

## Newstead Town Board Meeting- June 25, 2007

A Public Hearing was called to order by the Newstead Town Board on Monday, June 25, 2007 at 7:40PM 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  
Nathan Neill- Town Attorney  
Dawn D. Izydorczak- Town Clerk  
Kathleen Lang- Deputy Clerk

Roll Call was taken with all board members present.

The Supervisor called to order a public hearing on the proposed contract renewal with the Town of Amherst on the Amherst Central Alarm Service at 7:40pm.

The Clerk read the proof of publication. The Supervisor gave a brief explanation of the contract proposal.

Comments: No one spoke

There being no further comments, a motion was made by Councilman Finger, seconded by Councilman Decker to close the public hearing on the Town of Amherst Contract at 7:43pm.

The Supervisor called to order a public hearing on the proposed Local Law No. 2 of 2007 on Windmill Regulations at 7:45pm.

The Clerk read the proof of publication. She reported that a letter with comments on the law was received from the NYS Department of Agriculture & Markets.

Comments: Don Sahlem of 4635 N.Millgrove Road requested that the town board ensure that the laws rules be lax. This should be up to property owner to decide. He feels they should be non-assessable for property taxes and believes renewable energy options need to be explored for our environment.

The Supervisor stated that they will not pass this law tonight due to the Agriculture and Markets comments need to be reviewed and considered in the law, along with comments from tonight. There will be another public hearing scheduled in the next couple weeks on the issue.

There being no further comments, a motion was made by Councilman Decker, seconded by Councilman Finger to close the public hearing on the proposed Windmill Law at 7:51 pm.

The Supervisor called to order a public hearing on a 6-lot major subdivision on Dorsch Road at 7:51pm.

The Clerk read the proof of publication. She reported that a letter with comments on the project was received from the NYS DEC.

Comments: Robert Clark of 12909 Dorsch Road stated that his house is just down the road from this proposed project and spring flooding has been an issue as long as he has lived there. He is concerned that that many additional homes will make the problem worse and he supplied the Board with photos of the past flooding. He questioned the lateral restriction policy and if that applies to builders also or just to homeowners only. Attorney Neill answered that it can apply to both. Either can be an applicant. The Supervisor stated the NYS DEC comments will be reviewed along with the comments from tonight's meeting, therefore this will not be passed tonight.

There being no further comments, a motion was made by Councilman Finger, seconded by Councilman Decker to close the public hearing on the 6-lot subdivision request at 7:56pm.

A regular meeting was called to order at 8:00pm with the same members present as above.

Councilman Finger led the pledge to the flag.

Minutes from the previous regular meeting held on June 11, 2007 were presented for approval. A motion was made by Councilman George, seconded by Councilman Decker to approve as presented.  
Carried Unanimously

**Communications** – The Town Clerk presented the following:

A discounts and promotions information sheet for government employees was received from Sprint.

The NYS Department of Public Service has issued some informational brochures on “Saving Energy is Cool”, their new public awareness campaign for 2007.

A certified resolution passed by the West Seneca Town Board was received, which supports the use of Spartan II body armor vests for U.S. soldiers.

A letter was received from the Erie County Farm Bureau, Inc. which outlines the decline in the number of farms in New York State and Erie County and requests the town to consider adopting a local “Right to Farm” law. They also included a copy of sample legislation for adoption.

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

**Work Session:** The Supervisor reported that at the last work session the following issues were discussed: water district issues, lateral restriction, ADESA sewer update, joint facilities project, wetlands proposal, conservation easement, grant submissions and grant writer renewal, Route 5 rezoning, public hearings for next meeting, planning issues, as well as other issues.

**Privilege of the Floor** – Doug Ceisner of 100 East Avenue questioned the residency law and if you have to be a resident of the Town of Newstead to be an employee. Supervisor Cummings stated no you do not have to be a resident to be employed by the Town of Newstead. Mr. Ceisner questioned why no one local was hired off of the Erie County Personnel Civil Service List. He noted the former Code Enforcement Officer Martin Duggan was on the list, why was he not hired. The Supervisor explained Mr. Dugan had just resigned from the position so, why would the town rehire him. Mr. Ceisner questioned the construction operation (E.M. Wargo) running out of 55 Havens Road, which he states is not properly zoned and where they bury wood and stumps which is illegal with the DEC. He also questioned the improper zoning for businesses operating at Fryling’s on Main Road and Reinhold’s on Crittenden Road. Mr. Ceisner stated the Code Enforcement Officer does not think these are businesses but he feels they are running business out of their homes when they should not be allowed to. Mr. Ceisner also questioned the cost of the clean up at the town hall property. The Supervisor stated the cost to date is \$4,000 plus labor of the highway crews. They will be submitting an invoice to Erie County for reimbursement of the expenses and has a verbal commitment from the County that they will reimburse those expenses as they were due to the October Storm damage. Mr. Ceisner questioned where is the right to do business on Main Road and stated that he feels the board has a vendetta against him.

