

Newstead Town Board Meeting- October 28, 2013

A public hearing was called to order by the Newstead Town Board on Monday, October 28, 2013 at 7:45pm at the Newstead Town Hall.

Present: David Cummings- Supervisor
Justin Rooney- Councilman
James Mayrose- Councilman
Richard Baran- Councilman
Donald York- Councilman
Scott Rybarczyk- Town Engineer
Nathan Neill- Town Attorney
Michael Bassanello- Highway Supt.
Dawn Izydorczak, 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 2014 budget.

The Town Clerk read the proof of publication.

Comments:

Supervisor explained the differences in figures since the tentative budget is due to litigation settlements on assessments. Most rates are staying the same except refuse will be changing to \$157.17 for the year and the overall tax rate will be going down to \$1.31/\$1,000.

Gary Baehr, 78 Cedar Street – Questioned the fire protection rate as compared to last year. The Supervisor explained it will be staying the same at \$1.20/\$1,000.

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

The Supervisor called the public hearing to order on the proposed fire contracts for 2014-2016.

The Town Clerk read the proof of publication.

Comments:

The Supervisor explained several meetings were held with Councilman Mayrose, Councilman Rooney and the two fire companies to come to this agreement.

William Murray, 16 Churchill Street – questioned the figures published in the public hearing notice. The figures were misprinted in the paper. The numbers should have been \$104,717 for Akron Fire Company and \$210,389 for Newstead Fire Company.

There being no further comments a motion was made by Councilman Baran seconded by Councilman York to close the public hearing on the fire contracts at 8:00pm.

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

Councilman York led the pledge to the flag.

Minutes from the previous regular meeting held on October 14, 2013, were presented for approval. A motion was made by Councilman Mayrose, seconded by Councilman Rooney to approve as presented. Carried Unanimously

Communications – The Town Clerk presented the following correspondence:

A seminar notice was received from Erie County Environment & Planning notifying the town of a training seminar to be held November 6th in East Aurora on Agricultural Districts.

A status update was received from Rotella Grant on all of the towns grants in process.

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

Work Session: The Supervisor reported that at the work session held last week the following issues were discussed: water district issues, building projects, planning issues, grants, recreation evaluations, parks master plan, contracts, old highway garage updates, limerick hall and any other issues brought before the Board.

Privilege of the Floor – Linda Jackson of Quarry Hill Estates stated she received an email from the Supervisor regarding the building not being able to control the base per the consultant. She feels the only option is to shut down Braun’s Concert Cove or make them build a sound proof building. She also expressed their discontent with Mr. Baran’s political signs being on Mr. Braun’s property. Dick Sutton of Quarry Hill Estates expressed that it doesn’t look right with Mr. Baran’s sign on Mr. Braun’s property. He feels he should recuse himself from all decisions on Braun’s as he feels he is against the residents of Quarry Hills. Sue Faye Allen of Howe Road asked how to get a copy of the proposed law and was told it will be available through the Town Clerks office tomorrow. Edmund Burke of Crescent Drive asked if there was a charge for the copy of the proposed law and was told there is no charge.

Budget Transfers: a motion was made by Councilman Mayrose, seconded by Councilman York to approve the budget transfers per the memo from Bookkeeper Colleen Salmon dated October 28, 2013. Carried Unanimously

Approval of Bills – Councilman Mayrose reported that the Abstract from Batch(es) # 1327 and 1333 with postage epayment from the October 14, 2013 meeting have been reviewed with the previously un-audited vouchers and everything was found in order. He presented Abstract Batch(es) #1336 for payment. Vouchers on this abstract(s) numbered from 1066-1098, totaling \$53,154.74. Councilman Rooney seconded to approve payment as follows:

