

## Newstead Town Board Meeting- July 27, 2009

A Regular Meeting was called to order by the Newstead Town Board on Monday, July 27, 2009 at 8:00pm at the Newstead Town Hall.

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

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

Deputy Clerk Jennifer Heberling led the pledge to the flag.

Minutes from the previous regular meeting held on July 13, 2009 were presented for approval. A motion was made by Councilman Finger, seconded by Councilwoman Esposito to approve as presented. Carried

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

A letter from the NYS Department of State announcing that the Town has been awarded a \$400,000 Local Government Efficiency grant for an Akron-Newstead Municipal Services Consolidation project for the Courts.

A notice from Governor Paterson’s office announcing the signing into law a bill protecting domestic violence victims from hiring and employment practice discrimination.

A thank you note was received from Kris Beyer thanking the town for their help & cooperation with the 5K memorial run that was held last weekend for the Adamczak family.

A copy of the 2009 Erie County Department of Real Property Tax Services Annual Report was received.

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

**Work Session:** The Supervisor reported that at the work session held last week the following issues were discussed: a visit from Assemblywoman Jane Corwin, water district issues, Joint Facilities, highway radios, grant submissions, multiple planning issues, as well as any other items found necessary. The board met with Joe Scaffidi of Allied Waste prior to this evenings meeting.

**Privilege of the Floor** – no one spoke

**Budget Transfers:** none

**Approval of Bills** -Councilwoman Esposito reported that the Abstracts from Batches #840, 842, 844, 846 & 847 from the July 13, 2009 meeting have been reviewed with the previously UN-audited vouchers and everything was found in order. She presented Abstract Batches #851 & 852. Vouchers on these abstracts numbered from 784 - 819 totaling \$37,556.02 and were presented by Councilwoman Esposito, seconded by Councilman Rooney to approve payment as follows:

Abstract Batch #851 & 852:

General Fund (A) -\$24,459.98, General Fund- Outside Village (B) \$183.30, Highway (DA) -\$0, Capital Projects: CAP-WD#10-phase (HI)- \$0, Library Basement (HR04)- \$0, Murder Creek Stabilization (HM) - \$0, Highway Garage- Cap (HG) - \$742.50, Highway: Outside Village (DB) \$8,680.95, Drainage (SD)- \$0, Fire Protection (SF) \$0, Refuse (SR) \$0, Sewer Fund (SS) \$3,416.55, Sewer District #2 (SS02)- \$72.74, 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: \$37,556.02

Carried

**COMMITTEE AND DEPARTMENT HEAD REPORTS:**

**Highway** – Shoulder work to be completed by this week. The deadline to hear from Sprint/Nextel is the 29<sup>th</sup>, this Wednesday. He has discussed radio issues with John Wideman at the ACS bus garage.

**Assessor** – no report presented.

**Building Office** –the building report was presented by Christine Falkowski of the Planning & Building Department:

County Line Stone	4515 Crittenden	Demolition
Kathy Tober	5149 Crittenden	Roof
Paul Schoenwetter	13177 Main	Pole barn
Douglas Heiderman	13027 Kirby	A.G. Pool
Mr. & Mrs. Goldyn	5680 Cummings	One family home
Golden Pond Estates	Lot 244	Manufactured Home
Golden Pond Estates	Lot 246	Manufactured Home
Golden Pond Estates	Lot 252	Manufactured Home
Golden Pond Estates	Lot 254	Manufactured Home
Richard Kasperek	12646 Hunts Corners	Deck/roof
Daryl Santillo	11735 Clarence Center	Roof
Ron Snyder	12178 Hunts Corners	Roof
Donald Lombard	11567 Meahl	Roof
Heidi Meidas Judge	6949le	Addition

The Town Board accepted the report as presented.

**Town Clerk**- nothing at this time

**Attorney for the Town** – not present

**COUNCILPERSONS:**

**George**- not present

**Finger**- nothing at this time

**Rooney**- nothing at this time

**Esposito**- the court audit has been completed and everything was found in order.

**SUPERVISOR**- The June Supervisor’s Report is on file with the Town Clerk. He gave a final report to Ann Sweeney on the library bathrooms project and discussed future projects with her.

**UNFINISHED BUSINESS:**

**Water District #10**- Phase 4/Consolidation- they are continuing design work and will submit the final designs to ECWA and EC Health Department by the end of this week.

**Shared Public Works Facility Committee**- the last meeting of the committee and engineering firms was productive. Another meeting is scheduled for next week where departmental representatives will be present.

**Grants**- nothing new

**NEW BUSINESS:**

**Site Plan approval- 5149 Crittenden Rd Day Care Project:**

A motion was made by Councilman Rooney, seconded by Councilman Finger issuing a negative SEQRA declaration on the project and approving the site plan dated 6/9/09 for a day care center to be located at 5149 Crittenden Rd and authorizing the issuance of a special use permit.

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

**Justice Department Grant Approval:**

A motion was made by Councilwoman Esposito, seconded by Councilman Rooney approving the Justices to make application for a Justice Court Grant.

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

**Resolution & Order After Hearing- 13414 Main Rd:**

A motion was made by Councilman Finger, seconded by Councilman Rooney declaring the property located at 13414 Main Rd as an unsafe building site and determines that a notice of public hearing was properly attempted on the owner and thereby ordering the repair of the property begin within 30 days or demolition by the town will be commenced. A Notice of Pendency Filing will be placed on the property.

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

**Contract with FM Communications- Highway Radios:**

A motion was made by Councilman Rooney, seconded by Councilman Finger approving the contract with FM Communications to supply a new UHF 400-470MHZ radio source for the Highway Department radio system per the conditions set forth in the resolution, and authorizing the Supervisor to sign the agreement based on the condition that all associated costs will be paid for by Sprint/Nextel.

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

**Bond Issue for Purchase of Bike Path Property:**

A motion was made by Supervisor Cummings, seconded by Councilman Rooney approving the issuance of \$22,000 in serial bonds to acquire a landlocked parcel of land between Cummings and Clarence Center Rd to be used as a new bike path extension within the town.

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

**Support Legislative Changes in NYS Contract Road Salt Bids:**

A motion was made by Councilwoman Esposito, seconded by Councilman Finger supporting changes in the legislation on how NYS Contract presents their annual road salt bids to municipalities.

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

**Support of Amendment to Erie County Tax Act:**

A motion was made by Councilman Finger, seconded by Councilman Rooney supporting the proposal to amend the Erie County Tax Act to bring all towns in Erie County under one tax collection cycle from January 15<sup>th</sup> – February 15<sup>th</sup> annually and reducing the penalty schedule Towns of the 2<sup>nd</sup> Class incur.

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

**Lateral Restriction Request- 6756 Utley Rd:**

A motion was made by Councilman Rooney, seconded by Councilman Finger approving the application made for a lateral restriction water hardship exception request for the property located at 6756 Utley Rd based on the proof submitted with the request.

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

**Wendel Duchscherer- Contract on Water Consolidation:**

A motion was made by Councilman Rooney, seconded by Councilman Finger approving the contract proposal by Wendel Duchscherer for providing Water District Consolidation services in an amount not to exceed \$5,500 to explore the feasibility of the town consolidating its water districts.  
Cummings-Aye, George-Absent, Finger-Aye, Rooney -Aye, Esposito-Aye Carried

**Question Period-** no one spoke

The Town Board entered executive session to discuss contract issues. The board exited executive session at 9:10pm where no action was taken.

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 9:11pm.

Carried

Respectfully Submitted,  
Dawn D. Izydorczak, Town Clerk