

Newstead Town Board Meeting- August 14, 2012

A regular meeting was called to order by the Newstead Town Board on Tuesday, August 14, 2012 at 8:00pm at the Newstead Senior Center.

Present:

Justin Rooney- Deputy Supervisor
James Mayrose- Councilman
Richard Baran- Councilman
Donald York- Councilman
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 with the exception of Supervisor Cummings.

Councilman York led the pledge to the flag.

Minutes from the previous regular meeting held on July 23, 2012 were presented for approval. A motion was made by Councilman Baran, seconded by Councilman York to approve as presented.
Carried

Communications – The Town Clerk presented the following correspondence:

A letter from Erie County Consortium Community Development Block Grant Program notifying the Town it has been awarded a \$28,500 grant for its 2012 sidewalks project.

A letter from Time Warner Cable notifying the town of its current programmers and broadcasters they are under negotiations with for service.

The July Operations Report was received from Amherst Central Alarm office reporting 48 calls for Akron Fire Co and 37 calls for Newstead Fire Co.

A letter from Akron Little League Football requesting use of the Town Park facilities for their home game schedule on 8/25/12, 9/1/12, 9/8/12, 9/15/12, 9/22/12 and 9/29/12.

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

Work Session: The Supervisor reported that at the work session held last week the following items were discussed: Water district issues, building project updates, planning issues, grants, murder creek update, refuse contracts, policy book discussion, SMSI annual report quote, sex offender law, plans for veterans park, possible time change for August 13th meeting, as well as any other issues brought before the board.

Privilege of the Floor – The following residents from Quarry Hill Estates addressed the Board with their continuing concerns about the noise from the recent concerts being held at Braun's Restaurant on Main Rd: Ron Stanzek, Dick Sutton, Linda Jackson, Rose Dahn, Jim Richards, Levant & Carol Bender, Mary McGuire, Bill Ender, and Sylvia Neff.

Their complaints again focused on the heavy base vibrations, the bands not stopping at 11:00pm, and most importantly the State Police and Sheriff's inaction and not responding to their calls and complaints. The Saturday night concert went until almost 3:00am.

There were also questions on the progress of the parks sewer problems and the Dept. of Health's involvement.

Deputy Supervisor Rooney explained to all present that in the past 2 weeks the board members, Carl & town hall staff have diligently been working towards documenting the noise at the concerts, researching noise ordinances and compiling them into one that will be enforceable for the town and reaching out to our local County and State representatives researching possible state or county laws that currently exist and might apply here until the town can get a law into place. It will take time to get a local law into effect. There is a standard process that must be followed and the Board does not

want to hastily write a law that has consequences down the line and may affect other businesses negatively. The purpose is to make a law that will enable Braun's to do business but not adversely affect the neighbors.

Councilman Baran addressed a question from Ron Stanzek regarding the police officers inability to shut them down and the difference between disturbing the peace and a noise ordinance. The Councilman stated the laws are subject to the interpretation by the officers and it could be the difference that this is a commercial business in a commercial zone instead of a private residence playing loud music. There is less authority to shut down a business than a private party.

Mr. Stanzek brought up a suit about 30 years ago at what is now the ADESA complex when the old Hard Rock Quarry was causing disturbances. The town was able to stop their noise disturbances.

Councilman Mayrose stated another meeting will have to be scheduled with Mr. Braun to address new issues and get a set of the specs he claims to have for the bands to follow.

Councilman York asked that any of the residents please contact the Board members with their suggestions and comments regarding the noise law.

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 August 14, 2012. Carried

Approval of Bills – Councilman Mayrose reported that the Abstract from Batch(es) # 1198, 1200 & BAN payoff from 7/26/12 from the July 23, 2012 meeting has been reviewed with the previously un-audited vouchers and everything was found in order. He presented Abstract Batch(es) #1202-1203 & 1208 for payment. Vouchers on this abstract numbered from 843-846 & 853-926 totaling \$86,586.26 and were presented by Councilman Mayrose, seconded by Councilman York to approve payment as follows:

Abstract Batch(es) # 1202-1203 & 1208:
General Fund (A) -\$22,537.83, General Fund- Outside Village (B) \$522.75, Highway (DA) -\$0, Highway: Outside Village (DB) \$8,039.30, Capital Projects: CAP- Highway Garage- (HG) - \$0, CAP-Murder Creek (HM) \$2,000.00, CAP- Equipment Purchase (HR02)- \$0, CAP- Scotland Rd (HS)- \$0, CAP- Town Hall (HT)- \$0, CAP- Water Improvement (HW)- \$1,200.00, Drainage (SD)- \$1,503.05, Fire Protection (SF) \$4,534.56, Refuse (SR) \$29,422.09, Sewer Fund (SS) \$0, Sewer District #2 (SS02)- \$114.72, Trust & Agency(TA)- \$9,805.17 and Water Districts: Consolidated (SW00) \$6,906.79, (SW1) \$0, (SW2) \$0, (SW3) \$0, (SW4) \$0, (SW5) \$0, (SW6) \$0, (SW7) \$0, (SW7A) \$0, (SW8) \$0, (SW9) \$0, (SW10) \$0
Total: \$86,586.26 Carried

COMMITTEE AND DEPARTMENT HEAD REPORTS:

Highway – will be attending a pre-construction meeting on 8/22/12 with Erie County Water Authority regarding the water line project. Off road ditching is continuing.