Jim Fitzpatrick of 7495 Scotland Road questioned the final numbers on the assessments. Assessor Becky Baker stated that the Board of Assessment Review is still deliberating and must finish by July 1<sup>st</sup>. Then the final numbers must be sent to Erie County Dept. of Finance by July 9<sup>th</sup>. Mr. Fitzpatrick also questioned the NYS Thruway Toll Barrier update. The Supervisor stated there have been no new updates from the Thruway Authority to the town. As it has been reported several times in the news, he thinks they are rethinking their overall approach to tolls with the removal of other toll booths. No matter the decision, the Thruway Authority must respond to the towns comments before they can make any decisions and even then the town will still have one more round of comments to offer.

**Approval of Bills** -Councilman Decker reported that the Abstract from Batch #621 from the June 11, 2007 meeting has been reviewed with the previously UN-audited vouchers and everything was found in order. He presented Abstract Batch #627 & 631. Vouchers on this abstract numbered 561,

585 – 624 and journal voucher #6277, totaling \$323,067.43 and were presented for payment approval by Councilman Decker, seconded by Councilman Finger to approve payment.

Abstract Batch #627 & 631:

General Fund (A) -\$27,405.47, Fund (B) \$935.45, Highway (DA) -\$0, Highway: Outside Village (DB) \$33,770.58, Capital Projects: CAP-WD#10 (HI)- \$232,714.34, Reserve- Roof Repair (HR01)- \$0, (HL) October Storm- \$4,000.00, Drainage (SD)- \$0, Fire Protection (SF) \$22,949.00 Refuse (SR) \$0, Sewer Fund (SS) \$616.75, Sewer District #2 (SS02)- \$675.84, and Water Districts (SW1) \$0, (SW2) \$0 (SW3) \$0, (SW4) \$0, (SW5) \$0, (SW6) \$0, (SW7) \$0 (SW7A) \$0 (SW8) \$0 (SW9) \$0, (SW10) \$0, Trust & Agency(TA)- \$0 :

Total: \$323,067.43

Carried Unanimously

## **COMMITTEE AND DEPARTMENT HEAD REPORTS**

**Highway** –The oiling and chipping is complete and they will be sweeping roads thru this Thursday. The County arborist has been out checking the bike path for trees that need to be cut down.

**Assessor** –She has received a letter from the State outlining changes in the thresholds for agricultural exemption calculations. As a result the total town taxable will be less than originally reported.

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

Randy Cole	6629 Hake	Roof
Bruce Serena	7895 Maple	A.G. Pool
Bryan VanVolkenberg	12834 Dorsch	Shed
Stacey Creighton	4165 N. Millgrove	A.G. Pool & deck
Brandon Caprio	13340 Steiner	Garage
David Perry	12681 Koepsel	Roof
Allyn Plowe	180 Quarry Hill Est.	Carport enclosure
Leisurewood Campground	5720 Cummings	Right-of-Way Access
John Merkwa	12244 Swift Mills	Roof
Joseph Savakinas	11890 Meahl	Pond
Darla Jagielo	12682 Lesswing	Roof
John Delamater	12750 Carney	Roof
Thomas George	11494 Meahl	Addition/replacement
Kevin Stoldt, Jr.	13039 Dorsch	One family home
Isaac Cummings	6395 Dye	A.G. Pool
Michael Maggio	5417 Barnum	A.G. Pool
Richard Urbanski	13428 Main	Carport

Board accepted the report as presented.

Mr. Good is still working on Clarence Center Road drainage problems.

**Town Clerk-** Reported that of the 16 FOIL requests the town has received so far 10 have been fulfilled, 2 were denied due to the information requested does not exist and 4 are still pending.

**Attorney for the Town** – nothing at this time

## **COUNCILPERSONS**

**George-** Nothing at this time

**Finger-** A certified contractor was hired for the roof repairs at the Newstead Library, which has been completed. On hold now until it rains again so they can check to make sure the repairs worked. The drain problem at the Senior Center has been rectified.

**Decker-** Nothing at this time

**Rooney-** The Recreation Board has received a grant for \$400 for tennis instruction. He has met with Fred Gregg on Nice Road regarding lowering the speed limit on Nice Road. He will be assisting the neighbors in that area on how to start the process.

