

Newstead Town Board Meeting- June 12, 2006

A Public Hearing was called to order by the Newstead Town Board on Monday, June 12, 2006 at the Newstead Town Hall at 7:50PM.

Present: David Cummings- Supervisor
Tom George-Councilman
Harold Finger- Councilman
Mark Decker- Councilman
Brian Murray- Councilman
Michael Bassanello- Highway Supt.
Andrew Casolini- Town Engineer
Dawn Izydorczak- Town Clerk
Kathleen Lang- Deputy Town Clerk

Roll Call was taken with all board members present.

The Supervisor called the public hearing on Local Law No. 3 of 2006 regarding regulation of wood furnaces to order.

The Clerk read the proof of publication.

Comments:

Shirley Keller, 12622 Hunts Corners Rd. questioned where is this law leading and who is behind the ordinance? The Board has received complaints on existing outdoor furnaces. The Conservation Advisory Committee did the research and offered the proposals for the law. She also asked if this would affect indoor furnaces. The Supervisor responded no, this is not the intent of the law. Mrs. Keller was concerned with the number of permits needed today to keep and maintain your own property. Councilman George addressed this and explained the Town needs to be "Pro-Active" on issues not reactive and it strives to maintain a balance on neighbor's issues.

Wesley Ribbeck, 13974 Bloomingdale Rd., questioned why this law is geared at outdoor furnaces and not directed more to what materials are burnt? He also feels that registration of the outdoor furnace by the owner is all that is necessary without issuing a permit.

Don Kreher, 13212 Main Rd., stated these furnaces are high quality, expensive pieces of equipment and should be fined only if not burning proper wood or materials. No permits are necessary.

Keith Rosenberg, 7970 Greenbush Rd, questioned why outdoor furnaces are being regulated and inside stoves or fireplaces are not?

Michelle Rose Daniels, 7570 Cedar Street, cited Akron Bugle article. There are currently no emission standards that apply to outdoor wood burners. Carl Klingenschmitt, chairperson of the Conservation Advisory Committee addressed this by citing what standards they researched. She questioned if we are going to use other state measurement standards?

Mark Outten, 12391 Rapids Rd., questioned permit procedure and reposition of violator's stoves.

David Brucker, 7758 Greenbush Rd., stated that by adding pipe to the furnace will take care of smoke situation. The higher stack pipes would alleviate the smoke-out problems.

Ray Pionessa, 12949 Carney Rd, stated the stack height does nothing if weather conditions are not right.

Don Kreher, 13212 Main Rd., reiterated that he feels the issue still is what you burn in these furnaces and keeping them clean.

Keith Berghorn, 11061 Miland Rd., questioned the cost for the permit. It was stated it would be a \$20 one time fee and if complaints necessitate a \$150 fee for testing violators.

Testing time frames were discussed with Carl Klingenschmitt. A 6 minute average test would be used. The timing of test during burning was questioned.

Greg Marquardt, 12254 Tonawanda Creek Rd. stated that there is no difference from outside to inside furnaces. He feels that this is just another way for the Town to assess properties more.

Ray Pionessa, 12949 Carney Rd. questioned why property owner has to pay for the test. The proposed regulations involve a 5 step process and testing is only to be done after a complaint has been filed and the other 4 steps have been exhausted. There are other methods used first.

Denise Barbookles, 6846 Cedar Street, questioned how many complaints have been over the last year. The Supervisor stated there have been approximately 5 complaints filed which sets a need for some sort of regulation and legislation. Mrs. Barbookles stated these are expensive machines bought usually with the intent to save money on heating costs. She also questioned why the public hearing notice was only published in the Akron Bugle. Many at the meeting learned of it from word of mouth.

Mike Gerstung, 7184 Maple Rd. stated that an air quality law which addresses weather conditions is what needs to be addressed, not a law regulating wood furnaces.

John Daniels, 7570 Cedar Street, stated that what you burn and how clean you keep it is important. The existing burners should be grandfathered and not subject to the new laws.

