

Newstead Town Board Meeting- May 14, 2007

A Regular Meeting was called to order by the Newstead Town Board on Monday, May 14, 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
Andrew Casolini- Town Engineer
Dawn D. Izydorczak- Town Clerk
Kathleen Lang- Deputy Clerk

Roll Call was taken with all board members present.

Mike Bassanello led the pledge to the flag.

Minutes from the previous regular meeting held on April 23, 2007 were presented for approval. A motion was made by Councilman Decker, seconded by Councilman Finger to approve as presented.
Carried Unanimously

Communications – The Town Clerk presented the following:

The April 2007 Operations Report was received from Amherst Central Fire Alarm office reporting 42 calls received for Akron Fire Co. and 28 calls received for Newstead Fire Co.

A copy of a letter from resident Donna Henning to the Assessor requesting a meeting with her to discuss her new assessment.

A copy of a Certificate of Attendance at a training session that was held April 26, 2007 for Board of Assessment Review member Janice Miller.

An announcement for a workshop on the National Flood Insurance Program to be held May 24, 2007 at the Wheatfield Community Center at 9:00am.

An announcement of public statement hearings to be held by National Fuel Gas regarding their proposed gas service rate increases on July 11, 2007 at 1:00pm at the Buffalo City Hall in room 1417. The new rates proposed will go into effect 12/31/2007.

A certified resolution passed by the Town of Elma regarding their support to reject the recommendation to close St. Joseph's Hospital in Cheektowaga.

A letter from resident Sharon Carlo expressing her disappointment in the town board members for their lack of attendance at the recent Citizen of the Year and Business of the Year awards dinner.

A letter and brochure from Suicide Prevention and Crisis Service, Inc. that details the services they provide throughout Erie County to all residents in need of their services.

A letter from Village Police Chief Rick Lauricella to the Supervisor explaining that effective June 1, 2007 the reimbursement rate for police officers assigned to cover the town court sessions will increase 3% to \$21.87 per hour.

A letter from "The New Dog House" owner John Stein, notifying the town that he is renewing his liquor license for his establishment located at 11986 Main Road in the Town of Newstead.

A letter from "Bright Meadows Golf Course" manager Jeff Randall, notifying the town that he is renewing his beer/liquor license for the establishment located at 12292 Clarence Center Rd in the Town of Newstead.

The Solid Waste and Recycling Report was received from Waste Management for the 1st quarter of 2007 reporting 17.43 tons of recycling and 106.40 tons of solid waste collected.

The 2006 Annual Report was received from the Newstead Public Library.

A letter from the NYS Department of State was received indicating Local Law No. 1 of 2007 was received and filed in their office on April 16, 2007.

A notification from the NYS Office of Real Property Services to the Supervisor advising the town that if the update underway is not completed as expected the revised residential assessment ratio for the town in the coming year will be 87.5% in accordance with Section 738 of the Real Property Tax Law.

A copy of the May 2007 Rural Transit Services volunteer newsletter was received.

A notice from the NYS Department of Labor and Erie Community College announcing a "Re-Employment 2007" Job Fair on Thursday, May 17, 2007 from 1-4 pm at the ECC North campus in the gymnasium.

A letter from Erie County Department of Senior Services informing the town that due to advocacy efforts the reimbursement rate for seniors meals thru the nutrition program will increase to 22 cents per meal retroactive to January 1, 2007.

A letter from Alden Residents for Responsible Growth regarding the need to revitalize the old Ames Plaza in the Village of Alden on Broadway and asking the Town of Newstead's help through a letter of support towards their efforts.

A letter from L.L. Tillman Post No. 900 thanking Councilman Harold Finger, as well as the town personnel, for their efforts in having a sign prepared and placed at the Ledge Lawn Cemetery site and noting their pleasure that it was all accomplished prior to Memorial Day.

