

Newstead Town Board Meeting- April 14, 2008

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

Present: Justin Rooney – Deputy Supervisor
Tom George- Councilman
Harold Finger- Councilman
Mike Bassanello- Highway Supt.
John Good- Code Enforcement Officer
Scott Rybarczyk- Town Engineer
Dawn D. Izydorczak- Town Clerk
Kathleen Lang- Deputy Clerk

Roll Call was taken with all board members present except Supervisor Cummings and Councilwoman Esposito who are out of town.

Highway Supt. Michael Bassanello led the pledge to the flag.

Minutes from the previous regular meeting held on March 24, 2008 were presented for approval. A motion was made by Councilman George, seconded by Councilman Finger to approve as presented.
Carried

Communications – The Town Clerk presented the following:

A notification from the New York State Office of Real Property Service that based on the 55 residential sales between 7/1/06 through 6/30/07 the town's Residential Assessment Ratio for the 2008 Assessment Roll is 98.76.

A certified resolution passed by the Marilla Town Board regarding their support for the continuation of assignments of Special Resource Officers to the schools.

A letter from the Akron Chamber of Commerce informing the Supervisor that the date has been changed for the annual Citizen and Business of the Year awards dinner to Saturday, April 26, 2008 at 6:30pm at the Newstead Fire Hall.

A letter from 914th Airlift Wing Commander Reinhard L. Schmidt of the Niagara Falls Air Reserve Station introducing his new Legislative Newsletter that will be sent out on a quarterly basis to all legislative members in the region.

A copy of the Office of Erie County Comptroller's Review of the costs of Real Property Tax Assessment in Erie County was received from the Comptrollers office.

A letter from the "Kick it First Soccer Tournament" Emergency Service Director Keith Hawes asking for the Town Boards approval to allow the Akron Police to have jurisdiction on the Town of Newstead properties during their upcoming soccer tournament on May 2nd, 3rd and 4th.

A letter was received from Time Warner Cable along with a proceeds check in the amount of \$28,051.43 representing the franchise fee collected by them on behalf of the town.

A letter and computation spreadsheet was received from Erie County Comptroller Mark Poloncarz outlining the distribution of the County's additional 1% sales tax revenue compensations to local governments. The Town received a check in the amount of \$61,400.95.

A letter and computation spreadsheet were received from Erie County Comptroller Mark Poloncarz outlining the distribution of the County's 4.75% sales tax revenue compensations to local governments for the months of January, February and March 2008. The Town is expected to receive the amount of \$188,485.51.

A letter from the Village of Akron regarding their declaration of Lead Agency on the proposed Akron Village Commons project and requesting the Town's comments on the project within 30 days.

The Quarterly Report for January – March 2008 was received from Allied Waste reporting 1,809+/- residential units collected for and 379.65+/- tons of solid waste and 81.59+/- tons of co-mingled recyclables collected during the period.

The Quarterly Report for January – March 2008 was received from Waste Management reporting 98.11 tons of solid waste and 18.46 tons of co-mingled recyclables collected during the period.

A certified resolution passed by the Town Board of West Seneca regarding their support for the proposed legislation for text messaging while driving.

A press release from the NYS Parks & Trails regarding public workshops on trail use, the closest one to us will be held at Woodlawn Beach State Park Nature Center on Tuesday, April 15th at 6:00pm.

The March 2008 Operations Report was received from Amherst Central Alarm Office reporting 35 calls for Akron Fire Co. and 22 calls for Newstead Fire Co.

A letter from Time Warner Cable regarding their negotiations of agreements for service with 24 current programmers that are set to expire.

A copy of the Town of Alden's proposed Windmill Law was received and forwarded to the Supervisor, Town Attorney, and Code Enforcement Officer for comments.

A notification was received from the NYS DEC regarding availability of State and Federal funds for municipal environmental projects.

A letter from County Executive Chris Collins reminding the town that the 3 year automatic renewal is approaching on the agreement with the County for the Community Development Block Grant Consortium. If the town does not desire renewal of the agreement notice needs to be received at the County by close of business on May 16, 2008.

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

Work Session: The Deputy Supervisor reported that at the work session held the last two weeks the following issues were discussed: auditor's review of 2007, a highway department position request, water district issues, close out of ADESA generator project, soccer association request, joint facility study, open space, mitigation and farmland protection issues, planning issues, denio building basement project, terms and conditions, grant submissions, the deputy town prosecutor position, assessors committee, network & computers, municipal clerks week and joint town/village meeting agenda items, Akron airport issues and the Time Warner letter from Alden.

