

## Newstead Town Board Meeting- January 14, 2008

A Regular Meeting was called to order by the Newstead Town Board on Monday, January 14, 2008 at 8:00PM at the Newstead Town Hall.

Present: David Cummings- Supervisor  
Harold Finger- Councilman  
Justin Rooney- Councilman  
Cheryl Esposito- Councilwoman  
Mike Bassanello- Highway Supt.  
Rebecca Baker- Assessor  
John Good- Code Enforcement Officer  
Nathan Neill- Town Attorney  
Kathleen Lang- Deputy Clerk

Roll Call was taken with all board members present except Councilman George who is out of town.

Councilman Rooney led the pledge to the flag.

Minutes from the previous regular meeting held on December 27, 2007 and the Organizational Meeting held on January 7, 2008 were presented for approval. A motion was made by Councilman Finger, seconded by Councilman Rooney to approve as presented. Carried

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

A letter was received from E & WG Foundation, along with a grant check in the amount of \$20,500.00 for work to be completed on the Community Building.

A letter was received from the Office of Real Property Services regarding the town's award of 2007 Triennial Aid Certification in the amount of \$20,335.00 based on 4,067 parcels.

Information was received from the Association of Towns regarding the annual training school to be held February 17th thru 20<sup>th</sup>. Anyone who is attending this year needs to see the Town Clerk for registration.

A letter was received from Joe Frey regarding his proposed subdivision project located on Dye Road and his disagreement with some of the engineering work that is being required.

The 2007 October – December Quarterly Report was received from Allied Waste reporting 1,751+/- residential units collected for with 424.41+/- tons of solid waste collected and 92.74 tons co-mingled recycling collected.

The December 2007 Amherst Fire Alarm Office report was received reporting 31 calls for Akron Fire Co. and 20 calls for Newstead Fire Co.

A brochure was received from SUNY College of Environmental Science and Forestry announcing several programs on Storm-water Management Programs. Anyone interested please see the Clerk.

A response letter was received from the NYS DEC regarding the SEQR review on the Niagara Specialty Metals proposed addition. Copies have been forwarded to all interested parties.

A letter and brochure packets were received from National Fuel Gas announcing a new Conservation Rebate Program National Fuel is offering. The information is available in the Town Clerk's Information Center in the hallway.

Two letters were received from Emprise Group, Inc. requesting the towns input on a Special Use Permit being requested to the Village Zoning Board to operate an after school program at 64 John Street, which is adjacent to the towns two cemeteries.

A letter was received from Akron Central School Superintendent Robin Zymroz requesting that the town appoint at least one member to serve on the 2008-09 Budget Advisory Committee.

A letter was received from Buffalo United Soccer Club requesting use of the Town Park playing fields and facilities on April 19<sup>th</sup> and 20<sup>th</sup>, 2008 for a tournament. Prior approval has been received from the Akron Soccer League with no conflicts.

A letter was received from Time Warner Cable with a list of programs that are due to expire soon and some that have changed channel locations.

A motion was made by Councilman Finger, seconded by Councilman Rooney to receive and file correspondence as presented. Carried

**Work Session:** The Supervisor reported that at the last work session the following issues were discussed: Codification, water district issues, sewer district 1, joint facilities study, highway truck bids, planning issues, senior center issues, denio basement project, Akron Soccer League request, bike path request, grant submissions, Association of Towns training, employee terms and conditions.

**Privilege of the Floor** – The Supervisor stated the new rules as printed on the agenda for Privilege of the Floor and Question Period to keep things civil.

James Fitzpatrick, 7495 Scotland Road presented a copy of his 2008 Recommendations to the Town of Newstead Board which include establishing an Assessment Review Committee and to revoke the Outdoor Wood Burning Furnace Law.

**Approval of Bills** -Councilwoman Esposito reported that the Abstract from Batch #671 from the December 27, 2007 meeting has been reviewed with the previously UN-audited vouchers and everything was found in order. She presented Abstract Batch #672 & 673(prepays). Vouchers on this abstract numbered 1282-1324, totaling \$ 43,845.13 for 2007 and 1-26, totaling \$198,638.93 for 2008, the e-payment for postage for 2008 was \$4,000 and was presented by Councilwoman Esposito, seconded by Councilman Finger to approve payment as follows:

Abstract Batch #672&673, 674&675:

General Fund (A) -\$67,580.92, General Fund- Outside Village (B) \$733.77, Highway (DA) -\$0, Highway: Outside Village (DB) \$,20,498.31 Capital Projects: CAP-WD#10-phase 2 (HI)- \$5,114.60, October Storm (HL) - \$0, Drainage (SD)- \$44.77, Fire Protection (SF) \$4,872.93, Refuse (SR) \$22,037.65, Sewer Fund (SS) \$2,544.74, Sewer District #2 (SS02)- \$110.50, and Water Districts (SW1) \$40.20, (SW2) \$88.44, (SW3) \$112.56, (SW4) \$112.56, (SW5) \$118,993.73, (SW6) \$305.52, (SW7) \$426.12, (SW7A) \$48.24, (SW8) \$32.16, (SW9) \$88.44, (SW10) \$2,697.90, Trust & Agency(TA)- \$0  
Total: \$246,484.06 Carried

## **COMMITTEE AND DEPARTMENT HEAD REPORTS**

**Highway** – David Brucker is back to work and the Highway Superintendent wanted to thank the rest of his highway crew for being available while David was on sick leave and for Ray Schrock, who is still on sick leave.

