

Newstead Town Board Meeting- May 12, 2014

A public hearing was called to order by the Newstead Town Board on Monday, May 12, 2014 at 7:40pm at the Newstead Town Hall.

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

Roll Call was taken with all board members present.

The Supervisor called the **public hearing** to order regarding the site plan proposal by Niagara Specialty Metals for a 6,400 sq ft storage building at 12600 Clarence Center Rd.

The Town Clerk read the proof of publication. A letter was received from the Planning Board recommending approval. The project has been reviewed by Wendel and the Erie County Planning Department had no comment.

Comments: no one in the audience spoke. Councilman York commented that he feels we need to encourage businesses and this brings potential jobs to the area.

There being no further comments, a motion was made by Councilman Rooney, seconded by Councilman Mayrose to close the hearing at 7:50pm.

The Supervisor called the **public hearing** to order regarding the proposed renewal of the Time Warner Franchise Agreement at 7:50pm.

The Town Clerk read the proof of publication. The Supervisor explained the existing agreement expired months ago and he and the Town Clerk had met with Time Warner to negotiate the new agreement terms.

Comments: Linda Jackson of Quarry Hill Estates commented that she does not like being on the Rochester feeds instead of the Buffalo feeds and would like to see that changed.

Supervisor Cummings explained that this has been an issue discussed for several years and involves several other towns as well. It is something that is currently being discussed with Time Warner and all those other towns. Our town is in favor of this move to the Buffalo feeds as well, but it would come at a cost to the towns involved.

There being no further comments, a motion was made by Councilman Rooney, seconded by Councilman Mayrose to close the hearing at 7:54pm.

The Supervisor called the **public hearing** to order regarding the proposed Local Law #3 of 2014 for a rezoning of 2 parcels owned by Newstead Properties LLC on Main Rd from C-2 and R-A zones to I-1 zones at 7:54pm.

The Town Clerk read the proof of publication. Comments were received from the NYSDEC as well as from the Town Planning Board, who recommended approval.

Comments: Ron Bennett was present as a representative for MGA Research who have owned the properties for 29 years. Their plan is to build additional buildings on the new site and connect them to the existing buildings. They have always been a good neighbor and will continue to be as they expand.

Scott Rybarczyk of Wendel addressed some of the issues brought for from the NYSDEC comments.

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

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

Councilman Rooney led the pledge to the flag.

Minutes from the previous regular meeting held on April 28, 2014 were presented for approval. A motion was made by Councilman Rooney, seconded by Councilman York 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 programmers and service providers they are currently in negotiations with for service.

The April 2014 Operations Report was received from Amherst Central Alarm Office reporting 41 calls for Akron Fire Co and 29 calls for Newstead Fire Co.

A letter was received from Senator Mike Ranzenhofer notifying the town of a meeting he had with OPWDD representatives regarding the placement of sex offenders in group homes and giving the town an update on the status of this issue.

A letter was received from Erie County regarding the status of the Local Cooperation Agreement that will renew between the County and the Town in 2015 thru 2017 relative to the Erie County CDBG Consortium.

A letter was received from the Secretary of State's office regarding the Regional Economic Development Council initiatives for 2014.

A letter from Erie County Department of Environment & Planning thanking the town for their participation in the Erie County Water Quality Committee along with the monthly newsletter and map of committee participants.

A motion was made by Councilman Rooney, seconded by Councilman Mayrose 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, highway issues, parks issues, planning issues, building projects, courts, recreation, EMS, NYS Retirement reporting, Ethics Board, No Fly Over during Memorial Day, Group Homes, Budget track, personnel issues, contracts and any other issues brought before the Board.

