

Newstead Town Board Meeting- January 27, 2014

A regular meeting was called to order by the Newstead Town Board on Monday, January 27, 2014 at 8:00pm at the Newstead Town Hall.

Present: David Cummings- Supervisor
Justin Rooney- Councilman
James Mayrose- Councilman
Donald York- Councilman
Marybeth Whiting- Councilwoman
Scott Rybarczyk- Town Engineer
Nathan Neill- Town Attorney
Michael Bassanello- Highway Supt.
Jennifer Heberling- Deputy Clerk

Roll Call was taken with all board members present.

Councilman Mayrose led the pledge to the flag.

Minutes from the previous regular meeting held on January 13, 2013 were presented for approval. A motion was made by Councilman Mayrose, seconded by Councilwoman Whiting to approve as presented. Carried Unanimously

Communications – The Town Clerk presented the following correspondence:

A letter from Time Warner Cable regarding the programmers and broadcasters they are currently in negotiations with for service.

A letter from Erie County Executive Mark Poloncarz informing the town we have been denied CDBG funding for the Denio Building restroom expansion for 2014.

A copy of the 2014 Nutrition Contract was received from Erie County Senior Services.

A letter from the Teamsters Local No. 264 announcing their new officers for 2014 and the Town's new business agent representative Mark Boling.

A letter from the NYSDEC approving amendment no. 1 to Contract#C304381 for the Murder Creek Bank Stabilization project.

The Erie Co Soil & Water Tree & Shrub Seedling program packets for 2014 have been received and are in the information center.

A free rabies clinic will be held January 29th from 3:00 – 7:00pm at the North Buffalo Community Center, 203 Sanders Rd in Buffalo.

A letter from the NYSDOT announcing the town has been awarded \$245,854 in Transportation Enhancement Program funding for the Newstead Trailway Expansion project.

A copy of the logged refuse complaints for January was received from the building department.

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

Work Session: The Supervisor reported that no work session was held last week but the following issues were discussed prior to tonight's meeting: water district issues, building projects, contracts, planning issues, recreation, old highway garage updates, court issues, personnel issues, and any other issues brought before the Board.

Agenda Item Questions: no one spoke

Budget Transfers: a motion was made by Councilman Mayrose, seconded by Councilwoman Whiting to approve the budget transfers per the memo from Bookkeeper Colleen Salmon dated January 27, 2014. Carried Unanimously

Approval of Bills – Councilman Mayrose reported that the Abstract from Batch(es) #1362 for 2013 and 1363 for 2014 from the January 13, 2014 meeting have been reviewed with the previously un-audited vouchers and everything was found in order. He presented Abstract Batch(es) #1368 for 2013 and 1367 for 2014 for payment. Vouchers on this abstract(s) numbered from 1373 – 1386 and 21 - 49, totaling \$58,063.17. Councilwoman Whiting seconded to approve payment as follows:

Abstract Batch(es) #1368 (2103) & 1367 (2014):
General Fund (A) -\$17,284.89, General Fund- Outside Village (B) \$1,269.41, Highway (DA) -\$0, Highway: Outside Village (DB) \$39,339.60, Capital Projects: CAP- Highway Garage- (HG) - \$0, CAP-Murder Creek (HM) \$0, CAP- Equipment Purchase (HR02)- \$0, CAP- Library Basement (HR04) \$0, CAP- Scotland Rd (HS)- \$0, CAP Water-Downey (HW01)- \$0, CAP- Town Hall (HT)- \$0, CAP- Water Improvement (HW)- \$0, Drainage (SD)- \$0, Fire Protection (SF) \$0, Refuse (SR) \$0, Sewer Fund (SS) \$25.50, Sewer District #2 (SS02)- \$97.76, Trust & Agency(TA)- \$0 and Water Districts: Consolidated (SW00) \$46.01, (SW1) \$0, (SW2) \$0, (SW3) \$0, (SW4) \$0, (SW5) \$0, (SW6) \$0, (SW7) \$0, (SW7A) \$0, (SW8) \$0, (SW9) \$0, (SW10) \$0 Total: \$58,063.17
Carried Unanimously

COMMITTEE AND DEPARTMENT HEAD REPORTS:

Highway – attended meeting in Clarence last week regarding the flooding on Goodrich Road from Tonawanda Creek, will be looking at Burdick Road and they have been very busy the last few days.

