

Newstead Town Board Meeting- November 8, 2010

A public hearing was called to order by the Newstead Town Board on Monday, November 8, 2010 at 7:30pm at the Newstead Senior Center.

Present: David L. Cummings- Supervisor
Justin Rooney- Councilman
Cheryl Esposito- Councilwoman
James Mayrose- Councilman
Richard Baran- Councilman
Mike Bassanello- Highway Supt.
Nathan Neill- Town Attorney
Rick Hanaran- Town Engineer
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 on the proposed Fire & EMS Contracts for 2011 - 2013.

The Clerk read the proof of publication. The Supervisor outlined the main points of the contracts. He and Councilman Mayrose have met numerous times over the past few months negotiating the terms.

Comments: no one spoke

There being no further comments a motion was made by Councilman Mayrose, seconded by Councilman Baran to close the public hearing on the Fire Contracts at 7:32pm.

Carried Unanimously

The Supervisor called the public hearing to order on the proposed Local Law #6 of 2010- Amended Dog Law at 7:40pm

The Clerk read the proof of publication. Written comments were received from the American Kennel Club and Carol Sutton of Nice Rd.

The Supervisor explained the changes in NYS legislation that led to the new proposed law & changes.

Comments:

Dr. Sandra Corrie of the Akron Animal Hospital and a Dorsch Rd resident presented several pages of comments on the dog law from a group she formed to comment on the law.

Pam Doman of 5271 Crittenden Rd expressed concerns over the fee schedules and whether the town is treating this as a source of revenue. The public is looking for less government and fees. Please do not create a way to spend more money.

Mary Ann Morris of Cedar St questioned the unspayed/unneutered fees.

Deborah Bodenschatz of Hunts Corners Rd questioned if any provisions were taken into account for rescue situations that would offer temporary shelter/housing for dogs until they could be adopted out. She like many "foster" families house dogs on a purely volunteer basis and she is concerned if they would be required to license these dogs. She feels the new law needs to address 501C(3) licensed dog shelter/rescue programs.

Councilman Rooney questioned the average amount of time she holds a dog. She stated every dog is different. Puppies fly off the shelves and spend very little time but other dogs can be several months especially if they are sick and need medical attention.

Supervisor Cummings stated that in the proposed template law generated by the Town of Cheektowaga for all towns in Erie County to use as a guide, that the Erie County towns will be cooperating together to move dogs from town to town within Erie County on a valid license that will stay effective until the expiration date of the current license period.

Ginny Brown-Cerasani of Rapids Rd also runs a rescue club. She stated under Article 7 there are 4 options outlined for dogs entering a shelter. She stated there needs to be provisions set for other dog groups as well. The Town of Orchard Park has a 3 dog limit but has a provision for a "multiple dog permit" instead of kennel laws. She feels this may be more applicable to our community.

Town Attorney Neill asked her what number she thought would be reasonable in a home.

Ginny stated that really depends on the square footage of the home, the acreage of the property and the types of dogs you are housing.

Councilman Baran questioned if the rescue shelters have a county wide or state wide organization that has a list of those types of sanctioned organizations in our area and if it would be possible for the town to get a copy of the list and then have it kept up to date somehow. Several representatives of groups present stated there are many homes in Western New York fostering dogs and they each represent multiple rescue organizations.

Susan Brown of Burdick Rd stated just having the Dog Control Officer inspection for a multiple dog permit should be enough. She is a 16 year resident with a history of adopting rescue dogs. She feels the town needs to address other issues as well and asks that the town reconsider limiting the number of dogs a resident can have and how the law will be implemented. She asks the town to choose the option of a multiple dog permit instead of the Kennel Law.

Supervisor Cummings agreed to a point but stated a law still needs to be in place to cover those who do not follow the laws or come into compliance easily like most would.

Pam Domon of Crittenden Rd asked how many more hours for personnel will be necessary to implement the laws.

Supervisor Cummings stated currently there is one part time Dog Control Officer and one part time assistant DCO and that will not be changing. The town will re-evaluate as the year progresses and if complaints rise the town may need to add more hours.

