

Newstead Town Board Meeting- March 13, 2006

A Public Hearing was called to order by the Newstead Town Board on Monday, March 13, 2006 at the Newstead Town Hall at 7:50PM.

Present: David Cummings- Supervisor
Tom George- Councilman
Mark Decker- Councilman
Brian Murray- Councilman
Michael Bassanello- Highway Supt.
Andrew Casolini- Town Engineer
Rebecca Baker- Assessor
Christine Falkowski- Building Administrator
Nathan Neill- Town Attorney
Dawn D. Izydorczak- Town Clerk
Kathleen Lang- Deputy Town Clerk

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

The Supervisor called the public hearing on Local Law No. 1 of 2006 titled "Amendments to the Code of the Town of Newstead" to order at 7:50pm. He explained that the proposed changes were suggested by the Planning Board and Zoning Board.

The Clerk read the proof of publication.

Comments: James Young of Rapids Road questioned if any of the changes pertained to driveways. The answer was no, just signs.

With no other comments being offered, a motion was made by Councilman George, seconded by Councilman Decker to close the public hearing on Local Law No. 1 of 2006 at 7:57pm.

The Regular Meeting of the Town Board of the Town of Newstead was called to order at 8:00pm with the same members present as listed above.

Tom Cowan led the pledge to the flag.

Minutes from the previous regular board meeting held on February 27, 2006 were presented for approval. A motion was made by Councilman Murray, seconded by Councilman Decker to accept as presented. Carried

Communications – The Town Clerk presented the following:

A letter from Bright Meadows Golf Course informing the Town they are applying to renew their liquor license for the golf course located at 12287 Clarence Center Road.

A Notice of Public Hearing from the Town of Alabama reporting a hearing to be held March 13, 2006 at 7:00pm to hear comments on proposed Local Law No. 1 of 2006 amending their Zoning Law.

The February monthly report from Amherst Central Alarm office was received with Akron Fire Co. receiving 32 calls and Newstead Fire Co receiving 20 calls.

The Quarterly Report was received from BFI of NY showing 1,729+/- residential units were collected for with a total of 488.93 tons of solid waste collected and 94.76 co-mingled recyclables collected.

An e-mail from a resident (Gary), regarding his concerns with and recommendations for signage on and near the bike path.

A memo from the Dept. of Public Safety: Central Police Services regarding training surveys, new requirements and sample resolutions that must be completed and returned by May 2006. This has been forwarded by the Supervisor to the Disaster Coordinator.

A letter from Erie County Dept. of Personnel regarding residency requirements and their status options for the town.

The NYS DEC will be having a Latex Paint recycling drop-off Saturday, May 6, 2006 from 8:00am-4:00pm at the GM Power train Tonawanda Engine Plant on Vulcan Street in Buffalo. For more information contact Tom Corbett of the NYS DEC at 851-7292.

The February Response Statistics were received from Twin City Ambulance reporting Akron Fire Co. receiving 30 hot responses and 13 cold responses and Newstead Fire Co receiving 12 hot responses and 9 cold responses.

A letter from the NYS DOT stating they have received our request for a reduced speed limit on Davison Road. A study has been initiated and they will notify us of their findings and recommendations when it is complete.

An information sheet from the Village of Akron regarding some problems with increased haloacetic acids in the Village water supply and what is being done about those increased levels.

The monthly water testing report for Water Districts #1 & #3 were received from Midstate Environmental Labs.

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

Work Session: Supervisor Cummings reported that at the work session held on February 27th the following issues were discussed: Water District #10-all phases, district #1 & #3 switch over to ECWA, water service at the Rapids Rd substation, shared facilities project, Local Law #1, re-zoning of Rt. 5, capitalization policy, highway equipment requests, unsafe buildings, highway grievance, Local Law #2, lot refund, NYS Police garage, personnel matters, Town Park path to County Park

Privilege of the Floor – Barbara Pennachio, 7647 Greenbush Rd, thanked the building department and Town Hall staff for all their help with her house project. She closed in September 2005 on land and in October permits for construction were issued. Construction began at the beginning of November. At that time she was told no lateral restrictions for the water district would apply. Now she has been told she can not be hooked up to the water without paying the \$1,100 -1,200 charges to Erie County Water Authority. She was also told that district closed in December at first, then a week later she was told it closed in August. Frank Sergi, contractor for water line told her that they had hooked up a house on Mill Road last week without any charges. Everyone has told her no problem to connect except Andrew. Supervisor explained on their initial conversation the information he told her that there would be no problem was correct to his understanding. When he learned more information he discovered that was not correct and informed her of that. Andrew explained the last date to qualify was late summer, July 31, 2005. The internal date of the turnover does not have anything to do with the qualification date. It is in the rules set for the district. Contractually we do not have the ability to connect to the district without going thru Erie County Water Authority and paying the fees for connection. Councilman George urges her to have everything in place and connect to the system as soon as possible to avoid having to go through lateral restrictions.

Don Holmes, 5078 Crittenden Rd, would like to complain about a drainage problem. He has a driveway on his property that enters and exits on Stage Rd. Also when property behind him was sold, subdivided and the houses were built, many sand filter systems were installed to the ditches. The added drainage to the road ditch has caused even more water pooling than previously.. 3 Highway Superintendents have determined that there is no way to this ditch drain. A one foot lowering of the driveway pipe would be needed to fix. The ditch was re-dug to improve the drainage but this did not work. Mr. Holmes now has a lagoon 440 feet down Stage with 6-12 inches of water in it. The water is slightly flowing to west instead of down to corner and is now flooding Dugan's

driveway. The drainage swale to thruway had been filled in at the same point and needs to be re-dug to flow the water towards the thruway ditches. The Supervisor asked for a letter from Mr. Holmes to be given to Drainage Committee and put on their agenda.