Assessor – no report. She did receive the equalization rate from the state and would like to come to a work session to discuss and to discuss the re-val.

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

Robert George	12056 Buckwheat	Special permit renewal
Muddy Paws Farm LLC	11570 Clarence Center	Special permit renewal
W.A. Peronne	6500 Draper	Special permit renewal
DOT Akron NY LLC	12968 Main	DVDmachine/propane renewal
Lewistraum Kennels	12472 Stage	Special permit renewal
Dave Wolf	11738 Clarence Center	Pole barn
Barry Jones/Fran Romeo	7389 Downey	Structural repairs

The Town Board accepted the report as presented.

Town Clerk- County/Town tax bills are in and in process for mailing in February.

Attorney for the Town – nothing

COUNCILPERSONS:

Rooney – met with Mike Bassanello and Councilman Mayrose to review the highway applications, sent an email to the village members of the EMS committee to set a meeting date, corresponded with several different entities regarding the purchase of the county park property, had correspondence with several people regarding the group home on Rapids Road, called People Inc. regarding the group home on Rapids Road and attended the Akron coalition meeting last week with Councilman York.

Mayrose – met with Mike Bassanello regarding repair and maintenance of the overhead doors at the joint facility, met with Christine Falkowski and Ralph Migliaccio regarding some planning issues, met with Tom Cowen regarding some planning issues, contacted Ray Braun to discuss plans for bringing in a company that specializes in sound mitigation and also spoke with a representative of

that company. We are working out a schedule as to when they will visit the site and make recommendations, attended the ice rescue training that both fire companies took part in at the joint facility. It was great to see the large number of new firefighters taking part. Reviewed applications for the highway MEO position and took part in some of the interviews and spoke with some residents about both Braun's Concert Cove and the group homes that are now in our town and announced that last week's recreation board meeting was rescheduled to Thursday January 30th.

Whiting – met with CEO regarding his role as zoning officer/code enforcement officer, did some research on the doors at the joint facility, and will be attending the One Region Forward meeting in February.

York – spoke to a representative from Ed Rath's office regarding the engineering study on the Swift Mills Bridge, spoke to residents with regards to parking on Rapids Road during the snow storm and the new group homes and spoke to Judge Campbell regarding dog licenses and court records.

Supervisor - attended the AOECG meeting, the monthly supervisor meeting and the Erie County consortium meeting, had a conversation regarding highway issues, received the historian report, did research with regards to the shelter fee for county park, met with the auditors regarding the yearly audit and worked on the Murder Creek stabilization extension.

UNFINISHED BUSINESS:

Joint Facility – meeting tomorrow with Hamburg Overhead Door.

Planning Issues – still working on noise ordinance. Believe they will have something to present at the next meeting.

Conservation issues- Emerald Ash Borer- info to be released soon to the public/town website. Murder Creek – during the last high water event everything was working as designed.

Water projects – going ahead with the Downey and Draper Road extensions and working on revising the cost of the project.

NEW BUSINESS:

Approval- Local Law #1 of 2014:

A motion was made by Councilwoman Whiting, seconded by Councilman Mayrose issuing a determination of non-significance of local law on the proposed Local Law #1 of 2014 amending the Code to clarify enforcement and approval processes and classifying it as a Type II action.

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

A motion was made by Councilwoman Whiting, seconded by Councilman Mayrose approving the proposed Local Law #1 of 2014 amending the Code to clarify enforcement and approval processes.

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

Approval- 2014 Insurance Proposal:

A motion was made by Councilman York, seconded by Councilwoman Whiting approving the 2014 insurance proposal from Trident Insurance at a cost of \$57,080 plus a \$246.89 policy fee and authorizing the Supervisor to sign all the necessary forms.

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

Approval- 2014 Van Contract with Clarence:

A motion was made by Councilman Mayrose, seconded by Councilman York approving the 2014 contract with the Town of Clarence for sharing of the Going Places Senior Van Service and authorizing the Supervisor to sign the contract.