Privilege of the Floor – Peter Henley, Indian Falls Road, stated he had sent a letter to the Town Board regarding the joint facility issue a couple weeks ago and he has not received an official response to his letter as of today. He would like a formal response to his letter in writing.

Greg Papke, N.Ayers Road, stated he has concerns on the joint facility evaluation report that was outlined in the Akron Bugle last week as reported from the joint meeting. The figures for building vs. buying do not add up. He questioned if the study will be made public. He would like to know the next steps and if and when a public hearing on the topic will be held.

Councilman George addressed the concerns stating that 2 separate floor plans and cost estimates were done for the Indian Falls Road site and then compared to the proposed design for the original final study. He stated copies of the study will be available at the Town Hall for review.

Mr. Papke does not feel the Indian Falls site should be retro-fitted to a pre-designed building.

Councilman George stated the modifications addressed for the site were all necessary.

Mr. Papke asked if the board has gone to the owner of the Indian Falls site with the short falls of the building and asked for a firm price. Councilman George stated there are no guarantees that the numbers in the study are firm, they are assumed based on best information obtained.

Mr. Papke wondered if all the questions have been asked on this project and feels there needs to be ask a few more questions addressed.

Councilman George stated there are a lot of intangibles that go into calculating a project such as long term issues, as well as the tax roll issues with the ECIDA on the Indian Falls Road property. He stated he would be more than interested in sitting down with Mr. Papke and explain the entire process both boards have been thru over the 2-1/2 years of the study. He stated the boards must also look at the WICS laws and legal issues associated with that.

Peter Henley stated that in regards to the WICS law that other towns have worked around this issue.

Councilman George stated the joint committee on the project has made the recommendation for Buell Street site and the next step is to draft an inter-municipal agreement between the town and village which will address the issues of how sharing of services will be handled amongst many other issues. He stated there is an enormous amount of work to be done still on the project. If the attorneys get a draft agreement hammered out it could be ready in 2 weeks.

Approval of Bills -Councilman Finger reported that the Abstracts from Batches #703 from the March 24, 2008 meeting have been reviewed with the previously UN-audited vouchers and everything was found in order. He presented Abstract Batch #706 & 709. Vouchers on this abstract numbered 266-271 & 293-360 totaling \$537,099.35 and were presented by Councilman Finger, seconded by Councilman George to approve payment as follows:

Abstract Batch #706 & 709:

General Fund (A) -\$37,496.18, General Fund- Outside Village (B) \$1,191.26, Highway (DA) -\$1.15, Capital Projects: CAP-WD#10-phase 2 (HI)- \$0, Murder Creek Stabilization (HM) - \$0, Highway: Outside Village (DB) \$15,126.36, Drainage (SD)- \$8.56, Fire Protection (SF) \$247,295.12, Refuse (SR) \$26,569.31, Sewer Fund (SS) \$0, Sewer District #2 (SS02)- \$169.00, and Water Districts (SW1) \$40.20, (SW2) \$88.44, (SW3) \$127.21, (SW4) \$112.66, (SW5) \$2,933.12, (SW6) \$545.78, (SW7) \$548.56, (SW7A) \$48.24, (SW8) \$32.16, (SW9) \$113.69, (SW10) \$204,652.35, Trust & Agency(TA)- \$0,
Total: \$537,099.35 Carried

COMMITTEE AND DEPARTMENT HEAD REPORTS

Highway – The roads and bike path have been swept, the cemeteries and Town Hall property have been cleaned up and the town park has been rolled. Their summer hours will begin next week 6:30am-4:30 pm Monday-Thursday

Assessor –Not present

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

Scott Henningham	5559 Barnum	Remodel
Leonard Schie	7902 N. Millgrove	Siding
Chris Milhollen	11734 Meahl	Barn addition
Sponholtz residence	7842 Moore	Permit renewal
Cornerstone Development	12229 Clarence Ctr	One family home
Ross Rumfola	11541 Miland	Driveway
Bruce Derry	5575 Barnum	Roof
Linda Mullane	4487 S. Newstead	Windows

The Town Board accepted the report as presented.

Town Clerk- Presented March Dog Control Report from DCO. Dawn will be out of the office April 16th thru the 21st and April 27th thru the 30th for conferences. Tax collection is continuing thru June 30th. We are caught up with last year’s delinquent dogs and this year’s are at a minimum. The DCO is currently addressing the remaining outstanding dogs not licensed from the enumeration done last year with court summons.

Attorney for the Town – Not present

COUNCILPERSONS

George-Nothing at this time

Finger-There is a drainage meeting tomorrow night at 7pm. The Denio abatement is complete and electrical work in the process. The rest of the work will be scheduled once the electrical is complete.