**Assessor** –The exemption renewal forms were mailed out and are due back May 1<sup>st</sup>, 2008. She has received a new, well written and easy to understand pamphlet from ORPS regarding taxes, tax rates, assessments and budgets that she is going to make available for residents.

**Building Office** –the building report was presented.

Mark Dean	4215 South Newstead	Addition
NOCO Energy Corp.	13613 Main	A.G. Tank

The Town Board accepted the report as presented.

Councilman Finger commended the 2007 Building Dept. Report and the tracking of the permits, from 2000 to present along with 2007 fees collected. Mr. Good stated it showed that the trend is currently the building of additions to current homes instead of building new ones. He thanked Christine for the report she compiled.

**Town Clerk**- The December 2007 Dog Control Officers report was presented

**Attorney for the Town** – Nothing at this time

## **COUNCILPERSONS**

**George-** not present

**Finger-** The Supervisor, Councilman Rooney, Councilwoman Esposito and him toured the Denio Library and supervisor is devising the community building scope of work to be done. The elevator in the Denio is not functioning. Because of the age of the elevator, the repair options will have to be looked into. The Senior Center had no heat on Friday due to high winds but it was serviced.

**Rooney-**He toured the basement of the Community Building Denio Library and found it educational.

**Esposito-**She too toured the Denio Library and the next meeting of the Celebration Committee will be January 30<sup>th</sup>.

**SUPERVISOR-**They closed out the FEMA report for 2006 Storm and were impressed with bookkeeping and detailed reports of the former and current bookkeeper and Highway Superintendent. It will take about 8 weeks for the payment to be received.

The Migration Grant for Murder Creek has been submitted and he would like to thank Carl Klingenschmitt, Dr. Ed Burke, Ken Koehler, and Becky Baker for all their work on this project. The migration must be addressed with the Village of Akron even if we don't get this grant. It is not going away.

## **UNFINISHED BUSINESS**

**Water District #10-** Phase 3 –Supervisor reported that Scott Rybarczyk from Wendel was at work session but was not feeling well. He reported that the generator for ADESA sewer district is being installed this week weather permitting. The WD#10 Phase 3 is getting new figures of costs and continued grant writing.

**Shared Public Works Facility Committee-**Councilman George met with Wendel and there is a joint meeting with the Village on January 21<sup>st</sup> at 8:30 to discuss the shared facility and other issues including mitigation and speaking with residents in that area.

**NYS Toll Barrier-** waiting for a response from NYS Thruway Authority.

**Codification Project** – The new code is in and under review. A SEQRA review and public hearing needs to be set to start the adoption process.

## **NEW BUSINESS:**

### **Local Law No.1 of 2008- Right to Farm Law:**

A motion was made by Councilman Rooney, seconded by Councilman Finger issuing a Determination of Non-Significance of Local Law regarding the proposed Local Law No. 1 of 2008 entitled "Right to Farm Law of the Town of Newstead"

(Resolution Attached) Cummings-Aye, George-Absent, Finger-Aye, Rooney -Aye, Esposito-Aye  
Carried

A motion was made by Councilman Rooney, seconded by Councilwoman Esposito approving the adoption of Local Law No. 1 of 2008 entitled "Right to Farm Law of the Town of Newstead"

(Resolution Attached) Cummings-Aye, George-Absent, Finger-Aye, Rooney -Aye, Esposito-Aye  
Carried

### **Public Hearing- Local Law No. 2 of 2008- Codification Update:**

A motion was made by Councilman Finger, seconded by Councilman Rooney authorizing the calling of a public hearing on the proposed Local Law No. 2 of 2008 allowing for the update of the Code of the Town of Newstead to be held on February 11, 2008 at 7:30pm at the Newstead Town Hall.

Supervisor stated that this information will be available at the Town Hall and articles in newspapers to inform the public of the changes in the code a month before the hearing.