**SUPERVISOR-** April Supervisor's Report is on file with the clerk. He met with BFI's Joe Scaffidi regarding the solid waste disposal & recycling contract renewal. He also met with the Hearts and Hands Director on issues at the Denio Building. He attended the Association of Towns meeting. He and the town engineer had a meeting with ADESA on Sewer District #1 issues. Supervisor spoke with Erie County Highway Jerry Sentz on the Crittenden Road bridge. They have started an emergency bidding process and hope to have a contractor hired within 2-4 weeks to repair the bridge. Once work begins it could be 2-3 months.

**UNFINISHED BUSINESS**

**Water District #10-** Phase 2 & Extensions- Milhurst is still having issues with drilling on Crittenden Road, which they are working thru. The Hiller, Billo, and N. Millgrove waterlines are in the process of being tested and should only be approx. two weeks until hook ups start.

**Route 5 Re-Zoning-**Town Attorney and Councilman George will be drafting the proposed law over the next week.

**Shared Public Works Facility Committee-**The town and village boards are meeting every two weeks from now until September on this project. Resolution set for tonight on additional services for consultant.

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

**NEW BUSINESS:**

**New Public Hearing for Local Law No. 2 of 2007-Windmills:**

A motion was made by Councilman Rooney, seconded by Councilman Finger approving the calling of a public hearing on the proposed Local Law No. 2 of 2007 on Windmill regulations to be held on July 9<sup>th</sup>, 2007 at 7:45 PM and a notice is to be published in the Akron Bugle.

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

Carried Unanimously

**10-lot Billo/Hiller Rd Subdivision- Public Hearing:**

A motion was made by Councilman Decker, seconded by Councilman Rooney approving the calling of a public hearing for a proposed 10-lot major subdivision on Billo and Hiller Roads owned by LF One, LLC. The public hearing shall be held at the Newstead Town hall on July 9<sup>th</sup>, 2007 at 7:55pm and a notice is to be published in the Akron Bugle.

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

Carried Unanimously

**Town of Amherst Central Fire Alarm Contract:**

A motion was made by Councilman Finger, seconded by Councilman Decker approving the adoption of the proposed contract renewal with the Town of Amherst for Central Fire Alarm Services thru December 31, 2010 and authorizing the Supervisor to sign the contract.

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

Carried Unanimously

**WD#10 Phase 1A & 1B Lateral Restriction Policy:**

A motion was made by Councilman George, seconded by Councilman Decker approving the amendment of the lateral restriction policy as adopted previously to include the addition of Water District #10 Phase 1A & 1B project areas including construction of structures which have building permits issued as of June 25, 2007. Any permits issued after this date must go thru the Hardship Exemption application process.

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

Carried Unanimously

**Joint Facility Additional Services:**

A motion was made by Councilman George, seconded by Councilman Decker authorizing the Supervisor to execute the contract for \$18,000.00 in supplemental funding, which is being funded through the Joint Facilities Grant, to determine the feasibility of advancing the joint facilities project. Cummings-Aye, George-Aye, Finger-Aye, Decker-Aye, Rooney-Aye

Carried Unanimously

**Water District Lateral Restriction Application:**

A motion was made by Councilman Rooney, seconded by Councilman Decker approving the lateral restriction application as submitted by Roy B. Walter for property located at 13414 Main Rd based on the adequate proof provided with the application.

Cummings-Aye, George-NO, Finger-Aye, Decker-Aye, Rooney-Aye

Carried

**Work Session Cancellation:**

A motion was made by Councilman Rooney, seconded by Supervisor Cummings to cancel the optional work session on July 2, 2007 and to start the regular work session for July 9<sup>th</sup> at 7PM.

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

Carried Unanimously

**Question Period-** Jim Fitzpatrick of 7495 Scotland Road questioned if the town has any cost to bear for the repairs on the Crittenden Road bridge project. The Supervisor replied there is no cost to the town it is a County bridge and the County will be responsible for the cost of repairs. Jim also questioned the agricultural exemptions and the restrictions Becky spoke about.

Becky stated the limits basically put all farmers on a level playing field throughout the state. This exemption is not like other exemptions. It actually works in reverse. The new restrictions state the per acre amount can not increase more than 10%.

Doug Ceisner of 100 East Avenue requested a copy of the residency law and would like to obtain a copy of John Goods contract with the town. The Supervisor informed him he can FOIL that information from the Town Clerk.

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 8:34 PM.

Carried Unanimously

Respectfully Submitted,  
Dawn D. Izydorczyk, Town Clerk