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

Work Session: The Supervisor reported that at the work sessions held on April 30th and May 7th the following issues were discussed: water district #10, engineering items, assessments, ag exemptions, liquor licenses, conservation easements, washing windows at the library, planning/zoning issues, Rt. 5 re-zoning, shared facilities project, grants, wetlands proposal, police garage and toll barrier update. The May 7th joint town and village meeting agenda items were: joint facilities project, sewer issues, drainage issues, shared police garage project, police services issues.

Privilege of the Floor – Supervisor Cummings read a written statement from the Town Board to those assembled explaining their decisions on the current revaluation project.

Jim Fitzpatrick, 7495 Scotland Road, stated that several times he asked if there was any recourse with the state regarding the assessment process. He presented the Supervisor with a packet for filing a grievance with the state.

Bob Scheib, 51 Brooklyn Street, spoke regarding Murder Creek where it runs along Brooklyn Street and gave background on his issues and complaints over the years. He questioned erosion along the north and south banks of Murder Creek. He also wanted to know if there are any updates from the Drainage Committee and stated he would like to be kept apprised of any further updates on this issue. The Supervisor will check with the Village of Akron on their status with FEMA and will present the picture boards and his written statement he provided to the Drainage Committee this week.

Marshall Klingelhofer, 330 Knapp Road, of Reality USA, questioned if the board is going to approve the roll? The Supervisor answered that the board does not approve the roll, the Assessor does. He also questioned what the penalty for not going forward with the process would be? Assessor Baker responded at least \$20,000 in lost revenue from the state. He questioned if the town surplus could be used to pay this. The Supervisor advised him our Auditors recommend surplus amounts of 30-40% of total budget. Mr. Klingelhofer questioned of those individuals that have met with the Assessor what percent were changed. 75%. The Assessor stated the reasons for at least

50% of those with incorrect assessments were that the file inventory was not correct because inventory sheets were not returned by residents to her office this spring. Grievance Day will begin on June 5th and run extra days for everyone to be heard.

Ed Griffin, 195 Knapp Road, with Reality USA, read statistics for current Village properties that are for sale.

Kevin Borth, 7553 Scotland Road, questioned the numbers presented by the Reality USA agents. He asked if the increases are in line and fair for every one. He stated that budget issues and taxes are a separate issue from assessments. He would like to see in the future on the notices sent out a realistic picture of if the tax burden has increased and by what percentage for each parcel. He recommends adding the percentage point of what tax increases will be.

Charles Green, 7534 Scotland Road, stated nothing has changed since last meeting. He asked if the Supervisor has spoken to others for comparisons from other towns. The Supervisor stated he had spoken to the Town of Clarence and stated that they as well as other towns are having similar problems all over Erie County. Mr. Green questioned if the Town Board could join together with other towns and go to the Erie County Legislature and Albany to change things?

Mike Egloff, 12820 Carney Road, stated that his son is moving out of the area, his daughter has already moved and the one daughter who stayed purchased a home in the village and her assessment went up one year later. His home which he built himself has quadrupled in value. He may be following them out of the area soon. He feels that something must be done about county and state taxes before everyone moves out.

Merritt Spoth, 33 Crescent Drive, stated his house assessment has gone up 32% in the 6 years since he bought it. He cited a sale on an Utley Road home and a current home for sale on Crescent versus their new assessments.

Dave Shermeta, 6674 Draper Road, berated New York State, their taxes and politicians. He stated "New York voters are stuck on Stupid".

Bob Larouere, 12580 Brucker Road, would like the board to recommend to Erie County and the State of New York that they are abstaining from the assessment project and revert back to 2004 figures. He has complained about the County and State governments. He would like the town board to join with other towns and lobby the State of New York for change.

Norma Schumacher, 6920 Cedar Street, stated previous assessor's house was over assessed 19% as compared to what it recently sold for.

Ron Hatcher, 2 Sylvan Parkway, agrees there is a flaw in the system especially in the area of Skyline and the Crescent subdivision. Values on these properties range from the \$80,000 into the \$175,000 ranges.