Abstract Batch(es) #1336:
General Fund (A) -\$13,402.81, General Fund- Outside Village (B) \$332.53, Highway (DA) -\$0, Highway: Outside Village (DB) \$39,141.96, Capital Projects: CAP- Highway Garage- (HG) - \$0, CAP-Murder Creek (HM) \$10.00, CAP- Equipment Purchase (HR02)- \$0, CAP- Library Basement (HR04) \$0, CAP- Scotland Rd (HS)- \$0, CAP Water-Downey (HW01)- \$55.72, CAP- Town Hall (HT)- \$0, CAP- Water Improvement (HW)- \$0, Drainage (SD)- \$0, Fire Protection (SF) \$0, Refuse (SR) \$0, Sewer Fund (SS) \$25.65, Sewer District #2 (SS02)- \$76.50, Trust & Agency(TA)- \$0 and Water Districts: Consolidated (SW00) \$109.57, (SW1) \$0, (SW2) \$0, (SW3) \$0, (SW4) \$0, (SW5) \$0, (SW6) \$0, (SW7) \$0, (SW7A) \$0, (SW8) \$0, (SW9) \$0, (SW10) \$0
Total: \$53,154.74 Carried Unanimously

COMMITTEE AND DEPARTMENT HEAD REPORTS:

Highway – he attended the flag raising ceremony for Ryan Buckley’s Eagle Scout Project and said he had done a very nice job, he submitted the town inventory to the NYSDOT, and worked with Colleen on snow plow contract figures. The highway department started winter hours this week.

Assessor – report presented updating the Board on inventory collection, BAR members for 2014, potential updates for 2014, upcoming training for the Assessor, STAR, litigation cases, ECIDA’s.

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

William Eldred	6062 Cummings	Roof
Fancher Properties	13661 Main	Roof
Dale Fryling	13543 Stage	Permit renewal
Kleperak	7620 Maple	Roof / porch

People, Inc.	12384 Rapids	Addition/renovation
Steven Murzynowski	7393 Downey	Shed
Donald Wingard	6653 Dye	Roof

The Town Board accepted the report as presented.

Town Clerk- Dawn presented the Dog Control Officers 3rd Quarter Report. School tax collection went well. Second notices will be mailed at the end of this week.

Attorney for the Town – nothing to report

COUNCILPERSONS:

Rooney – he thanked the Akron Fire Company for putting on the fire prevention week program. He attended court on Judge Campbell’s night, thanked Schrock Metal for the invitation to their ribbon cutting and was sorry he couldn’t attend but is glad to see a local business growing. He drove the area around Braun’s during the last concert, attended traffic court, attended the library board meeting, met with the recreation chairman and Councilman Mayrose to discuss recreation issues. He thanked Ryan Buckley for his work at Veterans Parks with the flag, met with the Supervisor and Newstead Fire Company regarding the building contract and thanked Highway Superintendent Bassanello for going above and beyond in getting him a list of bridges in the Town and Village that included owners and rankings.

Mayrose – he met with Village Trustee Peter Forrestal regarding the court consolidation, attended the Schrock Metal Ribbon Cutting and would like to wish them the best of luck and continued growth, he attended the flag raising ceremony at Veterans Park and stated great work was done by Ryan Buckley on his Eagle Scout Project. He met with Councilman Rooney and Joel Gregorio regarding recreation employee evaluations, attended the library board meeting, took sound measurements at Braun’s Concert Cove with Ed Burke and Carl Klingenschmitt, discussed minor changes to the fire contracts with both Newstead and Akron Fire Companies, met with Supervisor Cummings and the office staff regarding office policies and procedures and met with Highway Superintendent Mike Bassanello regarding the joint facility flooring issue.

Baran – he attended the Schrock Metal ribbon cutting ceremony and presented a plaque on behalf of the town. He checked on a shed for the library and attended the flag raising ceremony.

York – he attended the Schrock ribbon cutting ceremony and the flag raising ceremony at the park.

Supervisor – attended the AOECG meeting, the construction at library is finished and they are in the process of moving the historian in today. He thanked Mike and the highway crew for that. He attended the flag raising ceremony, met with Wendel on the master plan and water issues and thanked Councilman Baran for presenting the plaque at the Schrock Metal ribbon cutting ceremony.

UNFINISHED BUSINESS:

Joint Facility- working on floor issues and updating agreement on maintenance with the Village.