There being no further comments a motion was made by Councilman Baran, seconded by Councilman Rooney to close the public hearing on the proposed Dog Law at 8:26pm.

Carried Unanimously

The Supervisor called the public hearing to order on the proposed Local Law #7 of 2010- Amendment to the Zoning Law- Kennel Law at 8:26pm.

The Clerk read the proof of publication. Comments were received from the American Kennel Club and Carol Sutton of Nice Rd.

Comments:

Dr. Sandra Corrie of the Akron Animal Hospital and a Dorsch Rd resident presented comments on the kennel law from the group she formed to comment on the law. She suggests using the regional AKC representatives for inspecting any potential problems with kennels.

Pam Domon questioned the SPCA's role in this and inspecting the kennels. They have no responsibility unless they receive a complaint.

Wade Bogart of Hake Rd stated that "proper care" of dogs is subjective to one's personal views. He questioned how many purebred licenses there currently are in the town. The Clerk responded 11. He questioned the maximum number allowable as imposed by the state. There is none. He stated a good show dog can take up to 1 year to mature to see their potential. He also feels AKC inspections should be utilized. Several things can trigger an AKC inspection of a breeders premises, the number of registered litters can trigger an inspection from AKC alone. Also any change in ownership can trigger an inspection. He questioned if existing purebred licenses will be grandfathered.

Jim Mandolene of Dorsch Rd stated he has no kennel he is just a dog owner but feels the ordinance should have more to do with the standard of care of dogs and not just the number of them you have. The same should apply if you have one dog or 10 dogs.

Wade Bogart read for the board the AKC Limit Laws document provided by the AKC Club.

Dr. Corrie gave a summation stating that she would like to see us remain a dog friendly town and that what it all comes down to is every dog owner needs to be a responsible owner and a good neighbor.

Bonnie Lewis of Stage Rd stated she currently has a boarding kennel with a special use permit and a purebred license. Will any of this affect her? Only to the extent of any new requirements and fees.

Supervisor Cummings stated that no action will be taken tonight on either of these proposals and the town board will look at all the comments at their next work session.

There being no further comments a motion was made by Councilman Mayrose, seconded by Councilwoman Esposito to close the public hearing on the proposed Kennel Law at 8:53pm.

Carried Unanimously

At 8:56pm the board entertained additional comments from the Akron & Newstead Fire Companies relative to the Fire and EMS Contracts due to a time scheduling mix up on the hearings. Chief Don Roth from Akron Fire Co. questioned if the comments & revisions from their attorney were reviewed by the board and entered into the contract. They were mostly wording changes. Supervisor Cummings stated yes they were and that auditing guidelines can be amended upon request of the Board.

President Paul Vohwinkel of Newstead Fire Co questioned if those revisions were made in both contracts or just the Akron contract. Supervisor Cummings stated no, just the Akron contract as the wording is a little different to begin with for each contract.

Chief Roth also questioned the mileage reports required in the contracts and explained this has always been in the contract but they do not track mileage and have never provided those reports. Should this requirement just be removed? Supervisor Cummings stated yes, it should just be taken out.

There being no further comments a motion was made by Councilman Mayrose, seconded by Councilman Rooney to re-close the hearing on the Fire Contracts at 9:11pm.

Carried Unanimously

A regular meeting of the town board was called to order at 9:11pm with the same members present as listed above.

Councilwoman Esposito led the pledge to the flag.

Minutes from the previous regular meeting held on October 25, 2010 were presented for approval. A motion was made by Councilman Baran, seconded by Councilwoman Esposito to approve both as presented.

Carried Unanimously

Minutes from the previous special meeting held on November 1, 2010 were presented for approval. A motion was made by Councilman Mayrose, seconded by Councilman Baran to approve both as presented.

Carried Unanimously

Communications – The Town Clerk presented the following correspondence:

A letter from Time Warner Cable notifying the town of the programmers they are currently under negotiations with for service and upcoming channel changes for November.

The October 2010 Operations Report was received from Amherst Central Alarm Office reporting 39 calls for Akron Fire Co and 30 calls for Newstead Fire Co.