Jacqueline Rotundo, 5814 Barnum Road, stated that she feels Newstead and Akron have the ability to change the system in New York State.

Joe Frey, 11114 Keller Road, apologized for his anger at the last meeting. He is now focused on making a difference. He spoke about the full page ad in the PennySaver he took out. He feels the town employees are after him anyways so he may as well speak his mind. He stated the people of Western New York just keep rolling over and taking it. He apologized to Becky and David for what he said last meeting. Mr. Frey spoke about his current on-going projects and how he feels the town has targeted him on every project. He feels he has been harassed by the town. Joe questioned again the assessment on Mrs. Glor's house on Stage Road. Mrs. Baker addressed Mr. Frey's question explaining that new construction is not valued until after May 1st. Her home as well as any other new construction within the past year will be given values over the next week. He questioned the board regarding who supported going ahead with the assessment revaluation. The decision was 4-1 in support of going ahead with Councilman Rooney being the no vote. Supervisor Cummings voted for it to go forward with the stipulation that we ensure changes to make the process better are made in the future. Mr. Frey feels with the town budget everyone should pay their fair share. He also feels the Assessment Department is important and needs professional help and experience. Mr. Frey's

next action is to hire a full time person to watch the town and its employees on behalf of the community. He is setting up a web page for residents to air their grievances and concerns on line. A company is currently giving him a bid to install cameras in the Town Hall to tape and air the Town Board meetings on the web. He is thinking of calling his group of followers the “Newstead Citizens for a Better Living Community”.

Bob Overfield, 12369 Scotland Road, questioned who on the board represents him?

Linda Wight, 7650 Scotland Road, called for everyone to vote on the School Board Budget tomorrow and spoke about the proposed new building project having an impact on future taxes.

Kevin Borth, 7553 Scotland Road, spoke regarding the school budget also. As a former Budget Advisory Council member he stated this is the leanest budget he has seen proposed for Akron Central. It is only \$28,000 off of an austerity budget. He feels residents should approve the budget.

Jim Fitzpatrick, 7495 Scotland Road, attended the school board meeting and also agreed that this budget is lean. He spoke regarding the States request for reimbursement of approximately \$785,000 in state aid moneys that were overpaid and complimented Cindy Tretter, the schools Treasurer, as professional, courteous and an excellent, knowledgeable treasurer. He thanked Town Clerk Dawn Izydorczak and Councilman Rooney for sitting on the Budget Advisory Council. He cited what his school tax will go up and then cited what each of the town board members anticipated school tax increases will be based on the proposed tax rate on the school budget. Mr. Fitzpatrick wants to hire an independent appraisal company to re-do the assessments.

Sue Leppien, 8371 Fletcher Road, stated that property is only worth what someone will pay for it?

Nancy Green, 7534 Scotland Road, asked at the last meeting that the Board make arrangements to meet with people or form a committee to petition the state and county for change. She and others offered their support and assistance in the fight. She asked the Board if they will take the time to do this and get other communities involved.

Janet Linquist, 63 Cedar Street, stated she has seen the same thing happen in her small town she grew up in that is happening here and eventually everyone left town. Someone needs to get on the Erie County and New York State legislatures.

Will Griffin, 384 Knapp Road, of Realty USA, stated he agrees there is a flaw in the system but that getting rid of Becky is not going to solve the problem. She can only use the tools she is given by the state and New York State is going to safe guard its own system. He had a long talk with Becky this afternoon and was very enlightened about many parts of the assessment process that he was totally unaware of. He stated it is not necessarily the Boards fault either. The process needs to be fixed at the state level.

A resident of Billo Road spoke about living in Phoenix for many years and now has moved back to New York. He is now in the process of interviewing for jobs to go back to Arizona because he can't afford the taxes in New York State. He will be at the meeting formed by Mr. Frey next Monday.

