

Newstead Town Board Meeting- November 14, 2011

A public hearing was called to order by the Newstead Town Board on Monday, November 14, 2011 at 7:50pm at the Newstead Town Hall.

Present:

Justin Rooney- Deputy Supervisor/Councilman
Cheryl Esposito- Councilwoman
James Mayrose- Councilman
Richard Baran- Councilman
Mike Bassanello- Highway Supt.
Scott Rybarczyk- Town Engineer
Nathan Neill- Town Attorney
Dawn Izydorczak- Town Clerk
Jennifer Heberling- Deputy Clerk

Roll Call was taken with all board members present except Supervisor Cummings who is on vacation.

The Deputy Supervisor called the public hearing to order on the proposed home based business application at 6453 Utley Rd.

The Town Clerk read the proof of publication.

Comments:

Phil Whitman-11495 Meahl Rd – questioned what kind of equipment would be serviced, whether the special use permit would be permanent or temporary, would the work be conducted inside or outside, what type of work would be done and would it involve long term jobs? Town Attorney Neill explained that special use permits can be revoked if they do not comply with the terms of the agreement. The other questions will be addressed and someone will get back to Mr. Whitman with answers. The Deputy Supervisor did explain that this business is already in existence and they are strictly coming into compliance with the Home Based Business law passed in 2009.

No one else appeared to speak.

There being no further comments a motion was made by Councilman Mayrose, seconded by Councilman Baran to close the public hearing at 7:58pm.

The regular meeting of the Newstead Town Board convened at 8:00pm with the same members present as listed above.

Councilman Baran led the pledge to the flag.

Minutes from the previous regular meeting held on October 24, 2011 were presented for approval. A motion was made by Councilman Mayrose, seconded by Councilwoman Esposito to approve as presented. Carried

Communications – The Town Clerk presented the following correspondence:

A letter was received from Time Warner Cable notifying the town of the programmers and broadcasters that they are currently under negotiations with for continued or new service.

A letter was received from Time Warner Cable notifying the town of the new pricing schedules that will take effect December 1, 2011 for service.

Two letters were received from the Erie County Department of Public Works informing the town that Burdick Road at the bridge over Tonawanda Creek will be restricted to one lane thru November 24th and the portion of Rapids Rd between Crego and Moore/Sandhill Roads will be closed for cross culvert replacement.

A petition requesting a reduction in speed limit to 45mph on South Newstead Rd was received and signed by 14 residents on South Newstead Rd.

The October 2011 Operations Report was received from Amherst Central Alarm Office reporting 44 calls for Akron Fire Co and 20 calls for Newstead Fire Co.

A report was received from the Village Treasurer on the 7th and final electronic recycling event for 2011 held by the village and Town. 58 residents (24 village and 34 town) dropped off 25 televisions as well as 10 full gaylords of other misc electronics. That brings the totals for the year to 312 residents using the drop off (147 village 47% and 165 town 53%) with 115 televisions collected and 59 gaylords full of other misc electronics. The site will reopen in April 2012.

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

Work Session: The Deputy Supervisor reported that at the last work session held the following items were discussed: water districts issues, building projects updates, planning issues, murder creek project update, 2012 budget, grant updates, personnel appointments for 2012 and insurance issues as well as any other issues brought before the board.

Privilege of the Floor – No one appeared to speak

Budget Transfers: a motion was made by Councilwoman Esposito, seconded by Councilman Mayrose to approve the budget transfers per a memo from Bookkeeper Colleen Salmon dated 11/14/11. Carried

Approval of Bills – Councilwoman Esposito reported that the Abstract from Batch(es) # 1119 from the October 24, 2011 meeting has been reviewed with the previously un-audited vouchers and everything was found in order. She presented Abstract Batch(es) #1123 & 1124 for payment. Vouchers on this abstract numbered from 1227- 1313, totaling \$158,788.07 and were presented by Councilwoman Esposito, seconded by Councilman Baran to approve payment as follows:

Abstract Batch(es) #1123 & 1124:

General Fund (A) -\$21,170.61, General Fund- Outside Village (B) \$308.97, Highway (DA) -\$0, Highway: Outside Village (DB) \$48,499.47, Capital Projects: CAP- Highway Garage- (HG) - \$6,076.48, CAP-Murder Creek (HM) \$30,864.06, CAP- Equipment Purchase (HR02)- \$282.00, CAP- Scotland Rd (HS)- \$902.00, CAP- Town Hall (HT)- \$563.95, CAP- Water Improvement (HW)- \$9,073.78, Drainage (SD)- \$0, Fire Protection (SF) \$4,336.24, Refuse (SR) \$29,404.15, Sewer Fund (SS) \$0, Sewer District #2 (SS02)- \$172.50, Trust & Agency(TA)- \$625.00 and Water Districts: Consolidated (SW00) \$6,508.86, (SW1) \$0, (SW2) \$0, (SW3) \$0, (SW4) \$0, (SW5) \$0, (SW6) \$0, (SW7) \$0, (SW7A) \$0, (SW8) \$0, (SW9) \$0, (SW10) \$0

Total: \$158,788.07

Carried

COMMITTEE AND DEPARTMENT HEAD REPORTS:

Highway – trucks are all set up and sand and salt has been mixed. They are ready for the winter. Crews are still doing road and field ditching as long as weather permits.

