

Newstead Town Board Meeting- March 10, 2008

A Regular Meeting was called to order by the Newstead Town Board on Monday, March 10, 2008 at 8:00pm at the Newstead Town Hall.

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

Roll Call was taken with all board members present.

Councilman Harold Finger led the pledge to the flag.

Minutes from the previous regular meeting held on February 25, 2008 were presented for approval. A motion was made by Councilman George, seconded by Councilman Finger to approve as presented. Carried Unanimously

Communications – The Town Clerk presented the following:

A letter from the NYS DOT regarding the rules for installation of banners along state highways that contain commercial or private advertising and the issue of closing state highways for activities such as parades or festivals.

A certified resolution passed by the Alden Town Board regarding its proposed Local Law No. 1 of 2008 which would repeal the 1967 Local Law establishing Town of Alden provisions and procedures for town employees rights of organization and representation.

A certified resolution passed by the Cheektowaga Town Board regarding their request to the State of New York legislators to enact legislation prohibiting text messaging while operating a motor vehicle.

A letter was received from Time Warner Cable outlining their new rates for service charges effective April 1, 2008.

A letter was received from the Town of Royalton Code Enforcement Office requesting comments under SEQR on their proposed Deer View Patio homes subdivision.

A copy of the press release issued by the Erie County Farm Bureau was received regarding the town's adoption of a Right to Farm Law.

A letter of resignation was received from Assistant Town Prosecutor Robert Friedman effective March 31, 2008.

The February 2008 Operations Report was received from Amherst Central Alarm Office, reporting 44 calls for Akron Fire Co and 23 calls for Newstead Fire Co.

A letter was received from Time Warner Cable listing the 22 current programmers they are negotiating services for. As of April 14, 2008 they will no longer carry SI on Demand.

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

Work Session: The Supervisor reported that at the work session held last week the following issues were discussed: water district issues, sewer district issues, joint facility study, planning issues, denio building basement project, grant submissions, as well as other issues and an executive session.

Privilege of the Floor –

Hans Mobius of the Erie County Farm Bureau, along with several local members of the bureau committee, were present and thanked the Town Board for passing their Right to Farm Law and being proactive about protecting farmers and farm land. He presented the Board with a plaque and stated that in the past four years 136,000 farms have been lost. He thanked the town for their part in protecting farms. The Supervisor stated the town will be asking the County to provide the “Right to Farm Community” road signs to be placed at the towns borders.

Stan Serwon of Davison Rd was present and informed the board that an auto accident occurred January 4th at the intersection of Davison and Howe Rds. This is the latest in a line of several near miss accidents. He stated that residents of the area have been asking for 18 months for a 4-way stop at the intersection, which the State approved last year but the County refuses to approve and erect. Councilman George asked if there are “Stop ahead” signs erected. Carl Klingenschmitt who lives on Howe Rd stated there is one on the Newstead side but not on the Clarence side approaching the intersection. Councilman Finger asked if a police report was filed for the accident. Mr. Serwon is trying to get a copy of the one filed to submit to the County. Councilman George informed them that when police/accident report studies are requested it is generally a three year process to get an answer. This may not be the way to go. The Supervisor stated he will make calls to the County again and also to Legislator Mike Ranzenhofer.

Approval of Bills -Councilwoman Esposito reported that the Abstracts from Batches #691 from the February 25, 2008 meeting have been reviewed with the previously UN-audited vouchers and everything was found in order. She presented Abstract Batch #695. Vouchers on this abstract numbered 145 - 213 totaling \$210,673.32 plus an additional \$82,000.00 for the bond issue wire transfer and were presented by Councilwoman Esposito, seconded by Councilman Finger to approve payment as follows:

Abstract Batch #695:

General Fund (A) -\$21,415.36, General Fund- Outside Village (B) \$1,475.27, Highway (DA) -\$0, Capital Projects: CAP-WD#10-phase 2 (HI)- \$0, Murder Creek Stabilization (HM) - \$8,685.00, Highway: Outside Village (DB) \$137,039.42, Drainage (SD)- \$0, Fire Protection (SF) \$4,245.12, Refuse (SR) \$29,875.47, Sewer Fund (SS) \$1,565.50, Sewer District #2 (SS02)- \$0, 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) \$2,697.90, Trust & Agency(TA)- \$0, Bond issue wire transfer- \$82,000.00
Total: \$292,673.32

Carried Unanimously

COMMITTEE AND DEPARTMENT HEAD REPORTS

Highway – the new cab & chassis has been delivered to Buffalo and will be going to two other businesses for special fittings to be done. It will finish at Valley Fab but that will take a little more time for it to be ready for pick up. He will be out of town from Tuesday thru Friday and his Deputy David Brucker will be in charge.

Assessor – she and Jennifer have been working on the Census 2010 LUCA information. The village is completed and they are 2/3 of the way done with the town. The deadline for completion is April 1st.

Building Office –the building report was presented by Building Administrator Christine Falkowski:

T&T Tire and Auto	11720 Main	Special use permit renewal
John Jendrowski	12375 Meahl	Pole barn addition
Matthew Alix	11156 Hiller	Driveway permit
Matthew Alix	11156 Hiller	Single family home
Steven Murzynowski	7393 Downey	Single family home

The Town Board accepted the report as presented.

