

## Newstead Town Board Meeting- March 24, 2014

A regular meeting was called to order by the Newstead Town Board on Monday, March 24, 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.  
Dawn Izydorzak- Town Clerk  
Jennifer Heberling- Deputy Clerk

Roll Call was taken with all board members present.

Scott Rybarczyk led the pledge to the flag.

Minutes from the previous regular meeting held on March 10, 2014 were presented for approval. A motion was made by Councilman Mayrose, seconded by Councilwoman Whiting to approve as presented. Carried Unanimously

Minutes from the special meeting held on February 19<sup>th</sup>, 2014 were also presented for approval. A motion was made by Councilwoman Whiting, seconded by Councilman York to approve as presented. Carried Unanimously

**Communications** – The Town Clerk presented the following correspondence:

A letter of intent to renew liquor license was received from Carol Sauer of the Border Line bar located at 11825 Main Rd.

A survey from New Wave Energy Corporation offering competitive natural gas and electric rates.

A letter from the Amherst IDA requesting information on any long term vacant commercial buildings in our community.

An invitation to the Rural Transit Service Volunteer recognition Day Wed., April 23, 2014 at Ilio DiPaolo's restaurant.

Certified resolutions were received from the Town of Tonawanda and Cheektowaga regarding "Saving the Social Security Office" located in the Town of Amherst.

Wyoming & Genesee County SEQR training session on the new Environmental Assessment Forms will be held March 27, 2014 at Attica High School from 7:00pm-9:00pm.

A Spring Tree Care workshop will be held at the NOCO Pavilion- Sheridan Park, 450 Ensminger Rd in Tonawanda on April 17, 2014 from 8:00am – 3:00pm.

A letter providing notice of the Village Planning Board holding a public hearing on March 24, 2014 at 7:00pm on the proposed rezoning on Jackson St and then the Village Board holding a public hearing on March 31, 2014 at 6:30pm on the proposed rezoning.

A copy of the SEQRA Determination of Significance filling on the 42 Jackson St rezoning request was received and shared with the Town Board and Planning Board.

Newstead Fire Department's 2013-14 financial statements were received.

A motion was made by Councilwoman Whiting, seconded by Councilman Rooney 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, building projects, parks issues, planning issues, contracts, highway issues, and any other issues brought before the Board.

**Agenda Items Question Period:**

Diane Koehler, 5771 Barnum Road, asked about the status of the noise ordinance. Although this is not on the agenda tonight, the Supervisor explained that the board has been working on it during work sessions and will have another public hearing and possible vote by end of April.

Kevin Borth of Scotland Rd asked about the sewer service issues on work session and what areas the Board was looking at to be serviced. Are we setting a precedent by doing this?

Supervisor Cummings explained that the Village and Town have had several joint meetings on this and the request for service has come from Niagara Label on Lewis Rd. This is still in planning stages and would not be setting a precedent as the town already has 2 other sewer districts that service businesses at ADESA and Whiting's on Bloomingdale Rd. Those businesses pay all the expenses for the districts.

**Budget Transfers:** none

**Approval of Bills** – Councilman Mayrose reported that the Abstract from Batch(es) #1383 & 1384 from the March 10, 2014 meeting have been reviewed with the previously un-audited vouchers and everything was found in order. He presented Abstract Batch(es) #1388 with wire for bond payment for payment. Vouchers on this abstract(s) numbered from 234-273, totaling \$649,430.72.

Councilman York seconded to approve payment as follows:

Abstract Batch(es) #1388:

General Fund (A) -\$115,550.78, General Fund- Outside Village (B) \$223.30, Highway (DA) -\$0.38, Highway: Outside Village (DB) \$16,852.11, 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)- \$2.04, Fire Protection (SF) \$315,133.38, Refuse (SR) \$23,759.47, Sewer Fund (SS) \$3.92, Sewer District #2 (SS02)- \$7.28, Trust & Agency(TA)- \$0 and Water Districts: Consolidated (SW00) \$19.30, (SW1) \$0, (SW2) \$0, (SW3) \$0, (SW4) \$0, (SW5) \$86,774.00, (SW6) \$0, (SW7) \$0, (SW7A) \$2,214.17, (SW8) \$0, (SW9) \$5,867.54, (SW10) \$83,023.05 Total: \$649,430.72 Carried Unanimously

**COMMITTEE AND DEPARTMENT HEAD REPORTS:**

**Highway** – nothing to report

**Assessor** – no report presented

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

Jim Park	6794 Cedar	Remodel
Paul Herberger	7463 Maple	Special Use Permit renew
Kevin Kipfer	12744 Stage	Remodel
Kenneth Sikora	12049 Rapids	Pole barn

The Town Board accepted the report as presented.

**Town Clerk-** Dawn reported the new website is planned to go live sometime at the beginning of April. A presentation will be given to the Board prior to that for comments at the April 7<sup>th</sup> work session.

