

## Newstead Town Board Meeting- December 13, 2010

A public hearing was called to order by the Newstead Town Board on Monday, December 13, 2010 at 7:34pm at the Newstead Town Hall.

Present: David L. Cummings- Supervisor  
Justin Rooney- Councilman  
Cheryl Esposito- Councilwoman  
James Mayrose- Councilman  
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 Councilman Baran.

The Supervisor called the public hearing on the proposed Local Law #6 of 2010 entitled "Amendment to the Animals Chapter" regarding changes to the Dog Licensing Laws.

The Clerk read the proof of publication.

**Comments:** Supervisor Cummings reported on the committee meetings and the outcome is tonight's law.

Dr. Sandra Corrie – 12887 Dorsch Rd. – thanked the board for the addition of the multi-dog license option. She thinks this will give owners more options. She believes the kennel license duplicates existing SPCA and state laws. Feels that limiting the number of dogs does not solve any problems and thinks that should be re-considered.

Supervisor Cummings stated the 20 out of 25 towns in Erie County have a 2 or 3 dog limit and this is nothing new.

Dr. Corrie continued with explaining that licensing was originally started to facilitate rabies control and currently New York State mandates that the dogs wear a collar with its tag. She believes this should be changed to another method of identification such as microchips. Also believes that the multi-dog/DCO inspection portion of the law needs to be more specific. Should read "where the dog is primarily housed" not granting access to the entire home. Feels section 114-5: Restrictions should be amended to "as heard by the DCO" to avoid hearsay.

Jim Mandolene – 12936 Dorsch Rd. – currently owns 2 dogs and may be inheriting 2 more dogs. Asked if he will then need a kennel permit and believes that the DCO's are not qualified to do the kennel inspections and is cost preventative to the town.

Sharon Woodward – 13118 Steiner Rd. – She did not attend the prior meeting. Has 4 dogs on a purebred license and takes great pride in the care of her dogs. She feels there are some that the law will apply to and some of it walks a fine line. Also stated that the AKC can inspect them at anytime.

Susan Brown – 8010 Burdick Rd. – She is happy the multi-dog permit was added to the law. She said there is no mention of the fee for the permit. Supervisor Cummings said it will be set by the fee schedule. It is proposed to be \$50 a year to cover the inspections. That still needs to be finalized.

She also asked if there was a process for dispute resolution if a multi-dog permit was denied. Nathan Neill explained that the Town Board would have to deny/revoke the permit. They would have due process and the right to speak. Also questioned how the inspections would work and Nathan stated that they would be scheduled in advance unless there was a complaint that may warrant an unannounced inspection.

Dale Woodward – 13118 Steiner Rd. – He currently has 4 dogs on a purebred license. If his son moved back home with his dog would he be required to get a multi-dog permit? The answer from the Supervisor was yes.

Ginny Brown-Cerasani – 11651 Rapids Rd. – asked the board to consider extending the current 60 day grace period for rescue dogs because some situations require a longer time frame. It was suggested to her to work with the DCO on special circumstances.

There being no further comments, a motion was made by Councilman Mayrose, seconded by Councilwoman Esposito to close the public hearing on the dog licensing law amendments at 8:07pm.  
Carried

The Supervisor called the public hearing on the proposed fire alarm services contract with the Town of Amherst to order at 8:07pm.

The Clerk read the proof of publication.

Comments: Supervisor Cummings explained that this service provides the radio communication between the fire companies and the alarm office. This is the same as it has been in the past.

No one spoke

There being no further comments, a motion was made by Councilman Rooney, seconded by Councilman Mayrose to close the public hearing on the fire alarm services contract at 8:10pm.  
Carried

The regular meeting of the Town Board was called to order at 8:10pm with the same members present as listed above.

Supervisor Cummings led the pledge to the flag.

Minutes from the previous regular meeting held on November 22, 2010 were presented for approval. A motion was made by Councilman Rooney, seconded by Councilman Mayrose to approve as presented.  
Carried

**Communications** – The Town Clerk presented the following correspondence:

A letter from NYS Division of Homeland Security & Emergency Services notifying the town that they will not be awarded funding on a Hazard Mitigation Grant for the Murder Creek Bank Stabilization project.

A letter from Time Warner Cable outlining price adjustments for 2011.