Rooney- March Supervisors Report is on file with the Town Clerk. There will be a Recreation Board meeting next week. He will e-mail everyone the date and time. The Supervisor asked him to extend a thank you to the 13 employees who attended the customer service training. It went very well.

Esposito- Not present

SUPERVISOR- Not present

UNFINISHED BUSINESS

Water District #10- Phase 3 –The public hearing will be set later tonight

Phase 1 and 2- They are continuing the close-out process and long term financing. The Water Tank is a year old and annual inspections are in process.

Shared Public Works Facility Committee- There is nothing to add from earlier discussion.

NEW BUSINESS:

Investment Policy: Tabled for further discussion

ADESA Auto Auction:

A motion was made by Councilman Finger, seconded by Councilman George issuing a Negative SEQRA Declaration and approving the site plan dated January 18, 2008 for the removal of several small existing structures, establishment of a vehicle storage area, and construction of a new 7,500 sq. ft. office building and a 20,000 sq. ft. mechanic shop at 12200 Main Rd by ADESA Auto Auction subject to the stipulations set forth in the resolution. The supervisor is authorized to complete and execute the Part III of the EAF form.

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

Municipal Clerks Week:

A motion was made by Councilman Finger, seconded by Councilman George recognizing Municipal Clerk's week from April 27, 2008 – May 3, 2008 and extending the Boards appreciation to our clerks for the vital services they perform and their exemplary dedication to the community.

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

The board members thanked Dawn and Kathy for all the work they do to service the community.

Public Hearing- Water District #10- Phase 3:

A motion was made by Councilman George, seconded by Councilman Finger approving the calling of a public hearing on the proposed expenditures of \$375,000 for 5,600 linear feet of waterline to be installed on parts of Hiller, North Millgrove and Tonawanda Creek Roads as part of Water District #10- Phase 3; to be held on April 28, 2008 at 7:45 pm at the town hall and authorizing the Town Clerk to publish said notice.

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

Sanitary Sewer District #1- ADESA Pump Station Close-out:

A motion was made by Councilman Rooney, seconded by Councilman George accepting a Letter of Guarantee provided by ADESA Buffalo Auto Auction under an agreement for the installation of a Pump Station Emergency Generator to service their Sewer District #1 functions. The guarantee will remain in effect for a two year period from March 10, 2008.

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

Time Warner Cable- Change in Service Divisions request:

A motion was made by Councilman Rooney, seconded by Councilman George supporting the request from the Village and Town of Alden to Time Warner Cable to be switched from their Rochester viewing division to the Buffalo viewing division, which services the rest of Erie County and requesting the same consideration for the Town of Newstead to the Buffalo division. (Resolution Attached) Cummings-Absent, George-Aye, Finger-Aye, Rooney -Aye, Esposito-Absent
Carried

Appointment- Deputy Town Prosecutor:

A motion was made by Councilman George, seconded by Councilman Finger approving the appointment of Jennifer L. Strong of Neill & Strong to the position of Deputy Town Prosecutor for the remainder of 2008 effective immediately.
Cummings-Absent, George-Aye, Finger-Aye, Rooney -Aye, Esposito-Absent Carried

Wendel Approval- WD#10-Phase 3 Engineering:

A motion was made by Councilman Finger, seconded by Councilman George approving the engineering proposal dated April 3, 2008 by Wendel Duchscherer for engineering work on the Water District #10-Phase 3 water system improvements in the amount of \$26,000.00.
Cummings-Absent, George-Aye, Finger-Aye, Rooney -Aye, Esposito-Absent Carried

Lateral Restriction Hardship Application- 12229 McNeeley Rd:

A motion was made by Councilman Finger, seconded by Councilman George approving the lateral restriction hardship exception application for 12229 McNeeley Rd within Water District #5 as submitted by William J. Goral subject to the conditions in the application.
Cummings-Absent, George-Aye, Finger-Aye, Rooney -Aye, Esposito-Absent Carried

Question Period- Mr. Ribbeck of 5720 Cummings Road, Leisurewood Campgrounds, questioned the generator installation at ADESA. Scott Rybarczyk verified that it was installed and running. He would like a copy of the resolution passed. He also supplied pictures of ADESA machinery pushing water and snow onto the Leisurewood property and stated ADESA has erected concreted barriers blocking their access to their own pump house. Mr. Ribbeck would like the block barriers removed. He stated if ADESA does not remove them, then the Leisurewood people will remove them. The board will look at the photos. The CEO will look into the matter.

There being no further business to come before the board a motion was made by Councilman Finger, seconded by Councilman George to adjourn the meeting at 8:55 PM.
Carried

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