Agenda Items Question Period: no one spoke

Budget Transfers: a motion was made by Councilman Mayrose, seconded by Councilwoman Whiting to approve the proposed budget transfers as recommended by Bookkeeper Colleen Salmon per memo dated May 12, 2104.
Carried Unanimously

Approval of Bills – Councilman Mayrose reported that the Abstract(s) from Batch(es) #1394 from the April 28, 2014 meeting have been reviewed with the previously un-audited vouchers and everything was found in order. He presented Abstract Batch(es) #1399 for payment. Vouchers on this abstract(s) numbered from 437 - 480, totaling \$60,160.48. Councilman York seconded to approve payment as follows:

Abstract Batch(es) #1399:
General Fund (A) -\$22,875.65, General Fund- Outside Village (B) \$316.50, Highway (DA) -\$0, Highway: Outside Village (DB) \$3,449.05, CAP-Murder Creek (HM) \$0, CAP- Scotland Rd (HS)- \$0, CAP- Water Improvement (HW)- \$0, CAP Water-Downey (HW01)- \$0, Drainage (SD)- \$0, Fire Protection (SF) \$4,577.44, Refuse (SR) \$21,281.48, Sewer Fund (SS) \$0, Sewer District #2 (SS02)- \$460.30, Trust & Agency(TA)- \$0 and Water Districts: Consolidated (SW00) \$7,200.06, (SW1) \$0,

(SW2) \$0, (SW3) \$0, (SW4) \$0, (SW5) \$0, (SW6) \$0, (SW7) \$0, (SW7A) \$0, (SW8) \$0, (SW9) \$0, (SW10) \$0 Total: \$60,160.48 Carried Unanimously

COMMITTEE AND DEPARTMENT HEAD REPORTS:

Highway – Supt. Bassanello asked Councilman York if he had called George Lacey today. Councilman York responded yes he had. Supt. Bassanello asked him not to do that again as it interferes with his relationship with one of the towns vendors. He asked him to please not call him again. Supt. Bassanello also asked if Councilman York placed cones and markers up at Veterans Park. He responded yes. Supt. Bassanello stated the markers were put right in the middle of a playing field and they should not be left there.

Assessor – Becky presented a report that tentative roll has been filed with the County and legal notice sent to the paper. Currently only 7 people are signed up for Grievance Day, which will be held on May 27th. All of the mobile home parks received new values, with 2 receiving significant increases. She will be meeting with each of the park owners individually on May 21st to explain what was done with a representative from ENPM who valued the parks. The new GIS computer installation is in process.

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

Brian Pazderski	6827 Sandhill	A.G. Pool
Daniel Kirst	12284 Tonawanda Creek	Roof
Eric Ridge	11422 Hiller	Fire rebuild
Michael Shields	12666 Main	Demolition
Brett & Michael Burtner	6847 Sandhill	A.G. Pool
Charles Genovese	5835 Davison	Roof
Chris Doktor	4185 S Newstead	Roof
Diane Davidson	7706 Fletcher	Roof
Eugene Przybyl	12572 Meahl	Roof
K & K Development	11845 Sheila Ln	One family home
K & K Development	11845 Sheila Ln	Driveway
Ralph Campbell	89 Quarry Hill Est	Carport

The Town Board accepted the report as presented.

Town Clerk- nothing at this time

Attorney for the Town – nothing at this time

COUNCILPERSONS:

Rooney – he attended the group home committee meeting where residents are very concerned with increased negative activity with the warmer weather. He received a call from Leg. Ed Rath’s office regarding the group home issues. He spoke with residents regarding the noise law vote and regarding the business climate in town. He researched solar lighting for the Veteran’s Park sign and spoke with Tom Whitbeck of the Village DPW in regards to what type of lighting would be best. Tom was very helpful and gave him a good direction to follow. He set a parks master plan meeting with the baseball league for Wednesday and is trying to get set meetings with the soccer league and football league reps. He spoke with residents on updating the towns ditching policy and corresponded with Supt. Bassanello regarding the ditching policy. The purchase of the portion of the Erie County Park land appears to be headed for a vote in June.

Mayrose – he met with the Joint Facility committee to discuss the status of some ongoing building projects. He spoke with a representative from the state regarding worker’s compensation insurance and the CE-200 exemption form. He spoke with Judge Campbell regarding some ongoing court issues and spoke with some residents and received letters, emails and phone calls regarding the outcome of last meeting’s vote on the noise law.

