

Newstead Town Board Meeting- May 27, 2008

A Regular Meeting was called to order by the Newstead Town Board on Tuesday, May 27, 2008 at 8:00pm at the Newstead Town Hall.

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

Roll Call was taken with all board members present.

Town Attorney Nathan Neill led the pledge to the flag.

Minutes from the previous regular meeting held on May 12, 2008 were presented for approval. A motion was made by Councilman Finger, seconded by Councilman George to approve as presented.
Carried Unanimously

Communications – The Town Clerk presented the following:

A certified resolution passed by the Akron Village Board supporting the drafting of an Inter-Municipal Agreement with the Town on the proposed Joint Highway Facility project.

A letter from Chester Menkiena of Consulting Alcohol Management was received requesting a waiver of the 30 day waiting period in reporting an alteration to the municipality on behalf of The Rothlands Golf Course. He is requesting a return letter confirming the town boards consent.

Erie County announced its next Computers and Electronics Recycling Day as June 7, 2008 at the GM Power Train Plant on Vulcan St. in the Town of Tonawanda from 9:00am – 2:00pm.

Erie County announced its next Household Hazardous Waste Drop-off Day as June 21, 2008 at the Erie Community College- South Campus in Orchard Park from 9:00am - 2:00pm

A letter from NYS Emergency Management Office notifying the Town that our FEMA grant application has been preliminarily denied. The town has until July 7, 2008 to file an amended application and request for reconsideration of the proposed project.

An announcement from the US Fish & Wildlife Service regarding their Fish & Wildlife Festival to be held Saturday, June 7, 2008 in Hyde Park, Niagara Falls from 11:00am- 5:00pm, which will run in conjunction with the Niagara River Anglers annual Youth Fishing Contest at the same location from 8:30am – 11:00am.

A project status update was received from Erie County Legislator Mike Ranzenhofer's office on the Parkview Drive Bridge project.

A certified resolution passed by the Holland Town Board regarding their support of revisions to General Municipal Law Section 239 allowing greater flexibility for local government entities to purchase services, goods and equipment together thru joint agreements.

A certified resolution passed by the West Seneca Town Board regarding their support of draft legislation with revisions to Section 339-Y of the Real Property Law regarding condominiums.

A letter from resident Philip Morris regarding his opposition to the Buell Street site chosen for the Joint Highway Facility project.

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

Work Session: The Supervisor reported that at the last work session held the following issues were discussed: water district issues, joint facility study, planning issues, Planet Aid request, assessment advisory committee issues, denio building basement project, grants, employee terms and conditions, personnel issues, and airport project, as well as other necessary issues.

Privilege of the Floor – No one spoke

Budget Transfers: A motion was made by Councilwoman Esposito, seconded by Councilman Finger approving the budget transfers requested per a memo dated May 27, 2008 by Bookkeeper Colleen Salmon. Carried Unanimously

Approval of Bills -Councilwoman Esposito reported that the Abstracts from Batches #714 from the May 12, 2008 meeting have been reviewed with the previously UN-audited vouchers and everything was found in order. She presented Abstract Batch #717 & 718. Vouchers on this abstract numbered 494-521 totaling \$61,943.45 and were presented by Councilwoman Esposito, seconded by Councilman Finger to approve payment as follows:

Abstract Batch #717 & 718:

General Fund (A) -\$37,102.08, General Fund- Outside Village (B) \$1,355.25, Highway (DA) -\$0, Capital Projects: CAP-WD#10-phase 3 (HI)- \$6,000.00, Murder Creek Stabilization (HM) - \$0, Highway: Outside Village (DB) \$573.78, Drainage (SD)- \$0, Fire Protection (SF) \$0, Refuse (SR) \$3,642.00, Sewer Fund (SS) \$24.67, Sewer District #2 (SS02)- \$245.67, and Water Districts (SW1) \$0, (SW2) \$0, (SW3) \$0, (SW4) \$0, (SW5) \$0, (SW6) \$0, (SW7) \$0, (SW7A) \$0, (SW8) \$0, (SW9) \$0, (SW10) \$13,000.00, Trust & Agency(TA)- \$0,
Total: \$61,943.45 Carried Unanimously

COMMITTEE AND DEPARTMENT HEAD REPORTS

Highway – They are mowing road sides and have postponed bar patching until week of June 9th due to weather. Superintendent Bassanello will be at the Highway Conference from June 1-3. Councilman Finger and Supervisor Cummings commented on the great look of the new trees at the Town Park on Buell Street.

Assessor – She has filed the Tentative Roll and she will be sitting with the roll for review by anyone interested on Thursday, May 29th from 6:30-8:30pm and Saturday, May 31st from 12:00-4:00pm. Only 4 Board of Assessment Review appointments have been scheduled so far.

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

Cliff Albrecht	11672 Main	sign
Dick Walser	13677 Main	sign
John Smith	11520 Main	sign
Eric & Holly Cebulski	12981 Carney	deck
Mary Rainey	13111 Martin	roof
Country Meadows	Lot #4	repair/replacement
Country Meadows	Lot #27	manufactured home
David S. Howard	7579 Maple	sign
Matthew R. Andrews	11739 Clarence Center	roof
Don Nicholas	5406/5408 Barnum	roof
Teresa Truglio	5449 South Newstead	roof
William Goral	12229 McNeeley	driveway
Louis & Brenda Cerasani	13425 Bloomingdale	breezeway/roof
William Goral	12229 McNeeley	single family home
David M. Chesna	4427 South Newstead	roof
Marilyn Kausner	4300 Billo	single family home
Patrick Galla	5475 Barnum	lean-to

Joseph Savakinas	11890 Meahl	porch
Steven & MaryJo Bedford	6820 Cedar	sign
Matt & Vanessa Mesler	11821 Clarence Center	patio
John D. Daniel	7570 Cedar	shed
Gary & Deborah Roth	11985 Clarence Center	roof

The Town Board accepted the report as presented.

