Schleef	12781 Swift Mills	Solar PV
Nicholas Lydell	12320 Nice	Permit renewal
Stanley Tatara	Havenwood Subdiv-Phase2	Public Improvement Permit
Justin Domres	7429 Sandhill	A. G. Pool
Paul Heiderman	13649 Carney	Roof
Michael Logel, Jr	11253 Rapids	Pole barn addition
Kelly Schultz	11111 Main	Storage Unit Building

The Town Board accepted the report as presented.

Town Clerk- 98% of both Akron & Clarence School taxes have been collected. Dog enumeration door to door will start November 1st with fees imposed on unlicensed dogs found by the DCO. The update to the Erie County Multi-Jurisdictional Hazard Mitigation Plan is underway. Any Town residents that are interested in learning about the process, have questions, or would like to offer their input, please pick up a copy of the Plan Fact Sheet or check the Town's websites for more information.

Attorney for the Town – nothing at this time

COUNCILPERSONS:

Rooney – he attended the joint facility open house and thanked Dawn & Mike for the great job they did on the open house.

Esposito – she attended the joint facility open house and attended a recreation board meeting. She reported the program has really been growing thanks to the leadership of Director Dan Roland and a lot of new programs are being offered for this fall thru spring session. Area kids can be kept busy for the whole winter for \$20 or less.

Mayrose – he attended the joint facility open house as well as joint facility committee meetings, highway negotiation meetings, a meeting with Becky on GIs mapping for the town park master plan and a meeting with Disaster Coordinator Glenn Joachimiak on planning for future events.

Baran – he also attended the joint facility open house and reported they are waiting on the new roofing materials to get started on the Senior Center roof.

SUPERVISOR – the September Supervisor’s Report is on file with the Town Clerk. He attended the joint facility open house, two union negotiation meetings, the murder creek final fall meeting, and joint facility committee meetings.

UNFINISHED BUSINESS:

Water Districts – we are out to bid on the project with the bid opening set for November 9, 2011 at 11:00am. All easements are now in and Scott thanked the Supervisor and Town Attorney Neill for their help in securing the last few needed.

Shared Public Works Facility Project – Open house was held on Saturday October 22nd with a very good turnout. There is one open item remaining to be addressed and then a move in date can be set.

Murder Creek Project – all final pay requests are being reviewed. CATCO’s work has been completed. Final fall wrap up meeting was held this morning. A schedule has been tentatively set for the 2012 and 2013 work. The supervisor once again took the time to thank Carl Klingenschmitt and Dr. Ed Burke for all their time and dedication to the project.

NEW BUSINESS:

Approval- CDBG Submission for 2012:

A motion was made by Councilman Mayrose, seconded by Councilman Baran approving the Community Development Block Grant application for 2012 and authorizing the Supervisor to sign, submit and execute the contracts for the grant. The Board ranks the following projects: #1- joint project with the Village of Akron for sidewalks on Buell, Skyline and Clarence Center Roads and #2- Rural Transit Van Services.

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

Public Hearing- Home Based Business- 6453 Utley Rd:

A motion was made by Councilman Baran, seconded by Councilman Rooney approving the calling of a public hearing on the proposed home based business located at 6453 Utley Rd and operated by owner Jason Schlabach, to be held on November 14, 2011 at 7:50pm at the town hall.

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

Budget Amendment- Senior Grant Acceptance:

A motion was made by Councilman Rooney, seconded by Councilman Mayrose approving an amendment to the 2011 budget to provide for acceptance of a grant received thru NYS Programs for the Aging which will increase budget lines A7610.200 and A2770 by \$2,830.31.

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

Approval- Planning & Zoning Board Training:

A motion was made by Councilwoman Esposito, seconded by Councilman Rooney approving the training request for the Planning and Zoning Board members to attend training by CRA.

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

Approval- CEO Training:

A motion was made by Councilman Mayrose, seconded by Councilman Baran approving the training request for the CEO to attend training in January.

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

Approval- Planning Board member Training:

A motion was made by Councilman Mayrose, seconded by Councilman Rooney approving the training request for Planning Board member Eric Polkowski in Batavia.

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

Approval- Assessors Training:

A motion was made by Councilman Mayrose, seconded by Councilman Rooney approving the request for the Assessor to present a training session for the Planning Board and Zoning Board of Appeals.

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

Approval- Annual Applications Ad for 2012:

A motion was made by Councilman Rooney, seconded by Councilman Mayrose approving the posting of the annual applications ad for 2012.

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

Work Session Cancellation:

A motion was made by Councilman Baran, seconded by Councilwoman Esposito approving the cancellation of the October 31st work session.

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

Question Period – no one spoke

There being no further business to come before the board a motion was made by Councilman Baran, seconded by Councilwoman Esposito to adjourn the meeting at 8:51pm.

Carried Unanimously

Respectfully Submitted,
Dawn D. Izydorczak, Town Clerk