

Newstead Town Board Meeting- June 23, 2008

A Regular Meeting was called to order by the Newstead Town Board on Monday, June 23, 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.

Councilman Tom George led the pledge to the flag.

Minutes from the previous regular meeting held on June 9, 2008 were presented for approval. A motion was made by Councilman Finger, seconded by Councilwoman Esposito to approve as presented. Carried Unanimously

Communications – The Town Clerk presented the following:

A certified resolution passed by the Tonawanda Town Board regarding their support for amending the laws regarding how condominiums are assessed.

A certified resolution passed by the Orchard Park Town Board regarding their support for amending the laws regarding how condominiums are assessed.

A certified resolution passed by the Elma Town Board regarding their support for amending the laws regarding how condominiums are assessed.

A letter from the State Board of Real Property Services notifying the town that the equalization rate for the 2008 Roll has been set at 100%.

A letter from the NYS Department of Agriculture & Markets announcing its requests for proposals for Farmland Protection Implementation Projects, which must be received no later than 4:30pm on Monday, September 15, 2008.

A letter from the NYS Department of Transportation announcing the release of a working draft of “2008 New York State Rail Plan” presenting a proposed vision for the States rail system. An interactive public workshop will be given on the plan June 18, 2008 at 1:00pm at the SUNY Buffalo Student Union on the North Campus.

A letter from Jeff Randall, General Manager of the “Fifty-Four Flags” group of golf courses, notifying the town of their intent to renew the liquor license for Arrowhead Clubhouse (license#3124582) and to offer a tour of the changes being made at Rothlands Golf Course that will affect the licensed area of that establishment.

A motion was made by Councilman Finger, seconded by Councilman Rooney 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: meeting with airport representatives, greenspace issues on Havens Rd, water district issues, drainage issues, Buffalo United event/park use, joint facility project, grants, planning issues, denio building basement project, personnel issues, cancellation of 6/30/08 work session, as well as other necessary issues.

Privilege of the Floor – Peter Henley, Indian Falls Road, stated he is holding off on submitting his analysis numbers for the Shared Public Works Facility and questioned if the Town had received their new numbers yet. He was told there is still some information pending but the numbers will be provided by Wendel soon. He questioned if they will be discussing this issue at the joint meeting. The Supervisor stated the Joint Meeting at the Village Hall on July 7, 2008 is only to discuss upcoming Village projects, not the Joint Facility.

Jim Fitzpatrick, 7494 Scotland Road, stated that New York State has proposed a wood burning law that would ban most types of outdoor burning throughout the state. A public hearing is scheduled sometime soon in Batavia. He questioned if the state passes this law would the Town of Newstead Law super cede it? The Town Attorney stated not necessarily, it depends on how the law is stated. The Supervisor would like to know when the public hearing is scheduled as he would like to attend. Mr. Fitzpatrick also questioned when the road sides on Scotland Road would be mowed. It is becoming a hazard due to tall grass blocking the vision of drivers at the corner. Superintendent Bassanello stated that Scotland Road is a County road and he does not know their mowing schedule. The Town has already mowed once and is on their second round. He suggested that Mr. Fitzpatrick call the County Highway facility on Salt Rd in Clarence to ask their schedule. The Supervisor will also get more information.

Budget Transfers: None

Approval of Bills -Councilwoman Esposito reported that the Abstracts from Batches #721 from the June 9, 2008 meeting have been reviewed with the previously UN-audited vouchers and everything was found in order. She presented Abstract Batch #726. Vouchers on this abstract numbered 598-632 plus wire transfers totaling \$276,398.98 and were presented by Councilwoman Esposito, seconded by Councilman Rooney to approve payment as follows:

Abstract Batch #726:

General Fund (A) -\$16,930.77, General Fund- Outside Village (B) \$0, Highway (DA) -\$0, Capital Projects: CAP-WD#10-phase 3 (HI)- \$124,155.11, Murder Creek Stabilization (HM) - \$0, Highway: Outside Village (DB) \$3,970.15, Drainage (SD)- \$0, Fire Protection (SF) \$0, Refuse (SR) \$0, Sewer Fund (SS) \$25.47, Sewer District #2 (SS02)- \$84.34, and Water Districts (SW1) \$0, (SW2) \$0, (SW3) \$5.05, (SW4) \$0, (SW5) \$19.70, (SW6) \$0, (SW7) \$0, (SW7A) \$0, (SW8) \$0, (SW9) \$0, (SW10) \$131,208.39, Trust & Agency(TA)- \$0,

Total: \$276,398.98

Carried Unanimously

COMMITTEE AND DEPARTMENT HEAD REPORTS

Highway – Nothing at this time.

The Supervisor thanked the Highway crews for putting up the "Right to Farm" signs at the town borders.

Assessor –The Assessor attended the newly required Ethics course last Friday. The Final Roll is complete and only court/small claims decisions that are pending could change figures for the budget. She will provide the final numbers to the Supervisor this week.

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

Bill Gliss	7201 Sandhill	Roof
Ginny Brown	11651 Rapids	Porch
Tim & Peg McGowan	12594 Buckwheat	Addition/alteration
Paul Herberger	7463 Maple	Roof
Mark Jurewicz	5906 Crittenden	Garage/porch
Michael Allen	7908 Cedar	One family home
George Hyder	7070 Scotland	Roof
Sharon Jones	7523 Scotland	Porch/roof
William O'Donnell	12254 Nice	Addition
Cornerstone Development	12213 McNeeley	Driveway

Cornerstone Development	12213 McNeeley	One family home
Michael Benson	5308 N. Millgrove	Windows, roof, siding
Julie & Aaron Sklener	5425 Barnum	Shed
Stanley Tatara	4878 Schutt	Pole barn
Joanne Nye	4168 N. Millgrove	Fill
Kelly & Tom Roth	5898 Cummings	Roof

The Town Board accepted the report as presented.