A letter from E & W G Foundation notifying the town that the grant application from the third phase on the Newstead Library Lower level project has not been approved for funding.

A notice from the Town of Alden regarding their proposed Local Law #5 of 2010- Amendment to the Dog Law.

The Rural Transit Van Service November Newsletter was received.

A motion was made by Councilman Mayrose, seconded by Councilwoman Esposito 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, town hall & joint facility project updates, planning issues, grants, Murder Creek project, as well as any other issues brought before the board. A joint work session was also held with the Village Board following the session.

Privilege of the Floor – Joe Mrowczynski, 52 Brooklyn St., requested if he would be allowed to view the Murder Creek grant that was filed by the town. Yes, he can view it at the Town Clerk's office.

Budget Transfers: none

Approval of Bills – Councilwoman Esposito reported that the Abstract from Batch #992 & 993 from the October 25, 2010 meeting has been reviewed with the previously un-audited vouchers and

everything was found in order. She presented Abstract Batches #995 & 998. Vouchers on these abstracts numbered from 1165- 1211 totaling \$362,100.56 and were presented by Councilwoman Esposito, seconded by Councilman Rooney to approve payment as follows:

Abstract Batch #995 & 998:

General Fund (A) -\$18,787.24, General Fund- Outside Village (B) \$378.18, Highway (DA) -\$0, Highway: Outside Village (DB) \$1,577.43, Capital Projects: CAP- Highway Garage- (HG) - \$281,704.13, CAP-Murder Creek (HM) \$196.50, CAP- Town Hall Addition (HT) \$18,895.27, Drainage (SD)- \$0, Fire Protection (SF) \$4,336.24, Refuse (SR) \$29,666.71, Sewer Fund (SS) \$0, Sewer District #2 (SS02)- \$0, Trust & Agency(TA)- \$50.00 and Water Districts (SW1) \$40.20, (SW2) \$88.44, (SW3) \$112.56, (SW4) \$112.56, (SW5) \$2,420.04, (SW6) \$305.52, (SW7) \$426.12, (SW7A) \$48.24, (SW8) \$32.16, (SW9) \$88.44, (SW10) \$2,834.58,
Total: \$362,100.56

Carried Unanimously

COMMITTEE AND DEPARTMENT HEAD REPORTS:

Highway – Mike thanked Councilman Baran & Councilman Rooney for their assistance in going thru the applications received for the highway laborers positions on Saturday. He is recommending the hiring of John Farleo and Brian Lords as highway laborers pending the passing of a background check. Dean Schultz will be appointed as Deputy Highway Superintendent effective November 10, 2010 upon the retirement of David Brucker. They are continuing getting the trucks & equipment ready for winter.

Assessor – Becky gave an report on the GIS Conference she & Jennifer attended. Final roll is to the County for processing. Questions on Special Districts still need to be discussed. Exemption renewal forms have been mailed and are due March 1, 2011.

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

Quarry Hill Estates	11789 Main	Replace lateral water lines
Quarry Hill Estates	11789 Main	Office wheelchair ramp
Stephen Holovics	5317 Crittenden	Roof
Tony Brandel	6320 Hake	Windows

The Town Board accepted the report as presented.

Town Clerk- nothing to report

Attorney for the Town – he has been discussing with Julie and Becky the special district charges for gas lines, gas wells, utilities, etc. He feels they should develop a separate rate schedule based on benefit received by the property owner for special districts. Other towns are charging rates on a benefit basis.

COUNCILPERSONS:

Rooney- met with Highway Supt on highway applications for new hires.

Esposito- She gave an update on the proposed library hours and cut backs. The Library Board met and Christine is still trying to find ways to have additional hours. Legislator Ray Walter is having hours at the library next week and Cheryl encouraged people to visit him to express their concerns regarding the library.

Mayrose- he thanked Carl & Dr. Burke for their meeting to bring him “up to speed” on the Murder Creek Bank Stabilization project.