Assessor – no report presented

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

Cliff Albrecht	11672 Main	Sign
Thomas McWhorter	12264 Nice	Roof
Ron Gabbey	4085 S Newstead	Deck & hot tub
Charles Fischer	11105 Keller	Porch overhang
Dave Matusek	6277 Dye	Shed
Russell Rosenberg	7982 Greenbush	Roof
Golden Pond Estates	Lot #15	Roof
William Seguin	11447 Tonawanda Creek	Porch & roof
William Seguin	11447 Tonawanda Creek	Floodplain development
Quarry Hill Estates	11789 Main	Permit renewal
Mark Brunner	13485 Stage	One family home
Iron Bridge Corp	8265 Cedar	Pole barn
Timothy Gibbs	13871 Knapp	Replace walls & roof

Laura Taylor
Paul Herberger
Joe Lotz
Daniel Wetzler

13335 Bloomingdale
7463 Maple
12445 Meahl
12543 Clarence Center

Roof
Roof
Wood stove
Permit renewal

The Town Board accepted the report as presented.

Town Clerk- the town is still in the process of updating the Erie County Multi-Jurisdictional Hazard Mitigation Plan. Any Town residents that are interested in learning about the process, have questions, or would like to offer their input, please pick up a copy of the Plan Fact Sheet or check the Town's websites for more information.

Attorney for the Town – nothing

COUNCILPERSONS:

Deputy Supervisor Rooney – the speed study request they received will be submitted to the proper county department.

Esposito – nothing

Mayrose – he attended the waterline bid opening and the joint facility meeting. He also spoke with representatives in Albany regarding the 2% tax cap to try to get more specific information.

Baran – the electric issues at the Denio have been started and we are now having an issue with ceiling tiles falling down. He believes it is due to the vibration from the road work on John Street. The Senior Center roof will be started next week.

Supervisor- not present

UNFINISHED BUSINESS:

Water Districts – the construction bid opening was held last week. We are hoping to have construction start in December. Wendel will be sending letters out to residents that will be affected.

Shared Public Works Facility Project – smaller punch list items have been taken care of. The floor situation has been resolved, but not completed yet.

Murder Creek Project – nothing new to report.

NEW BUSINESS:

Councilman Mayrose reported he has contacted one of the attorneys at the state to try to get more specific information on the 2% tax cap, how it would be applied and the possible penalties associated if it was found a municipality went over the 2% cap. He learned the cap would be calculated based on the Consumer Price Index growth rates based on a month to month comparison, however the actual indexes to be used still need to be determined. For 2012, It is expected that the inflation factor will be 2 percent or higher based on the 3 most commonly identified CPI's of CPI-U, CPI-W and C-CPI-U. As a result if a municipalities levy is in excess of the 2% limit they will be required to place the excess funds in a reserve immediately and use those funds to offset the levy in the ensuing year. The process for this also has yet to be determined by the comptroller's office. With the uncertainty in all aspects of the tax cap law the town board members feel they must protect the town against any potential problems in the next year.

Approval- Local Law #5 of 2011:

A motion was made by Councilwoman Esposito, seconded by Councilman Baran approving the proposed Local Law #5 of 2011 overriding the Tax limit as established under General Municipal Law Section 3-C.

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

Adoption 2012 Budget:

A motion was made by Councilman Baran, seconded by Councilman Mayrose approving the adoption of the 2012 Budget with the amendments outlined in the resolution.

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

Award of Bid- Waterline Project:

A motion was made by Councilman Mayrose, seconded by Councilman Baran approving the award of the Consolidated Water District No. 1 project bid to E&R General Construction Inc with a low base bid of \$887,935.00 plus an alternate 1 bid of \$66,605.00 for a total bid package of \$954,540.00, subject to the terms set forth in the resolution.

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

Army Corp of Engineers Form- Waterline Project:

A motion was made by Councilman Mayrose, seconded by Councilman Baran approving the submission of the Preliminary Jurisdictional Determination Form on the Consolidated Water District No. 1 project based on the recommendation of Wendel Duchscherer, and authorizing the Supervisor or Deputy Supervisor to execute and deliver the forms to the Army Corp of Engineers.

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

South Newstead Rd Speed Study Request:

A motion was made by Councilman Mayrose, seconded by Deputy Supervisor Rooney approving the submission of a speed study request to Erie County as requested by the petition submitted by residents of South Newstead Road.

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

Question Period – no one spoke

There being no further business to come before the board a motion was made by Councilwoman Esposito, seconded by Councilman Mayrose to adjourn the meeting at 8:26pm.

Carried

Respectfully Submitted,
Dawn D. Izydorzak, Town Clerk