

Newstead Town Board Meeting- July 10, 2006

An Unsafe Building Hearing was called to order by the Newstead Town Board on Monday, July 10, 2006 at the Newstead Town Hall at 7:30PM.

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

Roll Call was taken with all board members present except Councilman Decker whose mother passed away on Saturday. Everyone's thoughts are with his family.

The Supervisor called the hearing to order on an unsafe building located at 8323 Burdick Road owned by William Dixon. The Supervisor gave a statement of reasons for this hearing and the process that led to this point. John Good, Code Enforcement Officer and Christine Falkowski, Building Administrator were present to establish the procedures started back in 2003 on this issue.

Mr. Dixon was present and stated he will do whatever he needs to do to fix the problems. He explained he met with Sam Golding of Golding Construction in Wolcottsville today at the property and Mr. Golding is giving him a quote on what it will cost to fix the buildings. He has also obtained information on a Rhino Steel building and a quote for installation of a metal building for storage. Mrs. Ester Dixon, mother of William Dixon, was present and explained her son has been helping her financially after an accident in 2004. He has let the property and other things go to assist her.

Building Administrator, Christine Falkowski presented the Board with a chronological order of actions taken over the last 3 years by the town and responses by Mr. Dixon for official record. This spring the Code Enforcement Officer inspected the property once again with no changes in the condition of the property. The proceedings were then started for this hearing with the final result to be demolition of the buildings on the property at the owner's expense. Mrs. Falkowski presented photographs taken today (07/10/2006) at approximately 10:00AM-10:30AM which were taken by John Good, Code Enforcement Officer once again showing nothing had changed in the properties condition.

Councilman George asked Mr. Dixon what his long term intention was for the property.

Mr. Dixon responded that his purpose for purchasing the property in 1978 was to have a place to restore antique cars, but he works so much that he never had time to do anything there.

Town Attorney Nathan Neill stated that his intentions for future don't matter at this time; it is the current condition of the property that is the issue before the board.

Mr. Dixon stated he will try to fix it up but still plans to use it to store antiques and cars for the future. He understands the violations but just has not had time to get things done.

Councilman George asked Mr. Dixon if he understands that in 2 weeks the Town Board will meet and set a final time frame to be met on the clean up of the property and if nothing is done in that time frame, the Town of Newstead will demolish the buildings and all their contents and the debris will be hauled away. The Supervisor stated the same again and added the bill for demolition will be Mr. Dixon's responsibility to pay. A resolution will be passed in 2 weeks at the July 24, 2006 meeting by the Town Board giving a final time frame.

Mr. Dixon presented the Board with a copy of the paperwork he received today from Sam Golding. In the letter Mr. Golding stated that this building is not livable at this time. Mr. Dixon also showed the Board the paperwork showing he is looking at storage building for approximately \$19,000.00. Mrs. Dixon asked if there is any local place to get rid of junk. The board suggested calling a scrap yard or getting a dumpster.

Councilman Murray told Mr. Dixon he needs to "secure" his property. John Good suggested that Mr. Dixon have Mr. Golding call him to make sure that any work that is quoted includes bringing the buildings up to current code specifications. Mr. Dixon is invited to come to the meeting on July 24, 2006 at 7:45 PM. Councilman George asked for any paperwork (contracts, quotes, etc.) that Mr. Dixon will be providing to defend his decision be given to the Town Board no later than July 21st and be based on the decision Mr. Dixon has made for the property.

There being no further comments, a motion was made by Councilman Finger, seconded by Councilman George to close the hearing on an unsafe building.

A regular meeting of the Newstead Town Board was called to order following the unsafe building hearing at 8:09 with all members present as listed above.

Joe Hawes led the pledge to the flag.

Minutes from the previous regular board meeting held on June 26, 2006 were presented for approval. A motion was made by Councilman Murray, seconded by Councilman George to accept as presented. Carried

Communications – The Town Clerk presented the following:

The 2006 Annual Report was received from the Erie County Department of Budget, Management and Finance division of Real Property Tax.