Assessor – no report presented.

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

CMK Builders	5000 Havens Rd	One Family Home
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Jeff Diebel	12886 Dorsch	I.G. Pool
Robert Penn	4864 Ayers	Carport
Daniel Andrusz	12067 Nice	Porches & roof
Douglas Ceisner	13223 Main	Roof
Kirk Sherwood	5922 Buell	A.G. Pool
Anthony Cinotti	12296 Nice	Pole barn
Walter Gibson	11570 Clarence Ctr	Pole barn

Michael Guzik
CMK Builders
Brian Braunscheidel
Martin Sheehan
Pat Cian
Glenn Richardson
Chris Bower

5213 S Newstead
5070 Havens Rd
11152 Clarence Ctr
4432 S Newstead
12561 Clarence Ctr
7881 Moore
7878 Moore

Pole barn
One Family Home
Fill
I.G. Pool
Roof
Porch sill, windows, siding
Pole barn

The Town Board accepted the report as presented.

Town Clerk- DEC Conservation license sales started yesterday at a very even pace. The office is in preparations for the school tax bills which should be ready in a couple weeks.

Attorney for the Town – nothing at this time

COUNCILPERSONS:

Rooney – the July Supervisors Report is on file with the Town Clerk. He was at Braun’s on Friday and Saturday night while sound measurements were being taken. He also attended the sign dedication at Veterans Park on Monday. He thanked officials Assemblywoman Jane Corwin, Legislator Ed Rath, Comptroller Dave Shenk and Senator Ranzenhofer’s representative for coming out as well as all of the veterans and residents who attended. He also thanked Dean Schultz for the work he did finishing the base for the sign. The event put on by the Veterans afterwards was very nice.

Mayrose – He was also at Braun’s while the sound measurements were being taken over the weekend. He attended the sign dedication last night which went very well. He met with Mike on some joint facility issues, met with Leg. Ed Rath on the noise issue and Hunts Corners water project, and met with Recreation Director Dan Roland regarding the recreation program.

Baran – He thanked the highway department for doing a great job installing the sign at Veterans Park. He has heard some feedback from several residents that they were happy with the time frame in which this was done.

York – He is encouraged by the water system improvements that have been in the town. He thanked those residents that have been dealing with low pressure for their patience. He thanked Ed Rath, the Erie County Water Authority and Tom Casey for getting these issues resolved.

Supervisor- not present

UNFINISHED BUSINESS:

Water Districts – discussed during work session that the Hunts Corners extension project and Maple Rd extension project will both be ready to start within the next 2 weeks and should be finished quickly.

Murder Creek- update reports were received from Apex Consulting on July 27th and August 6th reporting on the conditions of the plant life and CATCO’s watering schedule. The next phase will probably begin sometime in September.

NEW BUSINESS:

Approval to Bid- Refuse Contract:

A motion was made by Councilman Mayrose, seconded by Councilman York approving the refuse specifications as prepared by the Town Attorney and authorizing the Town Clerk to publish required notices and to send out bid packages to vendors for a new refuse contract for 2013.

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

Approval- Wendel Proposal for Salt Shed:

A motion was made by Councilman Mayrose, seconded by Councilman York approving the

proposal by Wendel Duschcherer to prepared bid specifications and bid documents at a cost of \$3,500.00 for the proposed salt shed at the joint facility.

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

Approval to Bid- Salt Shed Project:

A motion was made by Councilman Mayrose, seconded by Councilman Baran authorizing the town to go out to bid on the construction of a new salt shed for the joint highway facility.

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

Award of Bid- Highway Trucks:

A motion was made by Councilman Mayrose, seconded by Councilman York authorizing the Highway Superintendent to sell 2 highway trucks with bids as follows: #1- 2009 Ford F-350 SD pickup at a bid of \$17,757.00 and #2- 2001 Dodge Dakota SLT pickup at a bid of \$5,766.00.

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

Approval – Akron Little League Football Park Request:

A motion was made by Councilman Mayrose, seconded by Councilman York authorizing the Akron Little League Football organization to use the Town Park facilities for their 2012 home game schedule.

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

Approval to Bid- Refuse Contract:

A motion was made by Councilman Mayrose, seconded by Councilman York authorizing the town to go out to bid on a new town wide refuse contract for 2013.

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

Approval- Hire Ron Bennett for Article 7's:

A motion was made by Councilman Mayrose, seconded by Councilman Baran approving the proposal by Ron Bennett to represent the Town in all of its Article 7 hearings filed for 2012.

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

Approval- Postpone Local Law #6 of 2012 hearing:

A motion was made by Councilman Mayrose, seconded by Councilman Baran approving the postponement of the public hearing on Local Law #6 of 2012 which would have been held at the August 27th meeting to a later date to be determined.

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

Question Period – no one spoke

There being no further business to come before the board a motion was made by Councilman Baran, seconded by Councilman York to adjourn the regular meeting at 8:57pm.

Carried

Respectfully Submitted,
Dawn D. Izydorczyk, Town Clerk