

## Newstead Town Board Meeting- March 12, 2007

A Regular Meeting was called to order by the Newstead Town Board on Monday, March 12, 2007 at 8:00PM at the Newstead Town Hall.

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

Roll Call was taken with all board members present.

Assessor Rebecca Baker led the pledge to the flag.

Minutes from the previous regular meeting held on February 26, 2007 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:

An e-mail from Erie County Department of Environment & Planning announcing that due to unexpected heavy response the registration for the NYS Dept. of State planning & zoning training sessions have been closed.

The January 2007 Operations Report was received from Amherst Central Fire Alarm office with 39 calls reported for Akron Fire Co. and 23 calls reported for Newstead Fire Co.

A certified resolution passed by the Town of Alden issuing support for the proposed legislation on Computer and Internet Sex Crimes Against Children.

A letter of intent to renew a liquor license was received from Braun's restaurant located at 11891 Main Road.

A Notice of Public Hearing was received from the Village of Akron regarding their proposed Local Law No. 3 for the year 2007 amending the Comprehensive Plan for the re-zoning of property located at Hake Road and Jackson Street. The hearing will be held on March 19, 2007 at 7:30pm at the village hall.

A certified resolution from the Association of Erie County Governments requesting the Erie County Legislature, the County Executive and the Erie County Fiscal Stability Authority not grant approval for the proposed tax lien collection sale until after April 1, 2007 so that the association may have more time to review the proposed contract and comment back to the boards.

A letter and excerpt of meeting minutes from the Erie County Water Authority announcing their amended tariffs schedule for water effective April 1, 2007.

A notification of the 14<sup>th</sup> annual Southern Tier West Local Government Conference to be held Wed., May 2, 2007 from 7:45am – 4:00pm at Houghton College in Houghton, NY.

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

Carried Unanimously

**Work Session:** The Supervisor reported that at the last work session the following issues were discussed: Leisurewood Lift Station, Water District #10 issues, planning & zoning issues, Rt. 5 re-zoning, shared facilities project, grants, grounds and building maintenance, drainage, October Storm clean-up issues, wetlands proposal as well as other issues.

**Privilege of the Floor** – No one spoke

**Approval of Bills** -Councilman Decker reported that the Abstract from Batch #595 from the February 26, 2007 meeting has been reviewed with the previously UN-audited vouchers and everything was found in order. He presented Abstract Batch #598. Vouchers on this abstract numbered 144-206, totaling \$112,953.89 and were presented for payment approval by Councilman Decker, seconded by Councilman Finger to approve payment.

Abstract Batch #598:

General Fund (A) -\$32,546.41, Fund (B) \$450.46, Highway (DA) -\$0, Highway: Outside Village (DB) \$11,485.71, Capital Projects: CAP-WD#10 (HI)- \$27,363.11, Reserve- Roof Repair (HR01)- \$0, (HL) October Storm- \$0, Drainage (SD)- \$0, Fire Protection (SF) \$4,015.88, Refuse (SR) \$21,934.48, Sewer Fund (SS) \$0, Sewer District #2 (SS02)- \$110.50, 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) \$2,573.10, Trust & Agency(TA)- \$8,800.00 Total: \$112,953.89 Carried Unanimously

### **COMMITTEE AND DEPARTMENT HEAD REPORTS**

**Highway** – They have posted Brucker Road with 3 reduced speed limit signs of 45mph. There was one bid submitted for the loader purchase and it was awarded to Buffalo Bobcat. Mike picked up the trailer for the loader today. They are planning to start ditching jobs as weather allows.

**Assessor** – She has completed all field work and the assessment change notices will be sent out tentatively by the end of next week. There was a delay at the state with printing the notices so that set us back about a week. Becky will be writing some articles for the Akron Bugle, which will also be posted on the website, on the revaluation process. Both Becky and Dawn have recently been advised that the state does not recommend posting of tax rolls on the internet anymore due to confidentiality issues regarding exemption information. Becky does intend to post the recent sales on the website.

Councilman George requested an overview report with the Board to look at the revaluation results to this point. The assessor stated as soon as the reports are ready she will plan a work session with the board.

Councilman Decker questioned if grievance packets are available at her office and Becky stated the state no longer provides the assessors with hard copies, but they are available on line. She intends to print some hard copies off of the website for those with no internet access.

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

Newstead Fire Co.	Cummings	Sign
John Wideman	11417 Hunts Corners	Roof
MGA Research	13311 Main	Repairs

Board accepted the report as presented.