Linda Wight, 7650 Scotland Road, spoke about the community and how so many people pulled together and came out to support Tom Patterson this past weekend. That is what this community is really about.

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 #617. Vouchers on this abstract numbered 391-456, totaling \$397,176.93 and were presented for payment approval by Councilman Decker, seconded by Councilman Finger to approve payment.

Abstract Batch #617:

General Fund (A) -\$23,965.17, Fund (B) \$8,337.34, Highway (DA) -\$0, Highway: Outside Village (DB) \$4,678.40, Capital Projects: CAP-WD#10 (HI)- \$182,289.30, Reserve- Roof Repair (HR01)- \$0, (HL) October Storm- \$0, Drainage (SD)- \$0, Fire Protection (SF) \$146,595.93, Refuse (SR)

\$24,165.01, Sewer Fund (SS) \$0, Sewer District #2 (SS02)- \$201.50, and Water Districts (SW1) \$111.70, (SW2) \$88.44, (SW3) \$175.06, (SW4) \$112.56, (SW5) \$2,420.04, (SW6) \$305.52, (SW7) \$426.12, (SW7A) \$48.24, (SW8) \$32.16, (SW9) \$88.44, (SW10) \$3,136.00, Trust & Agency(TA)- \$0 : Total: \$397,176.93
 Carried Unanimously

COMMITTEE AND DEPARTMENT HEAD REPORTS

Highway –The Annual tire drop off totals were down 60% this year over last year. The white goods pick-up was completed in 2 days. They are mowing mustard seed and have sprayed the town park fields.

Assessor –The Assessment change notices will be mailed on Friday. Residents can start making appointments on Monday for meeting with the Board of Assessment Review. She stated she is hearing a lot of the residents state they want to throw out the revaluation numbers, but even if the numbers are thrown out and the equalization rate goes back to 87%, you still have the same tax burden. The same amount of funds need to be raised to cover the budget no matter what the assessments are. The concerns about taxes should be addressed at Budget time and do not reflect on the assessment process.

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

Charles Fischer	11105 Keller	Permit renewal
Harold Frey	11187 Stage	One Family home
Joseph Young	11138 Howe	Driveway
Craig Reitz	6980 Sandhill	Roof
Everand Hayes	12250 McNeeley	Deck
Anthony Salim	4267 S. Newstead	Siding
Taylor Roberts	12427 McNeeley	Driveway
Bill Peronne	6500 Draper	Decorative wall
Robert Niescier	12249 Meahl	Deck
Mike Cheman	12383 Stage	Addition
Francis Lippert	11783 Clarence Ctr	A.G. Pool
Town of Newstead	Main Road	Sign

Board accepted the report as presented.

Town Clerk- The April Dog Control Reports were presented by Dog Control Officer and his deputy. He is looking for the boards input on new signs for the Town Park regarding dogs.

Attorney for the Town – Not present

COUNCILPERSONS

George-Nothing at this time

Finger-Nothing at this time

Decker- Reminded everyone there is a Drainage Meeting tomorrow.

Rooney-He met with the Highway Superintendent on the restoration project on the sewer plant, attended the CAC meeting on the Muir Woods project and Recreation Board meeting.

SUPERVISOR- The Town Clerk audit is complete, with everything in good shape. He met with Village Mayor Patterson and they have agreed to meet once a month to establish better communication. Attended a meeting with County Highway representatives regarding the needed repairs on Koepsel and Tonawanda Creek roads. The Soccer Tournament held last weekend at town park, Akron Falls Park and ACS was a huge success. The Akron Falls Park staff was very pleased with the clean up efforts afterwards. The renewal of the Amherst Fire Control contract is in progress.

The Supervisor was informed the delay was with the Town of Amherst government. The contract is proposed to cover a 3 year period.

UNFINISHED BUSINESS

Water District #10- Phase 1A & Phase 1B – Final close out resolution has been presented for approval by the board.

