

Newstead Town Board Meeting- December 12, 2011

A public hearing was called to order by the Newstead Town Board on Monday, December 12, 2011 at 7:50pm at the Newstead Town Hall.

Present: David 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 home based business at 11187 Stage Rd by Harold Frey.

The Clerk read the proof of publication.

Comments: The question was asked what type of business is run at the address.

Harold Frey of 11187 Stage Road was present and addressed the question. He stated he has an office at 6560 Goodrich Road in Clarence Center but he stores his equipment at his house in a pole barn. He digs graves, septic systems, etc. He is able to get all of his equipment into his building when necessary.

Supervisor Cummings stated the Planning Board has recommended approval.

There being no further comments, a motion was made by Councilman Mayrose, seconded by Councilman Baran to close the public hearing at 7:55pm. Carried Unanimously

The Supervisor called the public hearing to order on the proposed home based business at 11174 Crego Rd by Dan Sutton at 7:55pm.

The Clerk read the proof of publication.

Comments: no one spoke

Supervisor Cummings stated the Planning Board has recommended approval. He also said that with no opposition voiced this evening, these will be put to a board vote tonight.

There being no further comments, a motion was made by Councilman Rooney, seconded by Councilman Mayrose to close the public hearing at 7:59pm. Carried Unanimously

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

Councilwoman Esposito led the pledge to the flag.

Minutes from the previous regular meeting held on November 28, 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 from Time Warner Cable notifying the town of the latest programmers and broadcasters they are currently under negotiations with for new or continued service.

The November 2011 Operations Report was received from Amherst Central Alarm Office reporting 35 calls for Akron Fire Co and 19 calls for Newstead Fire Co.

A letter from the NYS Department of State acknowledging receipt and filing of Local Law #5 of 2011 on November 22, 2011.

A letter from Wargo Enterprises informing the town that portions of Stage and Havens road will be closed for waterline installation on Monday, December 12, 2011 at 7:00am.

A request from the Akron Soccer League to use the town park for the 2012 soccer season as well as the fields and shelter from May 4th – 6th for the annual Kick-It-First Soccer Tournament.

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

Work Session: The Supervisor reported that no work session was held last week but before tonight's meeting the following items were discussed: water districts issues, building projects updates, planning issues, swearing in ceremony and organizational meeting planning, personnel appointments for 2012, litigation and contracts, as well as any other issues brought before the board.

Privilege of the Floor – no one spoke

Budget Transfers: a motion was made by Councilman Rooney, seconded by Councilman Mayrose to approve the budget transfers per a memo from Bookkeeper Colleen Salmon dated 12/12/11. Carried Unanimously

Approval of Bills – Councilwoman Esposito reported that the Abstract from Batch(es) # 1127 from the November 28, 2011 meeting has been reviewed with the previously un-audited vouchers and everything was found in order. She presented Abstract Batch(es) #1131, 1132, 1135 & electronic transfers for postage & bond payment for WD7 for payment. Vouchers on this abstract numbered from 1357 - 1427, totaling \$330,460.26 and were presented by Councilwoman Esposito, seconded by Councilman Baran to approve payment as follows:

Abstract Batch(es) #1131, 1132, 1135 & electronic transfers for postage & bond payment for WD7:
General Fund (A) -\$89,405.96, General Fund- Outside Village (B) \$16,806.65, Highway (DA) -\$0, Highway: Outside Village (DB) \$58,441.57, Capital Projects: CAP- Highway Garage- (HG) - \$122,188.60, CAP-Murder Creek (HM) \$0, CAP- Equipment Purchase (HR02)- \$0, CAP- Scotland Rd (HS)- \$0, CAP- Town Hall (HT)- \$0, CAP- Water Improvement (HW)- \$0, Drainage (SD)- \$0, Fire Protection (SF) \$4,446.72, Refuse (SR) \$29,762.86, Sewer Fund (SS) \$0, Sewer District #2 (SS02)- \$157.50, Trust & Agency(TA)- \$0 and Water Districts: Consolidated (SW00) \$6,674.59, (SW1) \$0, (SW2) \$0, (SW3) \$0, (SW4) \$0, (SW5) \$0, (SW6) \$0, (SW7) \$2,575.81, (SW7A) \$0, (SW8) \$0, (SW9) \$0, (SW10) \$0
Total: \$330,460.26 Carried Unanimously

COMMITTEE AND DEPARTMENT HEAD REPORTS:

Highway – Wargo completed the waterline on Havens today. They will monitor the cuts to make sure no settling occurs.

