

## Newstead Town Board Meeting- July 23, 2007

A Regular Meeting was called to order by the Newstead Town Board on Monday, July 23, 2007 at 8:00PM at the Newstead Town Hall.

Present: David Cummings- Supervisor  
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  
Andrew Casolini- Town Engineer  
Kathleen Lang- Deputy Town Clerk

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

Supervisor Cummings led the pledge to the flag.

Minutes from the previous regular meeting held on July 9, 2007 were presented for approval. A correction in Councilman Decker being on vacation this meeting was made. A motion was made by Councilman Finger, seconded by Councilman Rooney to approve with correction.

Carried

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

The 2007 Annual Report of the Division of Real Property Tax Department of Budget, Management and Finance was received reporting the 2006 equalization rates and 2007 tax rates for all of Erie County.

The May and June Response Statistics Reports were received from Twin City Ambulance.

A notification was received from the United States Environmental Protection Agency Public Information Office announcing the start of the Super Fund site clean-up on Fletcher Road in the town. Work will begin on July 23, 2007 and proceed until complete.

The Quarterly Report for the Consortium Communities of Erie County was received reporting updates on community projects, economic development projects, housing programs and community development block grant projects.

A letter was received from Time Warner Cable updating the town regarding its on-going negotiations with 10 of their current programmers.

An invitation was received to the Waste Management Chaffee Landfill's 6<sup>th</sup> annual open house which will be held on Friday, August 3, 2007 from 3:00pm – 7:00pm.

The 2006 Annual Report from Erie County Water Authority was received

A letter from Marybeth Whiting, Akron Celebration Team Chairman, thanking the Supervisor and Town Board Members for their support of the July 4<sup>th</sup> Celebration.

A notice of the next meeting scheduled for Wednesday, August 1, 2007 at 9:30 am at 181 Ellicott St., Buffalo, from the Greater Buffalo-Niagara Regional Transportation Council.

A letter from Rural Transit Services, Inc. inviting Newstead Town Officials to the Rural Transit Service Volunteer Recognition Day on Wednesday, August 29<sup>th</sup> at the Creekside Banquet & Picnic Grove, 2669 Union Rd, Cheektowaga, NY starting at 11:30AM

A copy of a resolution adopted by the Town Board of the Town of Lancaster on July 16, 2007. This resolution memorializes you to assist those involved to assure all U.S. soldiers deployed overseas and in any combat zone be able to obtain and use appropriate body armor.

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

**Work Session:** The Supervisor reported that at the work session held last week the following items were discussed: water district #10 issues, Adesa sewer district, joint facilities study, grant writer re-appointment & submissions, Route 5 re-zoning, 2008 budget, planning issues, Assessor issues, and other issues pending. An executive session was held to discuss personnel issues.

**Privilege of the Floor** – James Fitzpatrick, 7495 Scotland Road, wanted to thank the Town Board and CEO John Good for correcting water line problems in front of his home. The Supervisor was notified 15 months prior and nothing was done. Supervisor Cummings responded that he could show proof that the Town Engineers worked the on problem. He did respond to Mr. Fitzpatrick’s water problem.

Mr. Fitzpatrick commented on the article by the Supervisor on six month update. He feels that the assessment revaluation agreement was never fully met and he has failed the residents with not informing them of the proper process. Mr. Fitzpatrick stated that as the Town Supervisor, Mr. Cummings should have put more time on this matter. He would like copies of the records proving response to water line problems.

Stan Serwon, 5759 Davison Road, would like an update on the 4-way stop sign on Davison and Howe Roads. It is a dangerous intersection. He has been working with Town Clerk, Dawn Izydorczak through e-mails, but is questioning why Town Highway does not post stop signs. The reduced speed limit to 45mph is helpful, but does not prevent a serious accident from happening. Supervisor stated that Dawn is at school in Cornell but will be back on Thursday. Mike Bassanello stated that Erie County has to post the 4-way stop, not the Town. He will talk to County about this posting again and ask them to cut grass at intersection.

**Budget Transfer-** A motion from Councilman Decker, seconded from Councilman Finger to approve budget transfer from A9010.800 State Retirement to A9050.800 Unemployment Insurance for \$5,000.00

Carried

**Approval of Bills** -Councilman Decker reported that the Abstract from Batch #634 from the July 9, 2007 meeting has been reviewed with the previously UN-audited vouchers and everything was found in order. He presented Abstract Batch #636. Vouchers on this abstract numbered 694-734, totaling \$116,287.17 and were presented for payment approval by Councilman Decker, seconded by Councilman Finger to approve payment.

