

Newstead Town Board Meeting- July 14, 2008

A Public Hearing was called to order by the Newstead Town Board on Monday, July 14, 2008 at 7:50pm at the Newstead Town Hall.

Present: David Cummings– Supervisor
Harold Finger- Councilman
Justin Rooney- Councilman
Cheryl Esposito- Councilwoman
Mike Bassanello- Highway Supt.
John Good- Code Enforcement Officer
Scott Rybarczyk- Town Engineer
Dawn D. Izydorczak- Town Clerk
Kathleen Lang- Deputy Clerk

Roll Call was taken with all board members present except Councilman George who is on vacation.

The Supervisor called the Public Hearing to order on the proposed site plan for the Akron Airport.

The Clerk read the proof of publication.

The Supervisor explained the project scope and outlined the Planning Board hearings and approval time line. He received a letter with comments on the project last week from resident David Parzych.

Comments: Robert Scheib, 51 Brooklyn Street, read a statement regarding his concerns with the airport project. He has attended Village Board meetings and voiced similar concerns with them as well. He would like the town and village to continue working together on jurisdiction issues and the school flight zones. He has many concerns with pending developments.

Dale Chevacci, 113 John Street, stated he is concerned with the existing berms at the airport and the drainage on upper John Street. He stated that when a good rain occurs the street becomes brown with the dirt running down from airport. He also questioned if the assessment on the airport reflects the other projects that have been completed so far.

David Grey, President of Christian Airmen, thanked the Town Board for all the work session time they spent on this project. He gave a brief statement on the project.

Mary Kay Genthner of Passero Associates, engineers on the project, gave a brief overview of project with design drawings. She stated there have been 3 revisions made thru the process with the Town based on the Town Boards specific concerns. The Airport has set up a drainage fund to address future issues and additional monies are to be added as new projects are added. She addressed two questions from audience regarding drainage and the cross wind runway.

The Board hopes the modifications they requested in the plan regarding drainage works and feel that the fund establishment will address the problems on all affected sides into the future. We can only wait and see.

There being no further comments, a motion was made by Councilman Finger, seconded by Councilwoman Esposito, to close the public hearing at 8:15pm. Carried

The regular meeting of the Town Board was called to order at 8:15pm with the same members in attendance as listed above.

Highway Superintendent Mike Bassanello led the pledge to the flag.

Minutes from the previous regular meeting held on June 23, 2008 were presented for approval. A motion was made by Councilman Finger, seconded by Councilman Rooney to approve as presented. Carried

Communications – The Town Clerk presented the following:

A petition signed by 42 residents of Dorsch Rd was submitted requesting the lowering of the speed limit on Dorsch Rd from 55 mph to 45 mph.

A letter from the NYS DEC advising the Town that County Line Stones mining permit for Siehl Rd has been renewed.

A letter was received from Teamsters Local Union No. 264 giving the Town their 180 day Notice of Intent to amend the present Collective Bargaining Agreement between the Town and Teamsters Local #264 and requesting a date to begin negotiations.

A letter was received from County Executive Chris Collins notifying the Town that the County will no longer be hosting the Town web site effective 12/31/2008 in order to cut costs at the County.

A copy of a letter from Erie County Traffic Safety to the NYS DOT was received regarding the Towns request for a traffic study to be completed on Barnum Rd.

The quarterly report for April 1, 2008 – June 30, 2008 was received from Allied Waste reporting 1,809+/- residential units collected for with 435.51+/- tons of solid waste collected and 81.11 tons of co-mingled recyclables collected.

The June 2008 Operations Report was received from Amherst Central Alarm Office reporting 47 calls for Akron Fire Co. and 29 calls for Newstead Fire Co.

A certified resolution passed by the Cheektowaga Town Board regarding their support for legislation relating to assessment of condominiums.

A letter from Time Warner Cable listing the current stations they are under negotiations with for continuation of service, as well as other programming changes.

Notices have been received from National Grid that a 2 phase power interruption will be experienced in sections of Newstead on both Tuesday, July 15, 2008 from 7:00pm – 9:00pm and Tuesday, July 22, 2008 from 7:00pm – 9:00pm that will mainly effect the southern regions of the Town (south of Main Rd). Rain dates will be on each of the following Wednesdays if necessary.

A notice was received from the Crime Prevention Association of WNY, Inc. announcing its kick off press conference for the annual National Night Out to be held Monday, August 4, 2008 in LaSalle Park.

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

Work Session: The Supervisor reported that at the last work session held the following issues were discussed: water district issues, drainage issues, joint facility project, grants, planning issues, denio building basement project, personnel issues, as well as other necessary issues. A Joint Meeting was held with the Village on July 7 providing updates on the Hake Rd and Jackson Road Subdivisions.