Baran- he reported that the Senior Center roof repairs have been done. He & Dawn also met with the new cleaning company today to go over transition issues and we appear all set to go January 1st.

SUPERVISOR- he has attended numerous meetings over the past two weeks.

UNFINISHED BUSINESS:

Water District #10- district pressures issues are still being addressed. They are drafting a letter to go over the heads of current Supervisors at ECWA due to not being given current PRV settings necessary to work on the problem. They will be sending a letter to Wes Dust this week. SEQR is under way on the proposed water line extensions project.

Shared Public Works Facility Project- They are pouring one section of the truck bay foundation this week and will pour the opposite section at the end of the week. Wall board and insulation are continuing in the office area. Cold storage work will begin soon.

Town Hall Project- finishes are in process, almost complete. New rear entry sidewalks and stairs will be in this week. Final finish is still set for the end of the week of November 15th.

Grants- the town was turned down on the E & W G grant for work in the lower level of the library. The Master Plan update & cold storage building grant applications will be submitted at the end of the month.

Murder Creek Project- a meeting of the committee was held with Village Trustee Peter Forrestel being added to the committee. Some preliminary items will be approved this evening.

NEW BUSINESS:

Adoption- 2011 Budget:

A motion was made by Councilman Mayrose, seconded by Councilman Baran approving the proposed Town Budget for 2011.

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

Approval- Apex Consulting Contract:

A motion was made by Councilman Mayrose, seconded by Councilwoman Esposito approving the proposed contract with Apex Consulting for engineering services related to the Murder Creek Bank Stabilization project in an amount not to exceed \$31,500.00 and authorizing the Supervisor to execute the contracts.

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

Lead Agency- Water District Improvements:

A motion was made by Councilwoman Esposito, seconded by Councilman Rooney issuing a declaration of Lead Agency and authorizing the Town Engineer in coordination with the Building Department to conduct a coordinated review on the proposed water district improvement project.

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

Water District Lateral Restriction- Maple Rd:

A motion was made by Councilman Rooney, seconded by Councilman Mayrose approving a request for a lateral restriction hardship exception for 7222 Maple Rd as submitted by Eric & Nicole Gerstung.

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

Annual Applications Ad:

A motion was made by Councilman Baran, seconded by Councilman Rooney authorizing the Town Clerk to update and run the annual applications advertisements for 2011.

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

Approval- Archaeological Survey Contract:

A motion was made by Councilman Baran, seconded by Councilman Mayrose approving the proposed contract with the Research Foundation at SUNY for archaeological survey services related to the Murder Creek Bank Stabilization project in an amount not to exceed \$1,500.00 and authorizing the Supervisor to execute the contracts.

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

Approval- Contract with Clarence for CEO Services:

A motion was made by Councilman Rooney, seconded by Councilman Baran authorizing the Town of Clarence Building Inspector to act as a backup Building Inspector for the Town of Newstead within the town in instances when the CEO is unavailable to execute his duties and authorizing the Supervisor to sign a contract with the Town of Clarence regarding this issue.

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

Approval- Letter of Authorization to Erie County:

A motion was made by Councilman Mayrose, seconded by Councilman Rooney directing that unpaid water, sewer, refuse, Ag district penalties, emergency demolition charges, clean up charges and any omitted taxes be placed as liens upon real property within the town and authorizing the Supervisor to submit a Letter of Authorization to Erie County Real Property Tax Department regarding those charges.

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

Approval- Hire of Highway Laborers:

A motion was made by Councilman Rooney, seconded by Councilman Baran authorizing the hire of John Farleo effective November 12, 2010 and Brian Lords effective November 15, 2010 as Town Highway Equipment Operators at Step 1, \$14.80/hour subject to passing a required physical and back ground checks.

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

Question Period- no one spoke

The Town Board entered Executive Session at 9:40pm to discuss a personnel issue. The Board exited Executive Session at 10:10pm having made the decision to terminate the employment of John Good as Code Enforcement Officer.

There being no further business to come before the board a motion was made by Councilman Mayrose, seconded by Councilman Rooney to adjourn the meeting at 10:11pm.

Carried Unanimously

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