Planning Issues – grants submitted for CDBG and continuing to work on master plan.

Conservation issues- Emerald Ash Borer – nothing new
 Murder Creek- a report was received from Apex Consulting for inspections done on 9/24/13 – 10/15/13. A new pipe was installed by the highway department to help with erosion over the winter.

Water projects – approved except for resolution for hydrants to be addressed tonight.

NEW BUSINESS:

Approval- Fire Company Contracts 2014-16:

A motion was made by Councilman Rooney, seconded by Councilman Mayrose approving the proposed fire company contracts for 2014-16 and authorizing the Supervisor to execute the contracts with Akron Fire Co. and Newstead Fire Co.

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

Public Hearing- Local Law #4 of 2013-Special Events:

A motion was made by Councilman Mayrose, seconded by Councilman Baran authorizing the calling of a public hearing on the proposed amendments to the Special Events Law, to be held on Monday November 11th at 7:15pm at the town hall and authorizing the Clerk to publish the notice.

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

Public Hearing- Local Law #5 of 2013-Code Amendments:

A motion was made by Councilman Baran, seconded by Councilman York authorizing the calling of a public hearing on the proposed amendments to the Town Code, to be held on Monday November 11th at 7:45pm at the town hall and authorizing the Clerk to publish the notice.

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

Public Hearing- Local Law #6 of 2013-Subdivision Amendments:

A motion was made by Councilman York, seconded by Councilman Rooney authorizing the calling of a public hearing on the proposed amendments to the Subdivision Law, to be held on Monday November 11th at 7:50pm at the town hall and authorizing the Clerk to publish the notice.

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

Public Hearing- Local Law #7 of 2013-Standard of Yard Maintenance:

A motion was made by Councilman Rooney, seconded by Councilman Mayrose authorizing the calling of a public hearing on the proposed addition of standards for yard maintenance to the code, to be held on Monday November 11th at 7:55pm at the town hall and authorizing the Clerk to publish the notice.

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

Approval- Water Hydrant fees for Downey & Draper:

A motion was made by Councilman Mayrose, seconded by Councilman Rooney approving the agreement with Erie County Water Authority to pay hydrant tariffs for new hydrants to be installed on Downey and Draper Roads after completion of the 2014 construction project on those roads.

(Resolution Attached) Cummings-Aye, Rooney -Aye, Mayrose-Aye, Baran-Aye, York-Abstain
Carried

Approval- Erie County Snow Removal Contract:

A motion was made by Councilman Rooney, seconded by Councilman Mayrose approving the renewal contract with Erie County for snow and ice removal on County roads within the Town of Newstead from 9/1/13 – 8/31/16 and authorizing the Supervisor to execute the contracts with the County and provide all supporting paperwork required under the contract to the County.

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

Councilman Rooney thanked the Supervisor for being a part of this committee and his work in negotiating this contract.

Approval- Town Prosecutor Salary:

A motion was made by Councilman Mayrose, seconded by Councilman Baran approving a new rate of pay for the Town Prosecutor at \$7830 annually, retroactive effective April 1, 2013.

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

Approval- Annual Ad for Applications:

A motion was made by Councilman Mayrose, seconded by Councilman Baran approving the advertisement for annual applications to town positions for 2014.

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

Approval- Fall-Winter Recreation Staff:

A motion was made by Councilman Rooney, seconded by Councilman Mayrose approving the list of recreation staff for the fall-winter session of recreation as presented, effective immediately.

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

Question Period – Edmund Burke of Crescent Avenue questioned the snow contract and why it took 7 months to negotiate this time verses 1 ½ hours the last time to come to an agreement. Supervisor Cummings explained who made up the committee and that the county did not agree to the 5% increase that had been used in the last 2 contracts.

There being no further business to come before the board a motion was made by Councilman Mayrose, seconded by Councilman York to adjourn the regular meeting at 8:50pm.

Carried Unanimously

Respectfully Submitted,
Dawn D. Izydorcak, Town Clerk