Privilege of the Floor – Fred Pask, 102 Golden Pond Estates, requested a key for Town Hall for the next meeting of the Assessment Advisory Committee on Thursday. He will need a DVD player with T.V. to show a video to the committee.

Robert Scheib, 51 Brooklyn Street, questioned the following: jet flights, selling and storing jet fuel at the airport, cross wind runway concerns, the joint highway facility and joint projects between the Village and Town boards. He cited Norma Blum's letter to the village board regarding the removal of truck traffic thru the village and onto Hake Road instead. He reminded the board the issue on the toll barrier still has not been resolved. He also feels there is a conflict of interest regarding Wendel Duchscherer's representation to the Town of Newstead and on separate projects. Supervisor addressed each of his concerns.

Don Schultz, 6827 Cedar Street, has concerns with the recent Perry's odors again after so many years and would like the Village and Town Boards to work together to help rectify this problem. This year it has gone too far again, ruining the whole summer for many residents in that area.

The Code Enforcement Officer John Good is working with Perry's to stay on top of problem. John Good gave an update on the problem and what Perry's is doing to fix it. The large aerator broke and the original manufacturer of this piece of equipment has gone out of business. Perry's looked for a newer more state of the art system customized for their situation. The new process they have decided to implement should resolve all problems for the future.

Kathy Greiner, 6723 Cedar Street, stated that the neighbors would like the overflow lagoon cleaned out and hauled out by Perry's. They are not afraid to notify the state again of what is going on with the constant odor. She is concerned with the toll this takes on the village sewer systems also. They are asking the town and village to make Perry's do something now. It affects everyone in this neighborhood.

Councilman Rooney stated he toured the facility on Saturday with CEO John Good and Brian Perry. He concurred with the CEO that this new system should help in the future, but obviously it will take time to implement and does not help immediately. The improvements should be on a permanent basis for the future.

Darlene Bramley, 76 Cedar Street, questioned where the slug is hauled to when Perry's hauls it out. CEO John Good stated that pig farms take it for pig slop.

Budget Transfers: a motion was made by Supervisor Cummings, seconded by Councilman Finger approving the requested budget transfers per a memo from Bookkeeper Colleen Salmon dated 7/14/08. Carried

Approval of Bills -Councilwoman Esposito reported that the Abstracts from Batches #726 from the June 23, 2008 meeting have been reviewed with the previously UN-audited vouchers and everything was found in order. She presented Abstract Batch #727, 731 & 732. Vouchers on these abstracts numbered 633, 656-727 totaling \$207,259.25 and were presented by Councilwoman Esposito, seconded by Councilman Rooney to approve payment as follows:

Abstract Batch #727, 731 & 732:
 General Fund (A) -\$34,300.88, General Fund- Outside Village (B) \$567.73, Highway (DA) -\$0, Capital Projects: CAP-WD#10-phase 3 (HI)- \$4,653.00, Murder Creek Stabilization (HM) - \$2,000.000, Highway: Outside Village (DB) \$50,728.00, Drainage (SD)- \$0, Fire Protection (SF) \$76,945.53, Refuse (SR) \$27,260.61, Sewer Fund (SS) \$4,324.00, Sewer District #2 (SS02)- \$266.50, and Water Districts (SW1) \$40.20, (SW2) \$88.44, (SW3) \$112.56, (SW4) \$112.56, (SW5) \$2,420.04, (SW6) \$305.52, (SW7) \$426.12, (SW7A) \$48.24, (SW8) \$32.16, (SW9) \$88.44, (SW10) \$2,538.72, Trust & Agency(TA)- \$0,
 Total: \$207,259.25 Carried

COMMITTEE AND DEPARTMENT HEAD REPORTS

Highway –He and Dave Brucker visited Falley Fab where the dump/body/chassis work is being done on the new truck. On Monday they will begin to fiber mat on Greenbush and Downey Road.

Assessor – not present

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

Ed Buekers	11187 Crego	Roof
Marvin Larkin	11810 Clarence Center	Roof
Philip & Kristen Lazzazero	12454 Lesswing	pole barn
Brandon & Carrie Hoffman	12754 Dorsch	alteration
Phillip & Sandra Smith	12942 Carney	Roof
James Duckworth	12933 Carney	Roof
Paul Stevens	13399 Main	Sign
Niagara Specialty Metals	12600 Clarence Center	shipping addition
Newstead Fire Company	5691 Cummings	training facility
Al & Kathy Moadoer	11155 Hiller	single family home
David Klimchuk	8258 Maple	Roof
David Drachenberg	6028 Cummings	demolition
Dan & Jo Wolfrey	6217 Utley	above ground pool
Robert & Pam Overfield	12369 Nice	Addition

Chad Hintz	11180 Hiller	single family home
Bruce & Brenda Serena	7895 Maple	pool deck
Kathy Messecar	11931 Rapids	Roof
Michael T. Whiting	7086 Cedar	pole barn addition
Ron Epstein	7403 Berghorn	above ground pool
Henry Meinzer	13218 Dorsch	windmill

The Town Board accepted the report as presented.