Councilman George questioned the new build on Main Road and if it was with in the 500 feet commercial requirements. John Good stated that yes it is with in the 500 feet requirement.

Town Clerk- An update was given on the GIS grant applied for. Dawn & Sandy ordered the chairs for the court in conjunction with the Village. 130 chairs and 12 benches were ordered and will be split as follows: Town- 80 chairs and 6 benches, Village- 50 chairs and 6 benches. They should be delivered in approximately 4-6 weeks.

Attorney for the Town – Nothing at this time

COUNCILPERSONS

George-Nothing at this time

Finger- Additional interviews were held for the Senior Assistant and a new appointment will be announced later under new business. The renovation at the Denio is going well and will be complete within 2 weeks. It looks really nice. He attended the Drainage Committee meeting last Tuesday and the work schedule was discussed. There are air conditioning issues at the Newstead Library.

Rooney- He attended the Drainage Committee Meeting also and met with the Recreation Board and Director.

Esposito-Nothing at this time

SUPERVISOR- May Supervisors Report is on file with the Town Clerk and available for review. He attended the Association of Erie County Towns meeting last week and they discussed revisiting the sales tax distribution issue. They also received a report from highway representatives on funding for fuel, oil and salt, which have experienced increased costs of up to 25%. Many towns have already reached their budgeted allowances already or are very close and we still have 6 months in the year left to go. Our town will reach its budget allowance by July. This will result in cut backs on what work can be done. Every town in Erie County is having the same problem. The Supervisor also met with the Recreation Director on issues and the Assessment Advisory Committee met for the first time last week.

UNFINISHED BUSINESS

Water District #10- Phase 3 –The Contract with Milhurst is set and they will begin work shortly. Information packets went out and they have fielded a few questions from residents.

Phase 1 and 2- final funding is pending.

Shared Public Works Facility Committee- The draft agreement is done and awaiting comments from the two boards.

Murder Creek Mitigation Project- They submitted the draft appeal to SEMO in Albany for review. Comments will be back in 7 days from SEMO, edits will be done and then the final version will be sent off to FEMA.

NEW BUSINESS:

2008 Budget Amendment- Historian Grant:

A motion was made by Councilman Finger, seconded by Councilman Rooney approving the amendment of the 2008 Budget to reflect the award of a Town Historian grant awarded by E & W G Foundation that will increase Appropriations (A7510.2) by \$3,030.00 and increase Revenues (A2770) by \$3,030.00.

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

2008 Budget Amendment- Justice Court Grant:

A motion was made by Councilwoman Esposito, seconded by Councilman Finger approving the amendment of the 2008 Budget to reflect the award of a Justice Court grant awarded by the NYS Justice Court Assistance Program that will increase Appropriations (A1110.4) by \$3,500.00 and increase Revenues (A2770) by \$3,500.00.

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

Approval: Special Use Permit/Site Plan- 12690 Main Rd:

A motion was made by Councilman Rooney, seconded by Councilman George issuing a Negative SEQR Declaration and approving the site plan dated 5/12/08 and the requested special use permit application for a used auto sales business to be located at 12690 Main Rd and operated by Michael Shields subject to the specific terms set forth in the resolution.

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

Buffalo United Request for Town Park:

A motion was made by Councilman Finger, seconded by Councilman Rooney approving the request by Buffalo United Soccer League to use the Town Park and facilities on August 2 and 3rd, 2008 for their team try-outs at a cost to be determined by the Board.

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

Library Basement- Historical & Arts Designation:

A motion was made by Councilman George, seconded by Councilman Finger declaring the designation of the basement space of the Newstead Public Library for Historical & Arts programs for the cultural enrichment of the residents of the Town and stating that any renovations to the library basement will be designed with that purpose in mind.

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

Debra Fetterman declined the position of Assistant to the Director of Senior Services. Additional interviews were held for the Senior Assistant and a new appointment is made as follows:

Senior Services Assistant Position:

A motion was made by Councilman Finger, seconded by Councilman Rooney approving the appointment of Jessica Baehr to the position of Senior Services Assistant to the Director of Senior Services at a rate of \$8.50/hour for 3 months, then increasing to \$9.00/hour for a term ending December 31, 2008 and subject to annual renewal and subject to a reference check.

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

Engineering Proposal- Newstead Self Storage:

A motion was made by Councilman Rooney, seconded by Councilman George approving the proposed engineering agreement and scope of work as submitted by Wendel Duchscherer on the Newstead Self Storage project and authorizing the Supervisor to sign said agreement for a cost not to exceed \$1,250.00.

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

Work Session Cancelled

A motion was made by Councilman George, seconded by Councilman Finger to cancel the work session for June 30, 2008.

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

A joint informational session will be held on July 7, 2008 at 6:00pm at the Village Hall with the Village and Town Boards, Planning Boards and Zoning Boards for an update on Village projects. The Town Boards regular work session will continue following the session at the Town Hall.

Question Period-No one spoke

The Board went into Executive Session on personnel issues and Union contract negotiations.

There being no further business to come before the board a motion was made by Councilman Rooney, seconded by Councilman Finger to adjourn the meeting at 9:20 PM.

Carried Unanimously

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