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

Approval- Skyline Park Shelter Fee:

A motion was made by Councilwoman Whiting, seconded by Councilman Mayrose approving the fee for rental of the Skyline Park Shelter at \$60 for 2014.

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

Approval- Vacation Policy Amendment:

A motion was made by Councilwoman Whiting, seconded by Councilman Mayrose approving the proposed amendments to the vacation policy for employees as presented.

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

Approval- Special Use Permit- 13546 Stage Rd:

A motion was made by Councilman Mayrose, seconded by Councilwoman Whiting approving the Special Use Permit for 2014 for 13546 Stage Rd.

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

Approval- Highway Surplus Sale:

A motion was made by Councilman Mayrose, seconded by Councilwoman Whiting approving the sale of surplus highway equipment by the Highway Superintendent, the list is as follows:

- 1. HP Color Laser Jet 5550N Printer \$26.00
- 2. 2003 Ford F350 Super Duty Pickup \$12,200.00
- 3. Gantry Crane \$8,000.00
- 4. 2001 Ford F150 Pickup \$1,325.00
- 5. 2000 Gallon Diesel Fuel Tank and Pump \$1,200.00
- 6. Generator \$1,325.00

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

Approval- 2014 Cleaning Contract:

A motion was made by Councilman Rooney, seconded by Councilman Mayrose approving the 2014 cleaning contract with RJS Janitorial at a monthly cost of \$1485.00 for the Town Hall, Senior Center, Joint Facility and Newstead Cultural Center and authorizing the Supervisor to sign the contract.

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

Supervisor Cummings stated that there will be a joint meeting with the Village of Akron held on February 24th, 2014.

Privilege of the Floor/Question Period:

Linda Jackson, 108 Quarry Hill Estates – doesn't know what the board has done so far and wants to know when they will hear something. Supervisor Cummings stated that the board is working on a noise ordinance and are modifying things with Mr. Braun. They will probably have something to present at the next meeting.

Jim Richards, 86 Quarry Hill Estates – said the Supervisor answered his question and just asked that the board read the information he submitted on noise and hearing issues.

Cindy Shilling, 9 Exchange Street – commended Mr. Braun for keeping a neat business and she appreciates this type of business. She believes in zoning but doesn't feel a noise ordinance is necessary. She grew up on Cedar Street with a manufacturer in her own backyard and dealt with it. She does not believe Kreher's has to abide by a smell ordinance.

Dennis Smith, 127 Quarry Hill Estates – can hardly hear the concerts where he lives and advised the board to watch the petitions. Claims people have been bullied into signing them.

Supervisor Cummings spoke regarding the People Inc. group home and stated that he visited the Keep Akron Safe facebook page yesterday. It was stated on the page that Councilman Rooney has been looking into this and the Supervisor asked what he had learned.

Councilman Rooney said that he had been in contact with Town Attorney Nathan Neill and he was advised to contact People Inc.'s legal department. He had not heard back from them by meeting time. He also stated that will find out how this has happened and how it can be prevented.

Supervisor Cummings said that their number one concern is the safety of the residents and he contacted other towns regarding their dealings with People Inc. During his research he found that there are between 200-250 group homes in Erie County alone and the local governments are excluded by state law in the choosing of sites. The supervisor read a statement by People Inc. Copies will be made available.

Erick Durick, 7636 Greenbush Road – understands there is a need for these facilities but doesn't understand how the board did not know and why weren't the residents notified. There are a lot of small children in this area and wants to know what kind of security People Inc. houses have.

Nick Miller, 7581 Greenbush Road – very concerned about this house and knows the police have already been there.

Tina Smith, 11440 Rapids Road – how did this happen without the residents being notified. People Inc. has put \$500,000 in the house already and the town had to have known this was happening. Also wants to know why the town is looking to Amherst for their rules. Supervisor Cummings explained he talked to them about their experience with People Inc. and the laws are set by the state.

Joe & Elisa Dugan, 12352 Rapids Road – they live right next door and they knew nothing. He is a 23 year retired Army veteran and they love living in Akron. Wants to know who would want to buy their house if they wanted to sell. What about the safety of his family when he is away.

Mrs. Dugan stated that sex offenders do re-offend. Mr. Preston stands in front of the house and smokes daily while the neighborhood kids get on the school bus. Also up to 12 cars parked on Rapids Road.