A letter from Time Warner Cable outlining the programmers and broadcasters they are currently under negotiations with for continued service.

The November 2010 Operations Report was received from Amherst Central Alarm Office reporting 35 calls for Akron Fire Co. and 28 calls for the Newstead Fire Co.

A letter from Erie County Sheriff Timothy Howard along with a copy of the Erie County Sheriff's Office 2009 Annual Report for the town.

A letter from Kathy Tober thanking the Town Board for inviting her to sit on the Dog Licensing Law Committee and allowing her to be part of the law creation process.

A letter from Highway Worker John Farleo announcing his resignation from the position effective 12/10/10.

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

**Work Session:** The Supervisor reported that at the work session held last week the following issues were discussed: a progress update with Apex on the murder creek project, a meeting with the Airport Attorney, water district issues, town hall & joint facility project updates, planning issues, personnel issues, as well as any other issues brought before the board.

**Privilege of the Floor** – Robert Scheib – 51 Brooklyn St. – Asked the Supervisor if the people from the airport were invited to the last work session. Supervisor Cummings said that the attorney was invited and the Christian Airmen people showed up. He explained to them that the board was not

going to take any action because they were unprepared and a letter was sent to them outlining the points that needed to be addressed. The Supervisor will get a copy of the letter to Mr. Scheib.

**Budget Transfers:** A motion was made by Councilwoman Esposito, seconded by Councilman Mayrose to approve the requested budget transfers per a memo from Bookkeeper Colleen Salmon dated 12/13/2010. Carried

**Approval of Bills** – Councilwoman Esposito reported that the Abstract from Batch #999 from the November 22, 2010 meeting has been reviewed with the previously un-audited vouchers and everything was found in order. She presented Abstract Batch #1003, 1005 & 1006. Vouchers on this abstract numbered from 1259 - 1335 totaling \$1,406,695.43 and were presented by Councilwoman Esposito, seconded by Councilman Mayrose to approve payment as follows:

Abstract Batches #1003, 1005 & 1006:  
General Fund (A) -\$27,378.75, General Fund- Outside Village (B) \$880.28, Highway (DA) -\$0, Highway: Outside Village (DB) \$2,799.43, Capital Projects: CAP- Highway Garage- (HG) - \$1,247,873.18, CAP-Murder Creek (HM) \$15,000.00, CAP- Town Hall Addition (HT) \$55,662.23, Drainage (SD)- \$6,425.00, Fire Protection (SF) \$4,336.24, Refuse (SR) \$28,954.96, Sewer Fund (SS) \$950.00, Sewer District #2 (SS02)- \$128.50, Trust & Agency(TA)- \$1,584.75 and Water Districts (SW1) \$354.26, (SW2) \$281.45, (SW3) \$543.83, (SW4) \$458.16, (SW5) \$7,290.56, (SW6) \$563.38, (SW7) \$736.94, (SW7A) \$164.17, (SW8) \$367.07, (SW9) \$306.99, (SW10) \$3,655.30  
Total: \$1,406,695.43 Carried

**COMMITTEE AND DEPARTMENT HEAD REPORTS:**

**Highway** – not present because he was patrolling the roads. Supervisor Cummings stated that he had helped Earth Dimensions with soil boring last week and had accepted the resignation of a highway employee and made a recommendation for a new appointment.

**Assessor** – report presented on the Assessment Advisory Committees meeting held on 12/9/10 and their recommendations for a public relations outreach program to begin in early 2011.

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

Wayne Ribbeck	13836 Knapp	Permit renewal
Wargo Enterprises	6497 Scotland	Demolition
Donald Showler	13669 Indian Falls	Garage remodel
Newstead Fire Co	5691 Cummings	Fire Station Addition

The Town Board accepted the report as presented.

**Town Clerk**- nothing to report

**Attorney for the Town** – nothing to report

**COUNCILPERSONS:**

**Rooney**- attended to Rec. Board meeting and hope Dan gets better soon.

**Esposito**- nothing

**Mayrose**- nothing

**Baran**- not present

**SUPERVISOR**- The October Supervisors report is on file.

**UNFINISHED BUSINESS:**

**Water Districts**- map, plan & report public hearing will be discussed during new business. We are moving forward with design and archeological work.