Phase 2 & Extensions- Murder Creek directional drills are continuing as well as North Millgrove Rd drilling thru the rock for the extensions.

Route 5 Re-Zoning- future Work Session item

Shared Public Works Facility Committee- Meeting scheduled Thursday night at the Village.

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

G.I.S. – phase 1 work continuing. Final GIS training session was held on May 9th. Results for approval of Phase 2 grant look good. We have cleared the denial period and now just have to wait to see how much we have been awarded.

NEW BUSINESS:

Public Hearing for Cummings Rd- 7 lot Subdivision:

A motion was made by Councilman Finger, seconded by Councilman Rooney approving the calling of a public hearing on a 7 lot major subdivision located on Cummings Road owned by Joseph Frey. The public hearing will be held on June 11, 2007 at 7:50 pm at the town hall.

(Resolution Attached) Cummings-Aye, George-Aye, Finger-Aye, Decker-No, Rooney-Aye
Carried

Akron Central Tax Collection Contract:

A motion was made by Councilman Rooney, seconded by Councilman George approving the 2007-2008 tax collection contracts with Akron Central Schools and authorizing the Supervisor to sign the contract on behalf of the town.

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

Clarence Central Tax Collection Contract:

A motion was made by Councilman Decker, seconded by Councilman Finger approving the 2007-2008 tax collection contracts with Clarence Central Schools and authorizing the Supervisor to sign the contract on behalf of the town.

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

Water District#10-Phase 1A & 1B close out:

A motion was made by Councilman George, seconded by Councilman Decker accepting the final pay request and Release of Liens provided by Sergi Construction for the Water District #10- Phase 1A & 1B project and authorizing full contract payment of retained monies. The performance bond and payment bond will remain in effect for a two year period as stipulated in the resolution.

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

Andrew informed the board the performance bond staying in place is to cover the specialty pipe over the Tennessee Gas Pipeline.

Liquor License Request Approval:

A motion was made by Councilman Finger, seconded by Councilman Rooney approving the request for renewal of a liquor license at the New Dog House located at 11986 Main Road.

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

Liquor License Request Approval:

A motion was made by Councilman Rooney, seconded by Councilman George approving the request for renewal of a liquor license at Bright Meadows Golf Course located at 12292 Clarence Center Road.

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

Carried Unanimously

Increase pay for Recreation Employees

A motion was made by Councilman Rooney, seconded by Councilman George to increase the pay for certain Recreation Employees as outlined in the memo from Recreation Director Terri Bierasinski.

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

Carried Unanimously

The Supervisor announced there will be no regular meeting on Monday, May 28th due to Memorial Day, but that the board will meet long enough on Tuesday, May 29th to pay bills.

A motion was made by Councilman George, seconded by Councilman Finger to approve this meeting date change.

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

Carried Unanimously

Question Period- Councilman George spoke to those present regarding the comments made earlier in the meeting regarding the unlicensed vehicles law in the Town of Newstead. The comments made earlier that the law was unfair are untrue. Many residents in this community are living with neighbors who don't take care of their property. This law has cleaned up many properties that were let go or loaded with junk in the past. He stated that if you look at the intent of the law when it was drafted it was designed to protect residents who do take care of their properties and neighborhood. A lot of thought and hours went into creating the law to protect our residents.

Ron Hatcher of 2 Sylvan Parkway questioned Joe Frey's comment on roof permits. He thought they are mandated by the state not locally. The Supervisor confirmed this. Anything that is mandated by the State or County, the Town can not change.

David Chesna of 4427 South Newstead Road questioned grievance of assessments to the State. Assessor Baker explained the very involved process to start over. She explained that the Town of Amherst hired an independent agency on their last revaluation project and the people of Amherst did not like meeting with an outside agency or the numbers that they came up with either. They wanted local participation. She stated everyone needs to work together to make the process work.

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 10:09 PM.

Carried Unanimously

Respectfully Submitted,
Dawn D. Izydorcak, Town Clerk