Town Clerk- Dawn presented the June Dog Control Officers report.

Attorney for the Town – Absent

COUNCILPERSONS

George- Absent

Finger- the air conditioner work at Town Library is done and the Denio basement is 99.8% complete. There is a drainage meeting tomorrow night. He thanked the Celebration Committee members for their hard work this July 4th weekend. The dog problems at the Town Park need to be addressed. People are bringing their dogs to the park and not picking up after them.

Rooney- He toured the Perry’s lagoons on Saturday with CEO and Brian Perry.

Esposito-She too wanted to thank the Celebration Committee for their hard work and feels everyone enjoyed the festivities.

SUPERVISOR- He also thanked the Celebration Committee members for all their work on the events, parade and fireworks. He received several calls regarding Hake and Clarence Center Road and the accidents occurring their lately. He is working with Highway Superintendent Bassanello and Erie County on possible corrections.

UNFINISHED BUSINESS

Water District #10- Phase 3 –The residents in the new service area need to get their water lines in as soon as possible so as Milhurst Construction comes down the road installing the lines the connections can be completed.

Shared Public Works Facility Committee- a meeting of the committee is being scheduled

Grants: SEMO has approved the Murder Creek Mitigation grant appeal and forwarded the grant appeal packet with their approval to FEMA.

NEW BUSINESS:

Akron Airport Site Plan- Public Hearing:

A motion was made by Councilwoman Esposito, seconded by Councilman Rooney approving nunc pro tunc as approved June 23, 2008 the publication of a public hearing notice on the Akron Airport site plan to be held July 14, 2008 at 7:45pm.

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

Akron Airport Site Plan Approval & Neg Dec:

A motion was made by Councilwoman Esposito, seconded by Supervisor Cummings issuing a Negative SEQRA Declaration and approving the site plan/survey dated April 2008 on the Akron Airport Terminal Area Apron Reconstruction project subject to the terms set forth in the resolution.

(Resolution Attached) Cummings-Aye, George-Absent, Finger-Aye, Rooney -No, Esposito-Aye
Carried

Akron Airport Plan- Municipal Endorsement:

A motion was made by Supervisor Cummings, seconded by Councilwoman Esposito approving the endorsement of the Akron Airport “Construct, Mark, and Light a Transient Aircraft Parking Apron” project solely for the purpose of making the project eligible for State funding, declaring the project as an Unlisted Action under SEQR and authorizing the Supervisor to sign the SEQR forms on the project.

(Resolution Attached) Cummings-Aye, George-Absent, Finger-Aye, Rooney –No, Esposito-Aye
Carried

Public Hearing Approval- WD #10-phase 3 Bond:

A motion was made by Councilman Finger, seconded by Councilman Rooney issuing approval to call a public hearing on July 28, 2008 at 7:45pm at the Newstead Town Hall to hear comments on the proposed \$395,000.00 bond issue on the Water District #10-Phase 3 project and authorizing the Town Clerk to publish said announcement of the hearing.

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

Bike Path Sealing Project- Bid Award:

A motion was made by Councilman Rooney, seconded by Councilman Finger approving the award of bid to Rehwaldt Construction at a cost of \$18,600.00 to complete the town’s portion of the bike path sealing project and authorizing the Supervisor to execute the contracts.

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

12963 Main Rd Site Plan- Lead Agency:

A motion was made by Councilman Finger, seconded by Councilman Rooney declaring lead agency under SEQRA on the proposed project at 12963 Main Rd by S & D Development for pharmacy, restaurant and retail sites and authorizing the building department to conduct a coordinated review.

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

Newstead Fire Co.- Approval of Purchase:

A motion was made by Councilman Rooney, seconded by Councilman Finger approving the “Approval to Purchase” statement for the Newstead Fire Company to purchase a fire apparatus and authorizing the Supervisor to execute the “Approval to Purchase” on behalf of the Town Board.

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

Traffic/Speed Study- Dorsch Rd Approval:

A motion was made by Councilman Rooney, seconded by Councilwoman Esposito authorizing the Town Clerk to file a speed study request for Dorsch Rd per the petition submitted by residents of Dorsch Rd.

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

Recreation Director Appointment:

A motion was made by Councilman Rooney, seconded by Councilwoman Esposito approving the appointment of Daniel S. Roland to the position of Recreation Director starting 7/15/08 at a pay rate as specified in the organizational meeting for a term ending 12/31/08 and subject to annual appointment.

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

Question Period- No one spoke

There being no further business to come before the board a motion was made by Councilman Finger, seconded by Councilwoman Esposito to adjourn the meeting at 9:23 PM. Carried

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