A letter from TVGA Consultants announcing that the public comment period for the Toll Barrier Relocation project has been extended until Monday, August 21, 2006.

The June Monthly Report was received from Amherst Central Fire Alarm office reporting Akron fire Co with 54 calls and Newstead Fire Co. with 31 calls.

The draft Intended Use Plan for the Drinking Water State Revolving Fund for October 2006 thru September 2007 was received from the NYS Department of Health.

A letter from Ivy Ridge Food and Beverage, LLC, advising the town of a revision to their existing Liquor License to alter the location of operation from the pro shop section of the clubhouse to the bar section of the clubhouse at the golf course location of 12089 Main Road, Akron, NY

A Notice of Public Hearing was received from the Town of Pembroke announcing a public hearing on July 12, 2006 at 7:10pm on proposed Local Law #5 of 2006, amending their Zoning Law.

A Notice of Public Hearing was received from the Town of Pembroke announcing a public hearing on July 12, 2006 at 7:10pm on proposed Local Law #4 of 2006, extending the moratorium on wind powered systems for another 9 months.

A certified resolution from the Town of Collins regarding their opposition to the County proposed 4-Year Plan.

A letter from the NYS DEC announcing the revision of Dam Safety regulations. A preliminary draft is available on the DEC website. There will be public informational meetings around the state this summer. Written comments need to be submitted by August 7, 2006.

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

Work Session: Supervisor Cummings reported that no work session was held on July 3rd due to the holiday and the following issues were discussed prior to tonight's meeting: water district issues, shared facilities project, Rt. 5 re-zoning, planning/zoning issues, fire contracts, personnel items and the library basement. There was an Executive Session on the Toll Barrier with the attorney and engineers hired by the town to discuss the meeting on Tuesday, July 11th.

Privilege of the Floor –No one spoke

Approval of Bills -Councilman Finger reported that the Abstract from Batch #523 from the June 26, 2006 meeting has been reviewed with the previously UN-audited vouchers and everything was found in order. He presented Abstract Batch #526. Vouchers on these abstracts numbered 651 - 690, totaling \$426,306.23 and were presented for payment approval by Councilman Finger, seconded by Councilman George to approve payment.

Abstract Batch #526:

General Fund (A) -\$19,064.08, Fund (B) \$9.90, Highway (DA) -\$0, Highway: Outside Village (DB) \$52,801.39, Capital Projects: CAP-WD#10 (HI)- \$323,715.61, Highway Garage (HG)- \$0, Drainage (SD)- \$0, Fire Protection (SF) \$3,605.58, Refuse (SR) \$21,655.01, Sewer Fund (SS) \$0, Sewer District #2 (SS02)- \$9.79, and Water Districts (SW1) \$27.59, (SW2) \$88.44, (SW3) \$117.90, (SW4) \$112.56, (SW5) \$2,423.60, (SW6) \$305.52, (SW7) \$426.12, (SW7A) \$48.24, (SW8) \$32.16, (SW9) \$88.44, (SW10) \$1,774.30, Trust & Agency(TA)- \$0 Total: \$426,306.23 Carried

COMMITTEE AND DEPARTMENT HEAD REPORTS

Highway –They have completed mowing roadsides for the second time. They are currently doing shoulder work on 5 roads and the bike path was swept today.

The Supervisor clarified that they are mowing town roads and that the County is responsible for mowing their own roads.

Assessor –The revaluation data mailers were mailed out with current inventory sheets which ask residents to provide any corrections or inaccuracies to the Assessors office. The Village of Akron residents are asked to return corrections by July 20th and the Town of Newstead resident’s corrections are due by July 24th.

