

Newstead Town Board Meeting- April 24, 2006

A Regular Meeting was called to order by the Newstead Town Board on Monday, April 24, 2006 at the Newstead Town Hall at 8:00PM.

Present: David Cummings- Supervisor
Harold Finger- Councilman
Mark Decker- Councilman
Brian Murray- Councilman
Michael Bassanello- Highway Supt.
Andrew Casolini- Town Engineer
Rebecca Baker- Assessor
Nathan Neill- Town Attorney
Kathleen Lang- Deputy Town Clerk

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

Councilman Finger led the pledge to the flag.

Minutes from the previous regular board meeting held on April 10, 2006 and the joint Village/Town meeting held on April 17, 2006 were presented for approval. A motion was made by Councilman Finger, seconded by Councilman Decker to accept as presented.

Carried

Communications – The Deputy Town Clerk presented the following:

A letter from the Board of Elections Commissioners Mohr and Ward regarding pending changes to election districts throughout Erie County. The Commissioners are asking the towns to assist them in attempts to re-district areas and are looking for possible suggestions for target areas.

The quarterly report from BFI/Allied Waste Services was received for the months of January 2006 – March 2006. 1,729+/- residential units were collected for with 415.83+/- tons of solid waste collected and 87.30 tons of co-mingled recyclables collected.

A Letter of Intent to Renew a Liquor License was received from Carol A. Sauer, owner of the Borderline Bar located at 11825 Main Road.

An Extract of Minutes was received from Erie County Water Authority amending the tariffs the town pays effective May 1, 2006.

A brochure on the 15th annual NYS Leadership & Accountability Conference being held May 3, 2006 at the Egg on Empire State Plaza. Anyone interested in attending, see Dawn.

The monthly water sampling report was received from Mid-state Environmental Labs for water districts #1 & #3 with all levels within acceptable ranges.

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

Carried

Work Session: Supervisor Cummings reported that at the work session held on April 17th 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, re-zoning of Rt. 5, Local Law #1, municipal clerk's week, NYS Police garage/Akron Village police services, Planning/Zoning issues, residency requirements, fire contract 2006, Town Park path to County Park, NIMS, Library basement, Terms & Conditions for employees, highway dept. trucks painting request, resolution on toll-barrier.

Tonight John Donnelly of the Akron Soccer League presented overview of Soccer Tournament scheduled for May 5-7th bringing in 178 teams.

Privilege of the Floor –Doug Ceisner, 100 East Avenue, first wanted to thank the board for having the board meetings schedule published in the Buffalo News. He then questioned the Town Web site for board minutes and placing the American Legion of Akron on the website under organizations. Mr. Ceisner asked about Senator Mary Lou Rath and the 10 hangers built at Akron Airport with monies she got through grants and did they have a grand opening. He was told it was held in the fall of 2005. He wanted to know if the rumor of the town closing Scotland Road was true and was answered that it was just a rumor. Mr. Ceisner questioned the sign announcing an RV show at the Event Center which is still located at Main Rd. and Crittenden Rd. The Zoning Officer will check this week. The subject of Unsafe Buildings Priority List was next questioned and was answered that Fire Companies are looking to do safe burns for at least 4 of these buildings so a schedule from the Fire Companies is needed. He asked about the County Bridge on Parkview Drive status of repairs. Supervisor Cummings stated that Erie County Parks Commissioner Sedita told him that this was put back on the list to be repaired but no time table was provided.

Mr. Ceisner asked about the Agriculture District Exemptions for school tax and Assessor Rebecca Baker stated that they are not exempt.

He questioned about the drainage problem on his property on Rt 5 and South Newstead. He feels the Town should clean ditch and maintain but was told by Town Engineer that it is in the NYS Wetlands and can not be drained. A map of these wetlands can be found on Erie County Web site.

Supervisor Cummings reported that Miriam M. David, 13875 Bloomingdale Rd. presented a copy of her Official Complaint with the Assessor of the Town of Newstead on a property dispute with neighbor.

Approval of Bills -Councilman Decker reported that the Abstracts from Batches #502 from the April 10, 2006 meeting have been reviewed with the previously UN-audited vouchers and everything was found in order. He presented Abstract Batch #504. Vouchers on these abstracts numbered #338 - 386, totaling \$119,412.87 and were presented for payment approval by Councilman Decker, seconded by Councilman Finger to approve payment.

Abstract Batch #504:

General Fund (A) -\$22,988.47, Fund (B) \$115.99, Highway (DA) -\$0, Highway: Outside Village (DB) \$4,640.82, Capital Projects: CAP-WD#10 (HI)- \$55,950.73, Highway Garage (HG)- \$0, Drainage (SD)- \$0, Fire Protection (SF) \$3,909.62, Refuse (SR) \$0, Sewer Fund (SS) \$3,605.71, Sewer District #2 (SS02)- \$250.37, and Water Districts (SW1) \$4,109.98, (SW2) \$88.44, (SW3) \$213.79, (SW4) \$112.56, (SW5) \$2,424.94, (SW6) \$305.52, (SW7) \$18,226.43, (SW7A) \$32.16, (SW8) \$88.44, (SW9) \$48.24, (SW10) \$2,300.66, Trust & Agency(TA)- \$0 Total: \$119,412.87.
Carried

COMMITTEE AND DEPARTMENT HEAD REPORTS

Highway – The Annual Tire Drop-off will be held at Highway Garage on Saturday, April 29th from 9-12 and the White Metal Goods Pick-up will begin Monday, May 1st. One of three new pick-up trucks was delivered today.