Town Clerk-Nothing at this time

Attorney for the Town –He met with Village Attorney Shonn and they worked on the inter-municipal agreement for the joint highway facility project. They will continue to work on it and hope to have something next week for review.

COUNCILPERSONS

George-Nothing at this time

Finger-He attended the drainage meeting last week and feels a more in depth conversation is needed regarding the issues on Cedar Street near Perrys.

Rooney- Nothing at this time

Esposito-Nothing at this time

SUPERVISOR- The April Supervisor’s Report is on file with the Town Clerk and available for review. He attended the Associations of Towns meeting in Holland where four of the Erie County Legislatures were quest speakers and discussed some interesting issues. He also met with Mayor Patterson on several issues.

UNFINISHED BUSINESS

Water District #10- Phase 3 –The bid packets are available and will be opened on June 4th at 11:00am, with possible award to be approved at the June 9th board meeting.

Phase 1 and 2- final funding proceeding.

Shared Public Works Facility Committee- They are waiting for information from the attorneys.

NEW BUSINESS:

Akron Airport Grant Municipal Endorsement:

A motion was made by Councilman George, seconded by Supervisor Cummings issuing their endorsement of the Akron Airport Aircraft Parking Apron project solely for the purpose of making the project eligible for State funding and authorizing the Supervisor to sign and date the State Environmental Quality Review Form pending establishment of drainage fund of \$1,000.00 (Resolution Attached) Cummings-Aye, George-Aye, Finger-Aye, Rooney -No, Esposito-Aye
Carried

Water District #10-Phase 3- PCI Survey:

A motion was made by Councilman George, seconded by Councilman Finger issuing approval for the Supervisor to execute the agreement with Panamerican Consultants, Inc. to conduct a Phase 1BI cultural resource survey of the site for the Water District #10- phase 3 Water Distribution construction project at a cost of \$4,653.00 per the agreement.
Cummings-Aye, George-Aye, Finger-Aye, Rooney -Aye, Esposito-Aye Carried Unanimously

Water District #10-Phase 1 - Final Close-out Services:

A motion was made by Councilman George, seconded by Councilman Rooney issuing approval for the Supervisor to execute the agreement with Wendel Duchscherer for DWSRF Financial Close-out

Services on the Water District #10- phase 1 Water Distribution system project in the amount of \$4,990.00 per the agreement.

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

Employee Terms & Conditions 2008:

A motion was made by Councilman George, seconded by Councilwoman Esposito issuing approval of the amended employee terms and conditions for 2008 and adopting them as presented.

Cummings-No, George-Aye, Finger-Aye, Rooney -No, Esposito-Aye Carried

Liquor License- Waiver 30 Day Notice:

A motion was made by Councilman Finger, seconded by Councilwoman Esposito approving the waiver of the 30 day notice requirement of notification to a municipality for reporting alterations to an establishment with intent to renew a liquor license for the premises located at 12089 Clarence Center Road known as the Rothland's Golf Course.

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

Public Hearing: Special Use Permit- 12690 Main Rd:

A motion was made by Councilman Finger, seconded by Councilman Rooney issuing approval to call a public hearing on the proposed special use permit application for a used auto sales business to be located at 12690 Main Rd and operated by Michael Shields on June 9, 2008 at 7:50pm at the Newstead Town Hall.

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

Assessment Advisory Committee Appointments:

A motion was made by Councilman Finger, seconded by Councilman Rooney issuing approval of the formation of an Assessment Advisory Committee to work in conjunction with the Assessor to explore new avenues in assessing and to promote interest, education and understanding of the subject. The board appointed the following to the committee to terms thru the end of 2008: Fred Pask as Chairperson, Donna Doll, Mike Lowry, Jim Fitzpatrick, Matt Karcher, Stan Serwon, and Betty Keehn-Thomas.

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

Highway Worker Position:

A motion was made by Councilman Rooney, seconded by Councilman George approving the appointment of Christopher Bower to the position of Highway Crew Member, MEO Step 2.

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

Murder Creek Mitigation Authorization:

A motion was made by Councilman Rooney, seconded by Councilman Finger approving the expenditure of \$2,000.00 to hire an engineering firm to assist the town in gaining the information necessary for the re-submittal of a FEMA grant application amendment.

Cummings-Aye, George-Abstained, Finger-Aye, Rooney -Aye, Esposito-Aye Carried

Stage & Havens Subdivision Plan Review Authorization:

A motion was made by Councilman Rooney, seconded by Councilman George issuing approval of the plan review quote dated May 20, 2008 and submitted by Wendel Duchscherer for work to be completed on the proposed Stage & Havens Rd major subdivision in an amount not to exceed \$2,300.00.

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

Question Period- No one spoke

There being no further business to come before the board a motion was made by Councilman Finger, seconded by Councilwoman Esposito to adjourn the meeting at 8:30 PM.

Carried Unanimously

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