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

Nicholas, Perot, Smith etal	12364 Main	Storage sheds
Terry Brackett	7729 Maple	Post frame building
Anita Davis	12657 Rapids	Roof
Joseph Dugan	12352 Rapids	a.g. pool
Diane LaValley	5703 Crittenden	a.g. pool
Eric Lukowski	7430 Scotald	One family home
David Olsen	6676 Dye	i.g. pool
Rusty Roehling	6063 Cummings	Pipe permit
David Perry	11948 Meahl	Roof
Craig Reitz	6980 Sandhill	Windows
Louis DeBruyne	11601 Hiller	a.g. pool
Jeff Snow	12037 Rapids	a.g. pool
Phillip Kenline	8238 Greenbush	Garage
Michael Szlagiewicz	4173 South Newstead	Storage shed
Tammy White	12061 Rapids	Roof

The Town Board accepted the Building Report as presented.

Town Clerk- Presented the June Dog Control Officers report and read his comments.

2006 County/Town tax collection is complete and files have been sent to the County. Dawn will be in Cornell for a seminar July 23 – July 26.

Attorney for the Town –Nothing at this time

COUNCILPERSONS

George- Nothing at this time

Finger-He asked Highway Superintendent Bassanello if the Town Park clean up from fire works was completed adequately. Mike stated yes it was done.

Decker-Not present due to death in family.

Murray-Nothing at this time

SUPERVISOR- He has attended several meetings on the Toll Barrier and Water Districts issues. He will be in San Diego, CA July 23rd-26th attending a convention.

UNFINISHED BUSINESS

Water District #10- Phase 1A & Phase 1B –They are still receiving and tracking problems and addressing them with Sergi. The mitigation strategy of the mustard seed problems is being looked at in the restoration process. The best thing to do is keep mowing to keep the weeds managed now until the turf takes hold.

Phase 2- The easements are being reviewed by Attorney Neill. The schedule for bid time frame needs to be addressed due to increasing costs in installation right now.

Water Tank-They are close to completion with painting done. The filling and testing operations will begin this week. The official date of turn on has not been set yet.

Water Dist #1 Switchover- The tentative scheduled date for switch over is July 26th. ECWA is sending out letters to residents. Nathan needs hydrant numbers in WD#1.

Rapids Rd. Substation-Sergi is ready to put in this month.

Route 5 Re-Zoning- They are scheduled for work session time on July 17th to complete this.

Shared Public Works Facility Committee- There will be a draft report this week and a review meeting set for later in the week.

Fire Contracts-Proposals are ready for review at work session.

NYS Toll Barrier-The meeting is scheduled at Akron Central School auditorium tomorrow night (July 11th). There will be an open viewing of presentation materials from 5-7pm and the public hearing from 7-9pm. The Board members will be in attendance.

NEW BUSINESS:

Justice Court Assistance Program:

A motion was made by Councilman Finger, seconded by Councilman George approving the request for grant funds through the Justice Court Assistance Program and authorizing the Supervisor to sign the application.

(Resolution Attached) Ayes-4 Nays-0 Absent-1 Carried

Site Plan Approval- Faith Fellowship Church:

A motion was made by Councilman Murray, seconded by Councilman George approving the site plan dated June 9, 2006 proposed by Faith Fellowship Church located at 11478 Main Rd. for a 1,600 sq. ft. addition of a foyer/classroom area

(Resolution Attached) Ayes-4 Nays-0 Absent-1 Carried

GIS Grant Acceptance Approval:

A motion was made by Councilman George, seconded by Councilman Finger approving the acceptance of a GIS Grant from NYS Department of Education in the amount of \$45,173.00 and authorizing the Supervisor to sign the acceptance form.

(Resolution Attached) Ayes-4 Nays-0 Absent-1 Carried

Liquor License Waiver- Ivy Ridge Golf Course:

A motion was made by Councilman George, seconded by Councilman Murray approving the waiver of the 30 day waiting period on the Liquor License request made by Ivy Ridge Food and Beverage, LLP to alter their existing license per letter dated July 10th, 2006.

Ayes-4 Nays-0 Absent-1 Carried

Question Period- No on 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 8:36 PM.

Carried

Respectfully Submitted,
Dawn D. Izydorczak, Town Clerk