Assessor – no report presented

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

John Nowicki	12021 Buckwheat	One family home
Michael Monachino	11731 Clarence Center	One family home
Alan Wandowski	11102 Crego	Roof
LVL Resort Corp	13800 Siehl	I.G.Pool, stove, bath house
David Simmons	11280 Hunts Corners	One family home

The Town Board accepted the report as presented.

Town Clerk - school tax collections have been finalized and turned over to the County for re-levy.

Attorney for the Town – nothing to report

COUNCILPERSONS:

Rooney – nothing to report

Esposito – attended the recreation board meeting on December 8th. The library will be having a holiday open house on December 21st from 1-8pm. She also stated the library board will have a vacancy at the end of the year.

Mayrose – attended the court consolidation and joint facility meetings. He is also learning the GIS system to use for updating the town park master plan.

Baran – attended the recreation board meeting and he is working on three buildings with various repair issues.

Supervisor – the November Supervisors Report is on file with the Town Clerk. He attended the court consolidation meeting and they are making great progress. He believes they will have some recommendations after the first of the year. The joint facility construction is winding down. He also attended the Erie County Supervisors meeting last week.

UNFINISHED BUSINESS:

Water Districts – Scott is working with the contractor and the project should be starting shortly. They are finishing the insurance requirements and necessary permits.

Shared Public Works Facility Project – very close to being completed. The floor needs to have the 2nd coat applied and they are half done with that and then 2 doors need to be replaced. They are still meeting on a weekly basis and will begin to set a move in schedule.

Murder Creek – finished until the spring when phase 2 will begin.

NEW BUSINESS:

Public Hearing- Home Based Business- 11734 Meahl Rd:

A motion was made by Councilman Baran, seconded by Councilman Mayrose approving the calling of a public hearing on the proposed home based business located at 11734 Meahl Rd and operated by owner Christopher Milhollen, to be held on December 29, 2011 at 7:50pm at the town hall. (Resolution Attached) Cummings-Aye, Rooney -Aye, Esposito-Aye, Mayrose-Aye, Baran-Aye
Carried Unanimously

Public Hearing- Home Based Business- 4870 N Millgrove Rd:

A motion was made by Councilman Mayrose, seconded by Councilman Baran approving the calling of a public hearing on the proposed home based paving business located at 4870 N Millgrove Rd and operated by owner James Marfurt, to be held on December 29, 2011 at 7:55pm at the town hall. (Resolution Attached) Cummings-Aye, Rooney -Aye, Esposito-Aye, Mayrose-Aye, Baran-Aye
Carried Unanimously

Approval- Special Permit for Home Based Business- 11187 Stage Rd:

A motion was made by Councilwoman Esposito, seconded by Councilman Rooney approving a Special Permit for the home based business located at 11187 Stage Rd and operated by owner Harold Frey, subject to annual review/renewal of the permit. (Resolution Attached) Cummings-Aye, Rooney -Aye, Esposito-Aye, Mayrose-Aye, Baran-Aye
Carried Unanimously

Approval- Special Permit for Home Based Business- 11174 Crego Rd:

A motion was made by Councilman Rooney, seconded by Councilman Mayrose approving a Special Permit for the home based paving business located at 11174 Crego Rd and operated by owner Dan Sutton, subject to annual review/renewal of the permit.

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

Approval- Consolidated Water Line- Kelkenberg Rd:

A motion was made by Councilman Mayrose, seconded by Councilman Baran approving the agreement with ECWA to waive the requirement that the waterline on Kelkenberg Rd be extended to the Clarence Town Line on the provision that if it becomes necessary in the future to extend that 150 foot section of waterline to the Clarence Town Line, the Town of Newstead, on behalf of Consolidated District No. 1, will do so at our own expense.

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

Approve- Senior Van Agreement with Clarence:

A motion was made by Councilwoman Esposito, seconded by Councilman Mayrose approving the Inter-municipal Agreement between the Town of Clarence and the Town of Newstead for 2012 for the Senior Van Service.

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

Approval- Akron Soccer League Field Request:

A motion was made by Councilman Rooney, seconded by Councilwoman Esposito approving the Akron Soccer League's request for use of the town park fields and shelter May 4th – 6th for the 2012 Kick-It-First Soccer Tournament.

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

Question Period – no one spoke

Supervisor Cummings and her fellow Board Members took a moment to acknowledge and thank Councilwoman Cheryl Esposito for her last 4 years of dedicated service to the Town of Newstead residents. She will be greatly missed by all.

Next meeting will be Thursday December 29th at 7:50pm for the public hearings and 8:00pm for the regular meeting.

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 8:23pm.

Carried Unanimously

Respectfully Submitted,
Dawn D. Izydorczak, Town Clerk