Susan & Mike Adymy, 12400 Rapids Road – he is a retired correction officer and lives on the other side of this house. He was never notified about the sex offender and thought Erie County was supposed to notify residents. Stated that all of the neighbors look out for each other and now they don't know what they are supposed to do.

Mark Outten, 12391 Rapids Road – lives directly across the street. Wants to know how the town could have let this happen. There are different levels of houses and this is a "lock-down" house although he has been told the house on Buckwheat is worse. House is located 50 feet from the kids bus stop and people in the neighborhood hear screaming from inside the house. Mr. Outten accused the town of knowing what kind of people were moving in and feels the residents have rights and should have been allowed to vote on this. He will never be able to sell his house and would feel guilty selling it to someone.

Molly Schrock, 7389 Sandhill Road – doesn't live as close as some of the other people but read from the People Inc. minutes that the people have come from the Monroe Community Development Center. She would like to know who else is in the house and what kind of security measures they have.

Amy Prince, 12416 Rapids Road – can't believe that the town did this to them. Shift change takes place when the school bus comes, causing a traffic jam with cars backing out and cars parked on the road. Also thinks it is an eyesore with all the people outside smoking. She is worried about property values being affected and is scared.

Coryn Schrock, 8249 Greenbush Road – she knows how People Inc. works and that the people are under 24 hour surveillance but wonders what will happen in the summer when everyone is outside. Believes the parking on the road is very dangerous and wants to know if the town knows how many people live in the house.

Supervisor Cummings said he appreciates all of the questions and knows the board cannot answer them all tonight.

Coryn asked if a sex offender would be allowed to live in the house on Bloomingdale Avenue since it is so close to the school.

Patricia Regan, 7703 Greenbush Road – is concerned because all of the surrounding houses have open fields and feels that is very unsafe for the neighbors. What can the residents do to get this out of the area?

Kevin Borth, 7553 Scotland Road – was planning on attending the Alden board meeting since he owns property near the house on Buckwheat. He believes the next meeting should include someone from the state and should seek outside council to represent the residents. If these houses stay here the residents have to decide what they want. He counted 23 cars parked at the Buckwheat group home. Perhaps channels 2, 4 and 7 should be called.

Joe Alba, 12095 Rapids Road – sees the concerns and wants to know how the town didn't know. Wants to know why the zoning law did nothing. This is a business and they need to stand up and fight for the residents. Asked the town to stand up and fight for these people. Don't be afraid of the state & feds.

Supervisor Cummings stated he wants to get a state official to attend our next meeting and will be forming a committee with some of the residents and a couple of members of the town board. They need to come up with some short and long term changes.

Alicia Kreiger, Crittenden Road – wants to know what the state laws are for notifying residents about pedophiles. Believes that Newstead should make its own law. She doesn't feel that People Inc. is the problem, it is the level of these two houses.

Kevin Borth, 7553 Scotland Road – agrees with Supervisor Cummings believes the board did not know. There are many laws in place and this is going to be tough fight.

Elise Dugan, 12352 Rapids Road – received a post card in the mail when People Inc. was hiring and came to the town hall to ask questions. Was advised that they were going to be handicapped people and she was willing to be a good neighbor until she found out one was a sex offender.

Cindy Shilling, 9 Exchange Street – people need to contact their state legislator.

Lynda Jackson, 86 Quarry Hill Estates – need to notify the state to see if they can remove the sex offender from the house. She knows that NYS is letting a lot of people out of prison.

Molly Schrock, 7389 Sandhill Road – there have been 5 calls needing either police or first aid. Believes the house needs to be in an urban community where they would be closer to first responders.

Mark Outten, 12391 Rapids Road – this needs to be made right for the neighbors.

Supervisor Cummings will contact some of the residents to serve on a committee to formulate what they want done. He understands the needs for group homes but not this level. They need to figure out where to go next.

There being no further business to come before the board a motion was made by Councilman Rooney, seconded by Councilwoman Whiting to adjourn the regular meeting at 9:31pm.

Carried Unanimously

Respectfully Submitted,
Jennifer L. Heberling, Deputy Town Clerk