

Newstead Town Board Meeting- June 26, 2006

A Regular Meeting was called to order by the Newstead Town Board on Monday, June 26, 2006 at the Newstead Town Hall at 8:00PM.

Present: David Cummings- Supervisor
Tom George-Councilman
Harold Finger- Councilman
Mark Decker- Councilman
Brian Murray- Councilman
Michael Bassanello- Highway Supt.
Andrew Casolini- Town Engineer
Rebecca Baker- Assessor
John Good- Code Enforcement Officer
Christine Falkowski- Building Administrator
Dawn Izydorczak- Town Clerk
Kathleen Lang- Deputy Town Clerk

Roll Call was taken with all board members present.

Councilman Brian Murray led the pledge to the flag.

Minutes from the previous regular board meeting held on June 12, 2006 were presented for approval. A motion was made by Councilman George, seconded by Councilman Finger to accept as presented.
Carried Unanimously

Communications – The Town Clerk presented the following:

A copy of a letter from resident Christine Bergauer-Free to Gerard Sentz of the Erie County Dept. of Public Works, regarding drainage problems on Scotland Road near her property.

A letter from the TVGA Consultants announcing the Public Hearing and Notice of Availability of the DEIS by the NYS Thruway Authority on the relocation of the Williamsville toll barrier to the Town of Newstead. The public hearing is to be held July 11, 2006 at 7:00pm at the Akron Central School auditorium.

A letter from NYS Office of Parks, Recreation & Historic Preservation commenting on the archeological survey prepared on the water district #10 phase 2 project stating this project will have no adverse impact upon historic properties.

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

A copy of a letter from residents Leonard & Donna Schie of Keller Rd in Newstead, to the Clarence Town Board members regarding their comments on a proposed group home on Keller Road in the Town of Clarence.

The 2005 Erie County Consolidated Annual Performance Report was received.

Certified copies of resolutions passed by the Town Boards of the Town of Clarence and the Town of Elma regarding their support of the termination of the 1977 Sales Tax Revenue Distribution Agreement for Erie County.

A letter from the NYS Dept. of Health announcing the approval of 4 requests for increase of DWSRF funds for projects, including the increase and improvement for water district #10 in Newstead.

A letter from URS Corporation to the Town Board outlining their proposal for a Verizon Wireless cellular tower to be located on the south side of Main Road in the town.

A notice of intent to renew liquor license was received from Arrowhead Golf Club owner Joe Frey for 12292 Clarence Center Road.

A letter from 360 Networks regarding the status of their bankruptcy claims, lease terms, double assessments and taxes owed.

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

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

A letter and brochures from the NYS Dept. of Public Service announcing their "Have an Energy Smart Summer" campaign. The brochures are on display in the Town Hall information center.

A letter of response from Erie County Dept. of Senior Services regarding the towns request for changes in the senior van procedures.

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

Work Session: Supervisor Cummings reported that at the work session held on June 19th the following issues were discussed: windmills and outdoor furnaces, Right to Farm law, 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, school tax contracts, personnel matters, bike path recommendations, County land, NYS police garage.

Privilege of the Floor –No one spoke

Approval of Bills -Councilman Decker reported that the Abstracts from Batches #519 from the June 12, 2006 meeting have been reviewed with the previously UN-audited vouchers and everything was found in order. He presented Abstract Batch #523. Vouchers on these abstracts numbered #584-631, totaling \$141,901.32 and were presented for payment approval by Councilman Decker, seconded by Councilman Finger to approve payment.

Abstract Batch #523:

General Fund (A) -\$31,233.06, Fund (B) \$2,571.28, Highway (DA) -\$0, Highway: Outside Village (DB) \$29,911.23, Capital Projects: CAP-WD#10 (HI)- \$30,601.78, Highway Garage (HG)- \$0, Drainage (SD)- \$9,060.74, Fire Protection (SF) \$22,436.00, Refuse (SR) \$0, Sewer Fund (SS) \$368.05, Sewer District #2 (SS02)- \$542.74, and Water Districts (SW1) \$88.22, (SW2) \$0, (SW3) \$88.22, (SW4) \$0, (SW5) \$0, (SW6) \$0, (SW7) \$0, (SW7A) \$0, (SW8) \$0, (SW9) \$0, (SW10) \$0, Trust & Agency(TA)- \$15,000.00 Total: \$141,901.32 Carried Unanimously

COMMITTEE AND DEPARTMENT HEAD REPORTS

Highway –They have started their second mowing of roadsides, chip repair has been done on Schutt and Stage Roads. The first phase of the Town Hall parking lot repaving was done this week and is scheduled to be completed in mid July.

Assessor –The Final Roll has been sent to Erie County with no more changes allowed. The Reval project will start with Commercial Properties being looked at in August –September. There will be public information sent out with school tax bills and the tentative values should be set in February.

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

Philip Kenline	8238 Greenbush	Pipe Permit
Francis McConkey	13962 Bloomingdale	Siding
Mark Dean	4215 South Newstead	I.G. pool
Larry Badgley	5445 Barnum	Single Family Home
Leisurewood Campground	5720 Cummings	ROW Access
Dan Roland	12767 Dorsch	Shed
Joe Frey	11114 Keller	I/G spa
Jurgen Arndt	12831 Dorsch	Roof
Frank Barron	11310 Stage	Shed
Robert Sherman	7768 Cedar	A/G Pool
Donald Lombard	11567 Meahl	Fence

The Town Board accepted the Building Report as presented. The Clarence Center Road house has been demolished but the Nice Road house scheduled for burning was postponed.