Approval of Bills -Councilman Decker reported that the Abstracts from Batches #484 & #485 from the February 27, 2006 meeting have been reviewed with the previously UN-audited vouchers and everything was found in order. He presented Abstract Batch #490. Vouchers on these abstracts numbered #154-211, totaling \$801,439.84 and were presented for payment approval by Councilman Decker, seconded by Councilman George to approve payment.

Abstract Batch #490 :

General Fund (A) -\$581,273.12, Fund (B) \$100.00, Highway (DA) -\$0, Highway: Outside Village (DB) \$14,642.14, Capital Projects: CAP-WD#10 (HI)- \$17,230.18, CAP-Town Hall (HK)- \$0, Highway Garage (HG)- \$0, Fire Protection (SF) \$2,414.68, Refuse (SR) \$20,402.70, Sewer Fund (SS) \$0, Sewer District #2 (SS02)- \$0, and Water Districts (SW1) \$0, (SW2) \$8,488.44, (SW3) \$100.50, (SW4) \$5,487.56, (SW5) \$78,175.04, (SW6) \$72,530.52, (SW7) \$426.12, (SW7A) \$48.24, (SW8) \$32.16, (SW9) \$88.44, (SW10) \$0, Trust & Agency(TA)- \$0 Totaling \$801,439.84.

Carried

COMMITTEE AND DEPARTMENT HEAD REPORTS

Highway – Nothing at this time

Assessor – Nothing at this time

Building Office –the following building report was presented by the Building Administrator Christine Falkowski who is also attending the Planning Board Meeting tonight:

Mark Young	12391 Hunts Corners	Pole barn
Mark Young	12391 Hunts Corners	Topsoil removal permit
Mark Young	12391 Hunts Corners	Fill permit
Jeff Jendrowski	11936 Rapids	Pole barn
Barb Pennachio	7647 Greenbush	Pole barn

The Town Board accepted and approved the Building Report as presented.

Town Clerk- Reported that the Governor signed the legislation to accept partial payments in any amount at tax collection time. Final date for paying taxes without penalty is Wed., March 15th. Web page hits have been averaging 85/month. The Dog Control Officers February 2006 Report presented.

Attorney for the Town – Nothing at this time

COUNCILPERSONS

George- Nothing at this time

Finger- Not present

Decker-Recreation Board met this evening. The Agenda for Drainage Committee will be out soon for Tuesday March 21 meeting. The issues on Scotland Road have been resolved for the time being.

Murray-Nothing at this time

SUPERVISOR- He has spoken several times with resident on Scotland Road and feels this is a County Issue and not from problems caused by the water lines. He has started process of compiling job descriptions for every position in the town. He will be meeting with each individual in his office over next 2 weeks and working on terms and conditions and meeting with staff on this.

UNFINISHED BUSINESS

Water District #10- Phase 1A & Phase 1B – They are continuing work in southern part of town. The new builds that did not qualify for water as of July 31, 2005 must go thru Erie County Water Authority now for application to hook to the water. Once these phases are complete then district will close and final date will be given.

Phase 2- work continuing on this issue.

Water Tank-They are completing the welding and painting crews will begin in 30 days with the color a light green.

Route 5 Zoning- discussion at next work session. Working on a resolution.

Shared Public Works Facility Committee- There is more data being processed for the concept of operations. In the next couple weeks more information will be available.

Other: None

NEW BUSINESS:

Transfer of Funds- Highway Dept.:

A motion was made by Councilman Murray, seconded by Councilman George approving the transfer of \$25,000 from General Repairs fund to Machinery fund and establishing an increase in estimated revenues from Sales of Equipment by \$28,000 to enable the purchase of 3 new pick up trucks for the highway department and sale of 2 pick-up trucks.

(Resolution Attached) Ayes-4 Nays-0 Absent-1 Carried
Unanimously

8-Lot Subdivision- Public Hearing:

A motion was made by Councilman George, seconded by Councilman Decker approving the calling a public hearing to hear comments on a proposed 8-lot major subdivision to be located on Berghorn & Crego Roads in the Town of Newstead. The Public Hearing shall be held April 10th, 2006 at 7:50 PM at the Newstead Town Hall.

(Resolution Attached) Ayes-4 Nays-0 Absent-1 Carried

Capitalization Policy

A motion was made by Councilman Decker, seconded by Councilman Murray, approving the adoption of a Capitalization Policy as recommended by the Town Accountants, Drescher & Malecki.

(Resolution Attached) Ayes-4 Nays-0 Absent -1 Carried

Public Hearing Date Amendment:

A motion was made by Councilman George, seconded by Councilman Decker amending the Public Hearing date for the 8 lot Subdivision on Berghorn & Crego Roads to April 10th instead of April 24.

Ayes-4 Nays-0 Absent-1 Carried.

Question Period-No one spoke

There being no further business to come before the board a motion was made by Councilman George, seconded by Councilman Murray to adjourn the meeting at 8:45 PM.

Carried Unanimously

Respectfully Submitted,
Dawn D. Izydorcak, Town Clerk