Abstract Batch #636:

General Fund (A) -\$23,706.09, Fund (B) \$650.00, Highway (DA) -\$0, Highway: Outside Village (DB) \$7,885.15, Capital Projects: CAP-WD#10 (HI)- \$83,876.93, Reserve- Roof Repair (HR01)- \$0, (HL) October Storm- \$0, Drainage (SD)- \$0, Fire Protection (SF) \$0, Refuse (SR) \$0, Sewer Fund (SS) \$0, Sewer District #2 (SS02)- \$169.00, 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: \$116,287.17

Carried Unanimously

## **COMMITTEE AND DEPARTMENT HEAD REPORTS**

**Highway** – They will tentatively pave Siehl Road, weather permitting, and will be cleaning ditches north of town.

**Assessor** –She has received notice of STAR value exemption rates with Basic at \$34,290 and Enhanced at \$64,910 for this year only. Middle Class STAR is run by NYS Tax and information on this will be published in Akron Bugle and Pennysaver. Becky is updating website with home sales, and all but one had a selling price more than the assessed value. Litigation information review on NOCO, Arrowhead, Bright Meadows. She is also working on a more difficult court review of Kelly Schultz property.

**Building Dept.** – the following building report was presented:

Daniel Bellis	6347 Dye	Permit renewal
Todd Cummings	11948 Meahl	Alteration
Patricia Dressel	4841 S. Newstead	Roof
Paul Griffin	4389 S. Newstead	Permit renewal
Charles Mullins	12373 Main	Remodel
Jeffrey Madej	10991 Keller	Deck
Salvatore Militello	12275 Meahl	A.G. Pool
Ken McCoy	13188 Stage	Shed
Steven Murzynowski	7387 Downey	Driveway
David Lamberth	11805 Stage	Shed
Gary Britton	11025 Kelkenberg	Pole barn
Richard Kasperek	12646 Hunts Corners	Roof
Bruce Honsberger	8405 Burdick	Roof

Board accepted the report as presented.

John Good is working on Main Road issues. Councilman Decker would like to speak with him after the meeting.

**Town Clerk-** Dawn wanted to remind the Board that next year in 2008 the town will be celebrating its 185<sup>th</sup> Anniversary. She would appreciate feedback from the Board on what they might want to do to recognize the occasion.

**Attorney for the Town** – Time Warner Cable is trying to determine if there is any competition with other cable companies. There is competition with satellite dishes.

### **COUNCILPERSONS**

**George-Absent**

**Finger-**There is a joint GIS meeting with Village on July30th at 8:30am. The air conditioning went down in Newstead Library. It was determined that there was a bad compressor in one unit and it was fixed by this afternoon.

**Decker-**Drainage Meeting last Tuesday with minutes complete. The next meeting will be Aug 21<sup>st</sup>. He has completed Court Audit.

**Rooney** –He completed another ride with Highway Superintendent reviewing the ditches in the town. He also met with Recreation Board and Director where several issues were resolved.

**SUPERVISOR-** The June Supervisor’s Report is on file with the Town Clerk.

The Budget Process has started with tentative worksheets returned to Budget Officer August 6<sup>th</sup> Work Session review on August 20<sup>th</sup>, Tentative budget to Town Board on September 24, Tentative budget presented to Town Clerk on September 28, Town Board Review October 15, and Public Hearing Preliminary Budget October 22, and Budget Adoption November 12th

### **UNFINISHED BUSINESS**

**Water District #10-** Phase 2 & Extensions-

Milherst Construction will complete open cut over Murder Creek by August 31, 2007

Pilon Construction - Hiller Road and N.Millgrove extension is complete and will maintain restoration to keep weeds under control.

**Route 5 Re-Zoning-** The next work session will be discussed and SEQR needs to be started.

**Shared Public Works Facility Committee-** They are still meeting with Wendel and Village and will hopefully be done in September.