York – he attended the celebration committee meeting and placed markers for proposed power/lighting poles at the town park which will be used to power the July 4th tents and activities. He talked to representatives regarding the Swift Mills Rd bridge updates.

Whiting– she missed several meetings due to illness and thanked Councilman Rooney for running the group homes committee meeting for her. She spoke to Rhonda regarding the newest concerns with the Rapids Rd group home. She reported the Recreation Board has changed their meeting to May 29th. She received and addressed several phone calls, correspondence and conversations regarding the noise law vote. She suggested forming a community relations committee, which she would chair, to continue trying to resolve the issues between Mr. Braun, residents and the town. She spoke with Ray Braun and is attempting to set a meeting with him soon.

Supervisor- the April Supervisor’s Report is on file with the Town Clerk. He attended the Elam Supervisor’s meeting, a DPW/Highway staff meeting, a Joint Facility committee meeting and met with the grant writers. He spoke with New Wave regarding proposals on energy cost savings. He attended a NEST meeting. He had several conversations regarding the noise law vote. He reported street lights out throughout the town to National Grid and encouraged residents that notice a street light out to report it to the town hall.

UNFINISHED BUSINESS:

Joint Facility- nothing new

Planning Projects- nothing new

Conservation issues- Emerald Ash Borer- nothing new Murder Creek- pre-bid meeting this Thursday. Bid opening next Thursday.

Water projects- working on Draper Rd extension

Grants- a new short window grant has come up for the parks that the town is working to pursue.

NEW BUSINESS:

Approval- Time Warner Contract:

A motion was made by Councilman York, seconded by Councilwoman Whiting approving the renewal of the Time Warner Cable Franchise Agreement for a 15 year period.
(Resolution Attached) Cummings-Aye, Rooney-Aye, Mayrose-Aye, Whiting-Aye, York-Aye
Carried Unanimously

NYS Retirement Standard Work Day Reporting:

A motion was made by Councilman Mayrose, seconded by Councilwoman Whiting approving the reported standard workday reports for employees of the town with the NYS Retirement System.
(Resolution Attached) Cummings-Aye, Rooney-Aye, Mayrose-Aye, Whiting-Aye, York-Aye
Carried Unanimously

Approval- Roadside Ditching Policy Amendments:

A motion was made by Councilman Mayrose, seconded by Councilwoman Whiting approving the proposed amendments to the Roadside Ditching Policy and requesting an additional instructions sheet be created detailing maintenance requirements by residents to be handed out with the permits.
Cummings-Aye, Rooney-Aye, Mayrose-Aye, Whiting-Aye, York-Aye Carried Unanimously

Approval- Beer/Wine Permit:

A motion was made by Councilman Rooney, seconded by Councilwoman Whiting approving the requested beer/wine permit by the Kumro party at Veterans Park.
Cummings-Aye, Rooney-Aye, Mayrose-Aye, Whiting-Aye, York-Aye Carried Unanimously

Approval- Beer/Wine Permit:

A motion was made by Councilman Rooney, seconded by Councilwoman Whiting approving the requested beer/wine permit by the Klostermann party at Veterans Park.

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

Approval- Wendel Engineering Services- Draper Waterline:

A motion was made by Councilman Rooney, seconded by Councilwoman Whiting approving the proposed agreement with Wendel for engineering services on the Draper Rd waterline project in the amount of \$3,400.00.

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

Authorization to Sign Local Control of Speed Limits Letter:

A motion was made by Councilman Rooney, seconded by Councilwoman Whiting authorizing the Supervisor to sign a letter to the State Legislature supporting a legislative change to the way speed limits are set and governed in New York State.

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

Waiver of Fence Permit Fee:

A motion was made by Councilman Mayrose, seconded by Councilwoman Whiting approving the waiver of a fence permit fee for the Dugan residence on Rapids Rd.

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

Privilege of the Floor/Question Period: no one spoke

The Supervisor announced that the next meeting will be moved to Tuesday night May 27th due to the Memorial Day holiday.

Councilman Rooney reminded those present that there are several Memorial Day services available around town for residents to attend and encouraged them to attend to honor our veterans.

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 8:23pm.

Carried Unanimously

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