Brian Wight, 7650 Scotland Rd. questioned if this applies to inside stoves and fireplaces. A lot of people have gone to the outdoor route to get rid of the mess inside.

The Supervisor stated that no action would be taken this evening on the proposed law. Tonight's comments would be taken back to committee and amendments will be made to the proposed law. As required by law, since revisions will be made another public hearing will be held on this issue after review of all the information.

There being no further comments, a motion was made by Councilman George, seconded by Councilman Murray to close the public hearing on Local Law No. 3 of 2006.

Carried Unanimously

A regular meeting of the Newstead Town Board was called to order at 8:30 pm with the same members present as listed above.

Scott Zitzka led the pledge to the flag.

Minutes from the previous regular board meeting held on May 22, 2006 were presented for approval. A motion was made by Councilman Finger, seconded by Councilman Murray to accept as presented.

Carried Unanimously

Communications – The Town Clerk presented the following:

A letter from County Executive Joel Giambra outlining the 4-year financial plan which includes the proposed charges to the local towns for Erie County Police Services. The figures for the Town of Newstead are: \$163,560 for 2005 and \$172,147 in 2007. The County proposes a 1/3 payment of the 2007 figure in 2007 and the other 2/3 in 2008, with full costs expected to be paid by the town in 2009.

A letter from the NYS Thruway Authority along with the 7 volume proposal from the Thruway Authority for the relocation of the Williamsville toll barrier to the Town of Newstead, with 3 sites specified.

The Newstead Public Library 2005 Annual Report was received from the Erie County Public Library System offices.

Erie County Dept. of Emergency Services announced a workshop on Public Assistance procedures during disasters/emergencies to be held June 22, 2006 from 9:30am – 2:00pm at the Erie Co. Fire Training & Operations Center.

A notice from the NYS Energy Research and Development Authority (NYSERDA) that they will provide partial funding for projects to install, demonstrate and operate photovoltaic(PV) systems on municipal buildings in NYS. There is \$1.3 million available with proposals due by August 15, 2006.

A letter from the NYS Office of Cyber Security & Critical Infrastructure Coordination (CSCIC) announcing the 2006 CSCIC Conference on June 14-15 in Albany NY.

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

A letter to the Town Board from resident Pamela Morrison of 12481 McNeeley Rd. requesting trash cans be placed on the bike path at each road intersection to help keep bike path clean.

A fax announcing a Public Meeting of the Erie County Fiscal Stability Authority to be held on Wednesday, June 14, 2006 at 2:00 PM at the Buffalo Niagara Convention Center, 153 Franklin Street, Buffalo, NY Room 101 B.

A copy of a letter from Stan Serwon to Davison Road residents giving an update on the progress of the traffic study request for Davison Road.

The May monthly report from Amherst Central Fire Alarm office reporting the calls for Akron Fire Co. as 49 and Newstead Fire Co. as 22.

A notice from Twin City Ambulance announcing an open house on Monday, June 26, 2006 from 7:00pm-9:00pm at the East Amherst Fire Department to launch their new Cardiac Care Program. Their entire fleet of ambulances will be equipped with State-of-the-art cardiac monitor-defibrillators.

A certified copy of a resolution passed by the Town Board of the Town of Elma regarding their opposition to the Erie County Legislatures 4-year plan for Erie County.

A Notice of Intent to Renew a Liquor License was received from Jeff Randall of The Rothland's Golf Course for renewal of the "Ball Park Liquor License" under the same conditions as last year.

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

Work Session: Supervisor Cummings reported that at the work session held on June 5th the following issues were discussed: water district #10 issues- all phases, district #1 switch over to ECWA, water service at Rapids Rd, Rt. 5 rezoning, shared facilities project, planning/zoning changes, parking lot- highway issues, Erie County Sheriffs issues, Toll Barrier, grants, a Welcome to Newstead sign in Clarence area, personnel matters, NYS police garage, NIMS Training.

Privilege of the Floor –Arlene Richardson, 4678 S. Newstead, reviewed volumes available on the toll barrier proposal. She read a letter to the Board voicing their opposition to the relocation of the toll barriers, which will largely impact their farmland.