Town Clerk- Nothing at this time

Attorney for the Town – Not present

COUNCILPERSONS

George- Nothing at this time

Finger-Nothing at this time

Decker-Nothing at this time

Murray- Attended the Ditching Committee Meeting last week and they are working to resolve issues on Dye Road.

SUPERVISOR- He worked on WD#1 and the scheduling of the last 3 hook-ups with Jim Akin. He helped draft the letter to the Board of Directors of the Senior Citizens regarding issues. Supervisors Report for May 2006 is on file with the Town Clerk. He had a conference call with attorneys on the Toll Barrier issue. Met with Bank of Akron President on CD renewals.

UNFINISHED BUSINESS

Water District #10- Phase 1A & Phase 1B – Restoration should be substantially completed as of June 23rd but they are asking residents to keep mowing around the dirt piles to keep the weeds down until all work is done by September 15. There are some lateral restrictions questions regarding new builds pending.

Phase 2- SHIPO has signed off on the project. Recommendations to go out to bid are pending.

Water District #1 changeover- Coordination meeting will be scheduled this week to discuss change over with ECWA.

Water Tank-The painting is virtually done and the tank should be on line by the 3rd week in July.

Route 5 Zoning-There has been substantial progress made at last work session. They will be meeting again in 2 weeks to hopefully finish this up.

Shared Public Works Facility Committee- They are waiting on draft and site selection issues with another meeting to be set soon.

Fire Contracts-They will be working on this next work session

Toll Barrier-There will be resolutions tonight to hire Counsel and Engineering firms to examine the DEIS statements. There will be an extension of the comment period granted to August 21, 2006 instead of the original July 24, 2006 date.

Other: None

NEW BUSINESS:

Site Plan Approval- 12364 Main Rd:

A motion was made by Councilman Decker, seconded by Councilman Murray approving the site plan submitted by Nicholas, Perot, Smith, Bernhardt & Zosh for two storage sheds on their property located at 12364 Main Road, as per recommendation from the Planning Board.

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

Contract Approval- ACS School Tax:

A motion was made by Councilman Finger, seconded by Councilman George approving the 2006-2007 Contract with Akron Central School for Tax Collection services.

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

Contract Approval- Clarence School Tax:

A motion was made by Councilman Finger, seconded by Councilman Decker approving the 2006 – 2007 Contract with Clarence Central School for Tax Collection services.

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

Approval- WD#10 easements with Wendel:

A motion was made by Councilman George, seconded by Councilman Finger approving the proposal submitted for easement preparation for the Water District #10-Phase 2 project by Wendel Duchscherer in an amount not to exceed \$8,000.

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

Approval- Award Bid for Water Fill Station:

A motion was made by Councilman Murray, seconded by Councilman George approving the bid of \$8,340.00 by Sergi Construction for the completion of a water fill station at the Rapids Road Fire Station to service water district #10 customers.

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

Erie County 4 Year Plan Opposition:

A motion was made by Councilman Finger, seconded by Councilman George announcing the Town Boards opposition to the Erie County 4-Year Plan proposed by the County that would eliminate Sheriff's road patrols, transfer County roads to local control, increase sales tax and increase County property tax.

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

Fund Transfers:

A motion was made by Councilman Finger, seconded by Councilman Murray approving the transfers of funds out of fund balance as follows: \$13,500 for repaving of Town Hall parking lot, \$22,000 for engineering studies on relocation of toll barriers to the town, \$22,000 for outside legal costs to examine the legal aspect of the toll barrier relocation to the town.

(Resolution Attached) Ayes-4 Nays-0 Abstained-1 (Councilman George) Carried

Councilman Decker stated he is opposed the portion being transferred for the parking lot repaving.

Approval-Toll Barrier- Wendel Duchscherer:

A motion was made by Councilman Decker, seconded by Councilman Finger approving the hiring of Wendel Duchscherer to perform engineering and environmental studies on the proposed relocation of the toll barriers to Newstead.

(Resolution Attached) Ayes-4 Nays-0 Abstained-1 (Councilman George) Carried

Approval- Toll Barrier-Jaeckle Fleischmann & Mugel, LLP:

A motion was made by Councilman Murray, seconded by Councilman Decker approving the hiring of Jaeckle Fleischmann & Mugel, LLP to perform legal work on the proposed relocation of the toll barriers to Newstead.

(Resolution Attached) Ayes-4 Nays-0 Abstained-1 (Councilman George) Carried

Approval- Greenspace Purchase for Town:

A motion was made by Councilman George, seconded by Councilman Decker approving the purchase of 2.9 acres of land on Cummings Road and 6.9 acres of land on Buell Street from the County for greenspace in the amount of \$15,000.00.

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

The Supervisor and Councilman George explained that this property was going up for Erie County Auction and the Town of Newstead had First Right of Refusal to purchase it for town use. They explained it was in the best interest of the town to purchase these parcels for future use.

Approval- Summer Recreation Appointments:

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

Ayes-5 Nays-0 Absent-0 Carried Unanimously

The Supervisor announced that there will be no work session July 3rd but the work session on July 10th will begin an hour earlier.

Question Period-No one spoke

There being no further business to come before the board a motion was made by Councilman Finger, seconded by Councilman Murray to adjourn the meeting at 8:44 PM.

Carried Unanimously

Respectfully Submitted,
Dawn D. Izydorczak, Town Clerk