(Resolution Attached) Cummings-Aye, George-Absent, Finger-Aye, Rooney -Aye, Esposito-Aye  
Carried

### **SEQRA Review Approval of Town Code:**

A motion was made by Councilman Finger, seconded by Councilman Rooney issuing a determination that the proposed adoption of a local law to update the Code of the Town of Newstead

is a Type 1 action under SEQRA and declaring Lead Agency for the environmental review. The Town Board directs the Building Dept., with the assistance of the Town Engineer and Town Attorney, to conduct a coordinated review.

(Resolution Attached) Cummings-Aye, George-Absent, Finger-Aye, Rooney -Aye, Esposito-Aye  
Carried

**Highway Dept. 10-Wheeler Cab & Chassis Purchase:**

A motion was made by Councilwoman Esposito, seconded by Councilman Rooney determining that the low bidder on a new 10-wheeler cab and chassis is Bison Truck Center with a bid of \$114,958.00 hereby authorize the Highway Supt. to execute the necessary purchase agreements and also authorize the Supervisor to issue payment for the purchase.

(Resolution Attached) Cummings-Aye, George-Absent, Finger-Aye, Rooney -Aye, Esposito-Aye  
Carried

**Highway Dept. Truck Mounted Snow Plow Hitch & Dump Body Purchase:**

A motion was made by Councilwoman Esposito, seconded by Councilman Rooney determining that the low bidder on a new truck mounted snow plow hitch and dump body bid did not meet all the specifications, therefore the bid is awarded to Valley Fab Equipment with a bid of \$72,680.00. The board hereby authorizes the Highway Supt. to execute the necessary purchase agreements and also authorizes the Supervisor to issue payment for the purchase.

(Resolution Attached) Cummings-Aye, George-Absent, Finger-Aye, Rooney -Aye, Esposito-Aye  
Carried

**GIS Grant with Village of Akron**

A motion was made by Councilman Rooney, seconded by Councilman Finger supporting the cooperative grant application by the Town of Newstead and the Village of Akron for a Geographic Information System to be submitted to the State Archives no later than January 31, 2008. The Supervisor is hereby authorized to execute the required grant application on behalf of the Town of Newstead.

(Resolution Attached) Cummings-Aye, George-Absent, Finger-Aye, Rooney-Aye, Esposito-Aye  
Carried

**Town Park Field Use Request:**

A motion was made by Councilwoman Esposito, seconded by Councilman Finger to approve the request of Buffalo United Soccer Club to use the Town Park facilities for a tournament to be held on April 19 – 20, 2008 upon payment of application and fee.

Cummings-Aye, George-Absent, Finger-Aye, Rooney -Aye, Esposito-Aye  
Carried

**Town Park Field Use Request:**

A motion was made by Councilman Finger, seconded by Councilwoman Esposito to approve the request of the Akron Soccer League to use the Town Park facilities for soccer games and practice from April 1 to November 1, 2008 upon receipt of insurance coverage.

Cummings-Aye, George-Absent, Finger-Aye, Rooney-Aye, Esposito-Aye  
Carried

**Training Request**

A motion was made by Councilman Rooney, seconded by Councilwoman Esposito to approve training requests by the Board Members, Assessor, Code Enforcement Officer, and Highway Superintendent.

Cummings-Aye, George-Absent, Finger-Aye, Rooney-Aye, Esposito-Aye  
Carried

**Special Use Permits**

A motion was made by Supervisor Cummings, seconded by Councilman Rooney to approve renewal of Special Use Permits for Triple G Engines, Buffalo Drilling, and Champion Auto Relocaters.

Cummings-Aye, George-Absent, Finger-Aye, Rooney-Aye, Esposito-Aye  
Carried

**Akron School Budget Advisory Committee**

A motion was made by Supervisor Cummings, seconded by Councilwoman Esposito to have Councilman Finger represent the Town Board on the 2008 Akron School Budget Advisory Committee.

Cummings-Aye, George-Absent, Finger-Abstained, Rooney-Aye, Esposito-Aye  
Carried

**Final Plat Filing Extension for Subdivision**

A motion was made by Supervisor Cummings, seconded by Councilman Finger to extend the final plot filing for 6 months for the 10 lots at Billo/Hiller Road and 6 lots on Dorsch Road.

Cummings-Aye, George-Absent, Finger-Aye, Rooney-Aye, Esposito-Aye  
Carried

**Question Period-** James Fitzpatrick, 7495 Scotland Rd, questioned the purchase of the highway trucks in regard to additions or replacements of the town trucks. The Superintendent of Highways Bassanello stated that they are replacing one truck, but plan to sell the one they are replacing through bids from towns that are interested. Mr. Fitzpatrick also questioned if the employees can drive this new truck or is a new employee needed. All employees have Class C driver licenses and are able to drive all trucks.

There being no further business to come before the board a motion was made by Councilman Finger, seconded by Councilman Rooney to adjourn the meeting at 8:50 PM.

Carried

Respectfully Submitted,  
Kathleen Lang, Deputy Town Clerk