The Supervisor thanked Arlene and Phil for their letter. The Board will be devising a "game plan" with their attorneys and engineers for fighting the relocation. There was a question of the date of next meeting to be held by the Thruway Authority. There has been no specific date set yet.

Judith Miller, 13588 Stage Rd. agrees with Mrs. Richardson's views on the toll barrier and has the same concerns. The growth of the town with city dwellers moving in is causing problems. She is having problems with neighbors due to lack of ordinances for fencing, open pit fires, dumping etc. in the town. She feels the Town needs to look at all their ordinances and immediately update them. Especially the unfair changes in the horse ordinance which she wants changed back to its original form. She also supports the Right to Farm Bill.

Approval of Bills -Councilman Decker reported that the Abstracts from Batches #511& 512 from the May 22, 2006 meeting have been reviewed with the previously UN-audited vouchers and everything was found in order. He presented Abstract Batch #519. Vouchers on these abstracts numbered #527-583, totaling \$569,427.42 and were presented for payment approval by Councilman Decker, seconded by Councilman Finger to approve payment.

Abstract Batch #519:

General Fund (A) -\$20,655.53, Fund (B) \$, Highway (DA) -\$0, Highway: Outside Village (DB) \$51,830.51, Capital Projects: CAP-WD#10 (HI)- \$464,056.45, Highway Garage (HG)- \$0, Drainage (SD)- \$0, Fire Protection (SF) \$3,869.92, Refuse (SR) \$22,849.33, Sewer Fund (SS) \$0, Sewer District #2 (SS02)- \$258.30, and Water Districts (SW1) \$40.79, (SW2) \$88.44, (SW3) \$174.27, (SW4) \$112.56, (SW5) \$2,420.04, (SW6) \$305.52, (SW7) \$426.12, (SW7A) \$48.24, (SW8) \$32.16, (SW9) \$88.44, (SW10) \$2,170.80, Trust & Agency(TA)- \$0 Total: \$569,427.42 Carried Unanimous

COMMITTEE AND DEPARTMENT HEAD REPORTS

Highway – He attended the Ithaca Highway Superintendent School and felt it was very good. There are 3 Highway employees’ that have completed NIMS Training #100, #200 & #700. The 3 pickup trucks have been delivered and some needed road work has begun.

Assessor –She is attending the Planning Board meeting tonight in the Conference Room. A report was presented prior to the meeting to Board members on Grievance Day.

Building Office –the following building report was presented by the Building Administrator Christine Falkowski, who is currently attending the Planning Board meeting:

Faith Fellowship Church	11487 Main Rd	Temporary sign Permit
Niagara Specialty Metals	12600 Clarence Center	2 dust collectors
Gary & Bonnie Stone	12575 Hunts Corners	Shed
ETS Cleaning	11946 Clarence Center	Demo
CMK Builders	6215 Dye	Single Family Home
Richmond Smith	8482 Maple	Repair(renewal)
Daniel & Elizabeth Bellis	6347 Dye	I/G pool & deck
Judith Przybyla	5371 Barnum	Roof
Sherwood Slovick	6325 Utley	A/G Pool & Deck
Matthew M. Priebe	6032 Crittenden	Roof
Matthew M. Priebe	6032 Crittenden	Deck Overhang
Vincent Heiderman	12905 Clarence Center	Roof
Charles Mullins	12373 Main	Repair(Renewal)
Jeff & Julie Frey	12030 Rapids	Shed
Michael & Kim Coppola	5393 Barnum	Deck

The Town Board accepted the Building Report as presented. An unsafe building on Clarence Center Road has been demolished and the Nice Rd unsafe house will be burned next week.

Town Clerk- The May Dog Control Officers report was presented.

Attorney for the Town – He is attending meeting in Elma on Sheriffs Road Patrols and proposed costs to Towns.

COUNCILPERSONS

George- Nothing at this time

Finger-He met with Supervisor and Senior Coordinator on senior operational procedures. He also met with Hearts and Hands director on Denio usage and observed the new highway equipment purchased being tested at the Town Hall.