Town Clerk- February Dog Control Report was presented. Tax bills are coming in at a steady pace. Final date to pay without penalty is Monday, March 17th.

Attorney for the Town – he is meeting with Becky and Carl to work on the easements for the Murder Creek Stabilization project.

COUNCILPERSONS

George- he and Councilwoman Esposito met with the Building and Assessors departments to go over procedures and office space issues. They also met with all of the employees on terms and conditions issues.

Finger- nothing at this time

Rooney-attended murder creek stabilization meeting.

Esposito-she attended the murder creek stabilization meeting, the celebration committee meeting as a liaison from the town regarding the July 4th celebration and the Akron Fire Co. installation dinner. She thanked the firemen for their dedication to the residents of this community.

SUPERVISOR- January Supervisors Report is on file with the Town Clerk. He also attended the murder creek stabilization meeting at the village hall last week. He attended the Erie Co. Supervisors and Mayors meeting at which County Executive Chris Collins was present. The discussion was the 2020 plan for the UB corridor and how it will affect other communities throughout the County. He and the Mayor got a chance to voice their issues to the County Executive which included balancing agricultural needs with commercial/industrial needs in our community, County road repairs needed, the parks system needs including the needs of our community jewel, Akron Falls Park, and the repair and re-opening of the Parkview bridge.

UNFINISHED BUSINESS

Water District #10- Phase 3 – two sections had already had design work prepared for them under previous phases and are ready to start the process. They include the un-serviced sections of Hiller Rd, North Millgrove Rd and Tonawanda Creek Rd. **Phase 1 and 2:** they are finishing up the long term financing on these areas with EFC.

Shared Public Works Facility Committee- a meeting was held and changes were made to Option D and a review of the Indian Falls Rd site was done. The consultant is doing a site evaluation and costing for the comparative analysis. He would like to have everything complete and ready for review at the next joint meeting on March 31st.

Sewer District #1- the work is complete and they are finalizing the resolution. Scott will, with the boards consent, contact the DEC to let them know the work is done.

NEW BUSINESS:

Town Engineer Contract for 2008:

A motion was made by Councilman Finger, seconded by Councilwoman Esposito approving the contract with the Wendel Duchscherer Architects & Engineers for 2008 and authorizing the Supervisor to execute the contract.

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

Budget Transfers to Finalize 2007 Budget:

A motion was made by Councilwoman Esposito, seconded by Councilman Finger approving the budget transfers of \$280.59 from SR8160.4 Sanitation Contractual to SR1989.4 Refund of Taxes and \$44.77 from SD8540.4 Maintenance to SD1989.4 Refund of Taxes in order to balance the 2007 final budget.

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

Ag Building Permit Fees:

A motion was made by Councilman Rooney, seconded by Councilwoman Esposito approving the proposed agricultural building permit fees as outlined in a memo dated 2/13/08 from Code Enforcement Officer John Good.

Cummings-Aye, George-No, Finger-No, Rooney -Aye, Esposito-Aye Carried

Councilman George and Councilman Finger stated they totally support the farming community however they have concerns on how this would be interpreted by other businesses in the community and are concerned with the procedure and implementation of the policy. The Supervisor asked CEO John Good to have the Planning Board look at this again to determine the impact on other businesses with its implementation.

Lateral Restriction Applications:

A motion was made by Councilman Finger, seconded by Councilman Rooney approving the lateral restriction applications for Schie at 12225 McNeeley Rd, Murzynowski at 7393 Downey Rd and Wheeler at 5640 Cummings Rd based on the completed applications presented.

Cummings-Aye, George-No, Finger-Aye, Rooney -Aye, Esposito-Aye Carried

Drainage Engineering Proposal:

A motion was made by Councilman George, seconded by Councilman Finger approving the proposal by Wendel Duchscherer in the amount of \$13,500 to provide engineering work and a drainage plan framework for town-wide drainage issues.

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

Time Warner Cable:

A motion was made by Councilman Rooney, seconded by Councilman Finger approving the hiring of Computel Consultants to review the towns cable contract with Time Warner.

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

Assistant Prosecutor Position:

A motion was made by Councilman George, seconded by Councilman Finger accepting the resignation of Assistant Prosecutor Robert Friedman and approving the advertising to fill the position.

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

Asbestos Abatement Award:

A motion was made by Councilman George, seconded by Councilman Finger accepting the bid quote from Empire building Diagnostics in the amount of \$19,370 to perform the asbestos abatement work at the Denio building basement.

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

The Supervisor is putting together the agenda for the March 31st joint town/village meeting.

The Supervisor announced that Judge Freeman and the Court staff were successful in getting a grant approved that will be used to purchase new chairs, metal detectors and other security measures for the court. Councilman Finger questioned if the Village also received a similar grant and how that will affect the consolidation issue and where their monies should be spent. He recommends this issue be put on the joint meeting agenda.

Question Period-

Stan Serwon of Davison Rd stated that as the town and village discuss consolidating services they should try hard to get the cost benefit information out to the residents so they are aware of what's happening.

The Board went into Executive Session to discuss personnel matters.

There being no further business to come before the board a motion was made by Councilman George, seconded by Councilman Rooney to adjourn the meeting at 10:45 PM.

Carried Unanimously

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