Assessor –Assessor Baker made personal phone calls to Agricultural Exemption candidates to remind them that their paper work must be received by May 1st. Also, any new exemption applications or other renewals are due May 1st. Grievance day is scheduled for Tuesday, June 6, 2006.

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

David Scotch	11174 Hunts Corners	Pole barn
Bob Williams	12702 Carney	I. G. pool
Kenneth Tarbox	13405 Stage	Poly shelter
James Grant	6354 Dye	Addition
Paul Griffin	4389 S. Newstead	One family home
James Anderson	12452 Meahl	Garage
Charles Fischer	11105 Keller	Remodel
Jonathan Tschachtli	11526 Hiller	Ag barn addition

The Building department has received some applications for the position of Code Enforcement Officer and they have all been forwarded to the Town Board. Supervisor Cummings added he had some conversations with potential applicants regarding the job description and feels that they will be a pool to select from.

Town Clerk- Nothing to report

Attorney for the Town – He is still looking for a copy of the 1998 Town –Village Sewer Agreement.

COUNCILPERSONS

George- Not present

Finger-He met with some local residents on questions with the Senior Center, Akron Soccer League on usage of fields. He would also like to thank the Highway Department for the work they have done at the Town Park in preparation for use.

Decker- Nothing at this time

Murray-He has worked on Fire Contract, attended Drainage Committee Meeting.

SUPERVISOR- He met with some residents with concerns with the Senior Center.

UNFINISHED BUSINESS

Water District #10- Phase 1A & Phase 1B –Restoration is coming along with some areas with minor problems. The seeding will begin next week.

Work Session discussed WD#1 switch over to ECWA and has a chart with breakdown to review. He is waiting on comment from the Fire Company regarding the location of the RPZ at the fill station.

Phase 2-They have received phone confirmation that funding is available, so data and application process can begin.

Water Tank-A leak was found at center of tower but it has been repaired and testing continues with painting to begin this week.

Route 5 Zoning- The Matrix has been received and understood with Work Session time scheduled.

Shared Public Works Facility Committee- Meeting was held with major and minor issues discussed and shared. A Memo of understanding is next step and needs to meet with Town Attorney to discuss funding for each department.

There was a meeting with the NYS Troopers and discussion of their needs and wants for this Facility. There may be a potential for funding through the State.

The Fire Contracts will be discuss at Work Session to conclude and sign the contracts.

Other: None

NEW BUSINESS:

Municipal Clerk’s Week: April 24-April 28, 2006

A motion was made by Councilman Finger, seconded by Councilman Decker issuing the Boards recognition of Municipal Clerk’s week and expressing their appreciation for our local Clerk’s for the vital services they perform and their dedication to this community.

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

Local Law No. 1 of 2006 Overlay/Signs- Adoption:

A motion was made by Councilman Decker, seconded by Councilman Murray issuing a Determination of Non-Significance of Local Law under SEQRA.

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

A motion was made by Councilman Decker, seconded by Councilman Murray adopting Local Law No. 1 of 2006 entitled “Amendment to the Code of the Town of Newstead”.

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

Local Law No. 2 of 2006 Windmill Moratorium- Adoption:

A motion was made by Councilman Murray, seconded by Councilman Finger issuing a Determination of Non-Significance of Local Law under SEQRA.

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

A motion was made by Councilman Murray, seconded by Councilman Decker adopting Local Law No. 2 of 2006 entitled “Amendment to the Code of the Town of Newstead Placing a Six Month Moratorium on Windmills in the Town”.

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

Bond Counsel & Financial Advisors Contracts:

A motion was made by Councilman Finger, seconded by Councilman Decker approving the agreement for bonding services with Hawkins, Delafield & Wood, LLP and the agreement for financial advisory services with Munistat Services, Inc. on behalf of the town for the Water District #10- Phase 2 project.

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

DWSRF Application & Agreement- WD#10 Phase 2:

A motion was made by Councilman Decker, seconded by Councilman Finger approving the DWSRF application and agreement and authorizing the Supervisor to sign said agreement on behalf of the town.

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

Erie County Board of Elections Polling Location Lease Agreement

A motion was made by Councilman Murray, seconded by Councilman Decker approving the Supervisor to sign the Lease Agreement with Erie County Board of Elections for Polling Location at the Town of Newstead Town Hall on May 2, 2006 for Special Election 142nd Assembly for District 1 & 7 at a cost of \$100.00.

 Ayes-4 Nays-0 Absent-1 Carried

Phase II Water District #10 Joint Permit Application

A motion was made by Councilman Finger, seconded by Councilman Murray approving the Supervisor to sign the application for Phase II Joint Permit Water District #10 funding.

 Ayes-4 Nays-0 Absent-1 Carried

Question Period-No one spoke

Supervisor announced SEQR Training will be held at Town Hall on May 1st for town employees given by Wendel Duchscherer Engineer Drew Reilly at 7:00 PM

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

Carried Unanimously

Respectfully Submitted,
Kathleen McLeod Lang, Deputy Town Clerk