Decker- Thanked Kathy Strobele, bookkeeper for new reports on voucher payments.

Murray- The Board welcomed him back after surgery. Nothing at this time

SUPERVISOR- He has taken many calls on Local Law #3. He has attended meeting with Erie County Planning Department last week and attended meeting of towns on Sheriff Patrols issue earlier tonight in Elma.

UNFINISHED BUSINESS

Water District #10- Phase 1A & Phase 1B – Restoration in south continuing and contractor is rotating to other problem areas and areas with drainage issues. In the Spring 2006 issue of Arch News the Town of Newstead Water District #10 project is highlighted in an article.

Phase 2- DWSRF correspondence regarding “pass thru dollars” is being addressed and short term financing is being looked at. We are still waiting on Health Departments comments.

Water District #1 changeover- A letter with new changes in formula is almost ready to go out to residents of the district. Coordination meeting tentatively set for 2 weeks with ECWA.

Water Tank-Painting is continuing until mid July. Then hydro-static testing will begin with the tank set to be on-line by the end of July.

Route 5 Zoning-Councilman George would like work session time next week to go over revisions.

Shared Public Works Facility Committee-There is a meeting this Thursday morning. The drafts and alternative designs and alternative sites will be discussed.

Fire Contracts-Presentation within next couple weeks.

Other: None

NEW BUSINESS:

Public Hearing: Unsafe Building – 8323 Burdick Rd:

A motion was made by Councilman Decker, seconded by Councilman Finger approving the calling of a public hearing on July 10, 2006 at 7:30pm to hear comments on the unsafe building located at 8323 Burdick Rd and authorizing the Code Enforcement Officer to serve notice to the property owner of the violation charges and public hearing.

(Resolution Attached) Ayes-5 Nays-0 Absent-0 Carried Unanimously

Approval- Extension of Sergi Contract:

A motion was made by Councilman George, seconded by Councilman Murray approving the extension of the Water Contract with Sergi Construction to June 23, 2006 for WD#10 and punch list items completed by Sept.15th as well as final completion

Ayes-5 Nays-0 Absent-0 Carried Unanimously

Approval- Hydrant Extensions:

A motion was made by Councilman Finger, seconded by Councilman George approving the adjustment in elevation of 28 fire hydrants at a cost not to exceed \$8,436.60 for cost of materials throughout WD#10.

Ayes-4 Nays-1(Councilman Decker) Absent-0 Carried

Approval- Water District #10 retainer adjustment:

A motion was made by Councilman Murray, seconded by Councilman George approving the adjustment of the original 5% retainage amount for the water district #10 projects down to a 2.5% retainage amount, due to a 90% completion rate on the project.

Ayes-5 Nays-0 Absent-0 Carried Unanimously

Approval- Summer Recreation Appointments:

A motion was made by Councilman Decker, seconded by Councilman Murray approving the Appointment of summer recreation employees per the list provided by Recreation Director Terri Bierasinski.

Ayes-5 Nays-0 Absent-0 Carried Unanimously

Approval- Kreher's Farm Request:

A motion was made by Councilman George, seconded by Councilman Decker approving the E-Farm Program for Kreher's Poultry Farms to meet grant funding requirements.

Ayes-5 Nays-0 Absent-0 Carried Unanimously

Question Period-Doug Swader, 31 Sylvan Pkwy, Senior Van Driver wanted to thank the Town Board for their support of Senior Van Proposal and expressed the need for more local services to Newstead Senior Center and in town areas.

Arlene Richardson, 4678 S.Newstead Rd., supports the Right to Farm Bill and if the Town Board supports agriculture and the passing of the Bill, she feels it will have a positive impact possibly on the Toll Barrier issue.

The Supervisor reported further discussions will be held on the Right to Farm Bill, Toll Barrier and the Erie County 4-year Plan proposals. Attorney Neill reported that at the meeting earlier tonight Sheriff Howard attended and expressed his opposition to the proposals by the County to charge towns for police services.

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 9:25 PM.

Carried Unanimously

Respectfully Submitted,
Dawn D. Izydorczak, Town Clerk