**Attorney for the Town** – nothing to report

## **COUNCILPERSONS:**

**Rooney** – spoke with resident in regards to CEO interaction with contractors, spoke with football president Justin Stuber in regards to the park master plan, spoke with Pat Winney of Akron Soccer League in regards to park master plan, spoke with Assemblywoman Jane Corwin’s office in regards to the group home issues, the consolidation of local governments and the park land purchase. Corresponded with Legislator Ed Rath regarding the park land purchase. Spoke With residents regarding the noise law, attended the drainage meeting with Councilwoman Whiting, attended the Newstead Historical Society meeting on 3/19/14 “Lincoln in WNY”. It was a great presentation, nice job putting the presentation together and he even purchased the book from the author. He spoke with Alden & Pembroke about their parks and took a self-guided tour of their facilities, getting lots of good ideas for our parks. Once weather breaks he would like the park master plan committee to tour several neighboring parks for ideas. He will be attending the West Seneca meeting tomorrow on sex offenders in group homes. He also reported that due to upcoming surgery he will be out of commission from next Wednesday until the end of April recovering.

Supervisor Cummings and everyone else present wished him well and a speedy recovery.

**Mayrose** –Met with Christine Falkowski regarding some building code issues, met with Highway Superintendent Mike Bassanello regarding the Joint Facility and the status of some ongoing building issues, met with Councilwoman Whiting and Ralph Migliaccio regarding a complaint from a resident regarding building permit. Also met with the home owner to discuss the issue. Spoke with the Mr. Vijaykumar from the Department of State, Office of Planning and Development, regarding code enforcement issues. Met with Court Clerk Sandy Pietrowski regarding the start time for court as well as a number of other ideas to improve service. Contacted Ray Braun to setup a meeting for Wednesday 3/26 with the Town Board. Spoke with some residents about Braun’s Concert Cove.

**York** – he has met with the celebration committee regarding their plans for the July 4<sup>th</sup> celebration at the town park. He also met with Tom at the Village Electric department to discuss electrical needs for the celebration. He also discussed with a resident street lighting issues and road shoulder issues.

**Whiting**– she discussed group home, noise law and CEO issues with residents. She spoke with People Inc regarding recurring garbage issues at the group homes and contacted the group home committee with updates. She has been invited to go to a meeting in West Seneca tomorrow night on the group home/sex offender issues they are having and encouraged board members to go if available. She met with Trustee Hatswell on issues, CEO Migliaccio and Councilman Mayrose on issues, Judge Campbell on issues, spoke with drainage committee and attended the library board meeting.

**Supervisor-** The February 2014 Supervisor’s Report is on file with the Town Clerk. He attended the Association of Erie County Governments meeting, NEST meeting, met with Senior Center personnel, met with the grant writer, solicited information on parks from 10 towns, and informed the Board we received a Justice Court grant in the amount of \$7,590.00 which was far less than what was requested. He will work with the court on implementation of the grant. He also attended a joint facility meeting and spoke with residents on the noise law.

## **UNFINISHED BUSINESS:**

**Joint Facility-** they are having a meeting tomorrow. Hamburg Overhead Door has been out and continuing work on the garage doors.

**Planning Issues-** nothing new

**Conservation issues-** Emerald Ash Borer- there is a presentation this Saturday from 10am – 12pm at the Harlem Rd school on updates. Murder Creek- we are moving forward on phase 2 for this summer and Mark Gaston is putting all the paperwork together to go out to bid this summer.

**Water projects-** the board is continuing to look at numbers for this summers proposed project.

**NEW BUSINESS:**

**Approval- Liquor License Renewal- Border Line:**

A motion was made by Councilman Mayrose, seconded by Councilwoman Whiting approving the request for a liquor license renewal for the Border Line bar at 11825 Main Rd.

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

**Approval- Training Highway Supt.:**

A motion was made by Councilman Mayrose, seconded by Councilman York approving the training request by the Highway Supt to attend a storm water management seminar on April 9th.

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

**Approval- State Assistance- Household Hazardous Waste:**

A motion was made by Councilman Mayrose, seconded by Councilman York approving the filing of an application in conjunction with the Village of Akron for State Assistance through the Household Hazardous Waste program.

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

**Approval- Beer/Wine Permit Request:**

A motion was made by Councilman Mayrose, seconded by Councilwoman Whiting approving the request by Tammy Berghorn for a beer/wine permit at the veteran's park for a family party on July 13, 2014.

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

**Privilege of the Floor/Question Period:**

Kevin Borth of Scotland Rd spoke regarding Code Enforcement issues and asked the Board to make a conscious effort and use thought when addressing these issues. He stated it is all in how you deliver the message and to whom you deliver the message. He also commended Marybeth and Justin for all their hard work on the group home/sex offender issues and stated that OWPDD reports directly to the Governor's office and asked if there is any case law on the Padovin Law taking precedence over the sex offender law. He has been researching it and cannot find any. He wonders if this has ever been challenged.

Town Attorney Neill will look into this and report back to the Board.

The Board entered executive session to discuss contractual issues and personnel issues at 8:36pm.

The Board exited executive session at 9:45pm having taken no action.

There being no further business to come before the board a motion was made by Councilman Mayrose, seconded by Councilman Rooney to adjourn the regular meeting at 9:45pm.

Carried Unanimously

Respectfully Submitted,  
Dawn D. Izydorczak, Town Clerk