John Good reported he has been covering the Village for Don Folger while he is on a medical leave of absence and he will be attending the Village Zoning meetings. The fire inspections are continuing.

**Town Clerk-** Tax collection is progressing very well. The town has collected 100% of their monies which has been turned over to the Supervisor. Last day to pay without penalties is this Thursday.

The February 2007 Dog Control Officers Report was presented. The Deputy DCO is working on the January report. Dawn will be out of town from March 23<sup>rd</sup> thru April 1<sup>st</sup>.

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

### **COUNCILPERSONS**

**George-**Nothing at this time

**Finger-** He has been dealing with roof leaks at other town buildings and now the Highway Garage has been added to the list.

**Decker**-The drainage meeting minutes are available in board members mail boxes. Any questions see Mark.

**Rooney**-He will attend the Recreation Board meeting next Monday where they will discuss the pay increase issues.

**SUPERVISOR**- He spoke with Amherst on the EMS contract and BFI regarding the refuse contract renewals for this year. The Newstead Fire Company has reported they are experiencing reception problems with their radio frequencies. The repeater was supposed to be installed on the South Newstead Rd cell tower, but never was so the Town will support them in getting this accomplished. The Planning-Zoning Training schedule has been set for the Town, Village and Town of Marilla members. Training will take place at the Newstead Town Hall on April 17, May 15, October 16, and November 13, 2007.

### **UNFINISHED BUSINESS**

**Water District #10**- Phase 1A & Phase 1B and Phase 2- Rob Klavoon of Wendel reported the contractor will commence work on March 20<sup>th</sup> on Downey and Crittenden Roads. The restoration work will also re-start and progress according to the weather conditions.

**Route 5 Re-Zoning**- The final draft is completed and the drafting of the local law for the public hearing is in progress.

**Shared Public Works Facility Committee**-The report has been distributed to the Town and Village Board members. Our board will schedule a meeting with the Village Board in April. Tom and Andrew are looking for comments before that meeting from the Town Board members.

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

**G.I.S.** – phase 1 work is continuing. Some GIS files were shared with the Village this week. Waiting to hear on approval for Phase 2 grant.

**October Storm Clean-up**- The County has approved 5-6 areas to be cleaned up in 2007 on Murder Creek and Tonawanda Creek.

**Sewer District #1**-They are talking to ADESA regarding correction proposals for the Sewer District #1 lift station.

### **NEW BUSINESS:**

#### **Special Use Permit & Site Plan Approval- Blair:**

A motion was made by Councilman Rooney, seconded by Councilman George approving a site plan dated March 7, 2007 and granting a Special Use Permit to operate a used auto sales at 11720 Main Road subject to the conditions set forth in the resolution and approving the annexed negative declaration.

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

#### **Bid Award-WD #10- Phase 2 to Pilon Construction:**

A motion was made by Councilman Decker, seconded by Councilman Finger authorizing the Supervisor to sign the proposed contract with Pilon Construction for total base bid expenditures not to exceed \$238,188 for construction of the Water District #10- Phase 2 extensions project, based on the bid packet received on the project and contingent on the town attorneys review of the contractors bond and insurances.

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

#### **Engineering Proposal-WD #10:**

A motion was made by Councilman Finger, seconded by Councilman Decker authorizing the Supervisor to sign the proposed agreement with Wendel Duchscherer for expenditures not to exceed \$30,000 in accordance with their proposal dated March 5, 2007 for the Water District #10- Phase 2 project.

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

**Liquor License Renewal Approval:**

A motion was made by Councilman Finger, seconded by Councilman Rooney approving the liquor license renewal request for Braun’s restaurant located at 11891 Main Road.

Cummings-Aye, George-Aye, Finger-Aye, Decker-Aye, Rooney-Aye

Carried Unanimously

**2007 Community Contracts:**

A motion was made by Councilman George, seconded by Councilman Finger authorizing the Supervisor to sign and send out the proposed annual 2007 Community Contracts with local groups as set forth and approved in the 2007 Town Budget.

Cummings-Aye, George-Aye, Finger-Aye, Decker-Aye, Rooney-Aye

Carried Unanimously

**Question Period-**

Mr. Dan Tronolone, Attorney for Mr.Blair thanked the town board and all the department heads for all their efforts in bringing this issue to a satisfactory end for all parties involved.

There being no further business to come before the board a motion was made by Councilman Decker, seconded by Councilman Finger to adjourn the meeting at 8:32 PM.

Carried Unanimously

Respectfully Submitted,  
Dawn D. Izydorcak, Town Clerk