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

**NEW BUSINESS:**

**6-lot Dorsch Rd Subdivision Approval:**

A motion was made by Councilman Rooney, seconded by Councilman Finger issuing a Negative Declaration under SEQRA on the project and granting approval of the site plan dated March 8, 2007 for the proposed 6-lot major subdivision on Dorsch Rd owned by Kevin Stoldt, Jr.

Councilman Decker questioned if there is a mechanism for the 7<sup>th</sup> lot to insure no future division. CEO John Good stated he will take care of it.

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

**10-lot Billo/Hiller Rd Subdivision Approval:**

A motion was made by Councilman Finger, seconded by Councilman Decker issuing a Negative Declaration under SEQRA on the project and approving the site plan dated March 19, 2007 for a proposed 10-lot major subdivision on Billo and Hiller Roads owned by LF One, LLC.

Attorney Neill stated minor correction with resolution that includes a pond agreement which was approved by him. CEO stated 2 people showed interest from last meeting, one for the subdivision and the other was not.

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

**7-lot Cummings Rd Subdivision Approval:**

A motion was made by Councilman Rooney, seconded by Supervisor Cummings issuing a Negative Declaration under SEQRA on the project and granting approval of the site plan dated March 8, 2007 for the proposed 7-lot major subdivision on Cummings Rd owned by Joseph Frey.

Councilman Decker questioned the Department of Environment and Planning and if anything was done with that. John Good stated that a single family unit was discussed..

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

**Support NYS Property Tax Reform:**

A motion was made by Councilman Decker, seconded by Councilman Finger issuing an acknowledgement of New York States property tax crisis and urging the immediate passage and chaptering of the “New York State Property Taxpayer Protection Act” proposed by Senator Mary Lou Rath which will help local governments reinvigorate New York’s economy.

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

**Local Law #4 of 2007 Outdoor Furnace Law-SEQRA**

A motion was made by Councilman Decker, seconded by Councilman Finger determined that the Town Board should be lead agency for all environmental review of the proposed law regulating outdoor furnaces and the determination by the Town of Newstead of its desire to act as lead agency under SEQRA.

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

**Local Law #4 of 2007 Outdoor Furnace Law - Public Hearing:**

A motion was made by Councilman Decker, seconded by Councilman Finger approving the calling of a public hearing on proposed Local Law No. 3 of 2007 entitled Outdoor Furnace Law to be held at the town hall on August 27, 2007 at 7:45pm and authorizing the town clerk to publish the legal notice in the Akron Bugle.

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

**Local Law No. 2 of 2007- Windmills- D.N.S. & Adoption:**

A motion was made by Councilman Finger, seconded by Councilman Decker issuing a Determination of Non-Significance of Local Law on the proposed Local Law No. 2 of 2007 and the adoption of Local Law No. 2 of 2007 regulating Windmills within the Town of Newstead.

Councilman Decker stated that all windmills are tax exempt in NYS.

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

**Newstead Community Center Grant:**

A motion was made by Councilman Finger, seconded by Councilman Decker authorizing the Supervisor to execute the application with the East Hill Foundation for grant monies to make necessary repairs at the Newstead Community Center not to exceed \$25,000.00.

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

**SEQR: Zoning Amendment on Allowable Uses:**

A motion was made by Councilman Decker, seconded by Councilman Finger issuing a Declaration of Lead Agency for a Type I action under SEQRA regarding the amendment of the Zoning Law that covers allowable uses in various districts throughout the town and authorizing the Code Enforcement Officer and the Town Engineers to conduct a coordinated review.

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

**Water District Lateral Restriction Applications:**

A motion was made by Councilman Rooney, seconded by Councilman Finger approving the lateral restriction application as submitted by Sioban & Chad Comeau for property located at 6320 Utley Rd based on the adequate proof provided with the application.

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

Carried

**Grant Writer Contract Extension:**

A motion was made by Councilman Rooney, seconded by Councilman Decker approving the extension of the existing contract with Anne Sisk of Grant Services of NY for an additional 6 months, July 1-December 31, 2007 period at a cost not to exceed \$1,000.00 per month.

Councilman Finger was originally opposed to her extension but now she has work for September and October. He will give her a chance.

Cummings-Aye, George-Absent, Finger-Aye, Decker-Aye, Rooney-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 Councilman Decker to adjourn the meeting at 9:06 PM.

Carried

Respectfully Submitted,  
Kathleen McLeod Lang, Deputy Town Clerk