**Shared Public Works Facility Project-** A little behind with the steel work due to the snow. The Town Hall project is complete.

**Grants-** we were unsuccessful with the Hazard Mitigation Grant for Murder Creek. We are still applying for funding for future projects.

**Murder Creek Project-** the board received updates from Apex – topography and mapping work is complete. Design work will be complete by December 27<sup>th</sup>. The storm pipes were inspected and there are some issues. Mark Gaston from Erie County Soil met with the Brooklyn Street residents to address their concerns and met with the Town Board as well.

**Airport** – a letter was sent by the Board and a response was received. They are inquiring when the Town Board is available for a site visit with regards to the drainage issues. The Supervisor would like this to be after January 1<sup>st</sup>.

**NEW BUSINESS:**

**Approval- Bloomingdale Traffic Study Request:**

A motion was made by Councilwoman Esposito, seconded by Supervisor Cummings approving the joint municipal request for a traffic study on Bloomingdale Rd from the Village/Town line to Scotland Rd and authorizing the Clerk to submit the proper forms to the County and State.

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

**Approval- Determination of Non-Significance:**

A motion was made by Councilman Mayrose, seconded by Councilwoman Esposito issuing a Determination of Non-Significance of Local Law regarding the adoption of Local Law #6 of 2010 amending the Animals Chapter of the Code of the Town of Newstead.

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

**Adoption- Local Law #6 of 2010- Dog Law:**

A motion was made by Councilman Mayrose, seconded by Councilwoman Esposito adopting the proposed Local Law #6 of 2010 entitled “Amendment to the Animals Chapter of the Code of the Town of Newstead”.

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

**Approval- Fire Alarm Services Contract:**

A motion was made by Councilman Rooney, seconded by Councilman Mayrose approving the proposed Fire Alarm Services Contract with the Town of Amherst for 2011-2015 and authorizing the Supervisor to execute the contracts on behalf of the Town.

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

**Resignation of Highway Equipment Operator:**

A motion was made by Councilman Rooney, seconded by Councilman Mayrose accepting the resignation of John Farleo as a Highway Equipment Operator effective December 10, 2010.

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

**Appointment of Highway Equipment Operator:**

A motion was made by Councilman Rooney, seconded by Councilman Mayrose authorizing the appointment of Andrew Bower as an Equipment Operator/Laborer effective December 14, 2010 for the Highway Department at Step 1 \$14.80 per hour.

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

**Appointment of Temporary Code Enforcement Officer:**

A motion was made by Councilman Mayrose, seconded by Councilman Rooney authorizing the temporary appointment of Ralph F. Migliaccio to the Code Enforcement Officers position effective 12/14/2010 .

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

**Appointment of Recreation Employee(s):**

A motion was made by Councilman Mayrose, seconded by Councilwoman Esposito authorizing the appointment of Matthew Dembrow as recreation attendants for the winter session.

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

**Appointment to ACS Budget Advisory Committee:**

A motion was made by Councilman Rooney, seconded by Councilwoman Esposito approving the appointment of Councilman Mayrose to the ACS Budget Advisory committee for their 2011 budget process.

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

**Approval- Annual Audit Contract:**

A motion was made by Councilman Mayrose, seconded by Councilwoman Esposito to authorize the Supervisor to sign the annual Audit Contract with Drescher & Malecki effective January 1, 2011.

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

**Public Hearing- Improvement of Water District:**

A motion was made by Councilman Mayrose, seconded by Councilman Rooney to authorize the calling of a public hearing on the proposed map, plan & report for extensions to the water district lines totaling 20,050 linear feet at an estimated cost of \$1,750,000.00, with said hearing to be held on December 27, 2010 at 7:50pm at the Newstead Town Hall.

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

The Supervisor reported the town had received a check from the Akron Celebration Committee in the amount of \$500 towards their repayment.

**Question Period-** Bob Scheib – 51 Brooklyn St. – commented on the new facility and congratulated the Board. Suggested the Board use the microphones in the future.

There being no further business to come before the board a motion was made by Councilman Mayrose, seconded by Councilwoman Esposito to adjourn the meeting at 8:46pm.

Carried

Respectfully Submitted,  
Dawn D. Izydorzak, RMC, Town Clerk