

Newstead Town Board Meeting- July 28, 2008

A Public Hearing was called to order by the Newstead Town Board on Monday, July 28, 2008 at 7:45pm at the Newstead Town Hall.

Present: David Cummings– Supervisor
Tom George- Councilman
Harold Finger- Councilman
Cheryl Esposito- Councilwoman
Mike Bassanello- Highway Supt.
Scott Rybarczyk- Town Engineer
Dawn D. Izydorczak- Town Clerk
Kathleen Lang- Deputy Clerk

Roll Call was taken with all board members present except Councilman Rooney who had minor surgery.

The Supervisor called the public hearing to order on the increase and improvement bond issue for Water District #10- Phase 3.

The Clerk read the proof of publication.

The Supervisor explained the project and bond issuance to approve the increase of \$20,000 to cover increased construction costs in the district.

Comments: Aaron Handzlik of 8630 Maple Road, stated he has been promised water several times and is frustrated to still not be included in this phase of the water district. He runs a frog farm at his home which has been affected by the lack of water when his well goes dry. He has to truck in water to do laundry and take showers. The people near Tonawanda Creek need the waterlines as their water tables depend on the creek water levels and the wells are always going dry. Mr. Hanslik feels he was skipped over and may have to sell his house and move back into the city.

Supervisor Cummings stated the town is aggressively attempting to get grant money to fund the installation of lines into the most difficult areas of the town like Koepsel Rd, northern Maple Rd, Tonawanda Creek Road, and Burdick road. It is possible, only if the funding is received this year, there could be water in that area for 2009-2010.

There being no further comments, a motion was made by Councilman George by Councilman Finger to close the public hearing at 8:00 pm. Carried

A regular meeting of the Town Board was called to order at 8:00pm with the same members present as listed above.

Andrew Casolini led the pledge to the flag.

Minutes from the previous regular meeting held on July 14, 2008 were presented for approval. A motion was made by Councilman George, seconded by Councilman Finger to approve with an amendment to the amount approved under payment of bills due to a typographical error.

Carried

A motion was made by Councilman Finger, seconded by Councilman George to amend the 7/23/07 Town Board minutes to reflect an address change on a lateral restriction approval from 6340 Utley Road to 6320 Utley Road. Carried

Communications – The Town Clerk presented the following:

The 2008 Annual Report was received from the Erie County Department of Real Property Tax Services.

A letter from the Niagara Region Planning Services Department announcing their “Advancing the Great Lakes St. Lawrence Cities Agenda”.

A certified resolution passed by the Marilla Town Board regarding their support for the proposed amendments to the condominium laws.

A letter and brochures were received from the NYS Department of Public Service announcing its “Rise to the energy challenge” summer campaign.

A letter from the Secretary of State announcing the application dates and eligibility requirements for the Shared Municipal Services Incentive grant program for 2009.

An invitation was received from the Town of Lancaster for the Disaster Coordinator to attend a “Hey Neighbor, Get Ready!” fair on Sunday, September 21, 2008 from 9am to 4pm at the Lancaster High School field house with FEMA, SEMO and 13 other state, county and local agencies.

A copy of the Ithaca College Gerontology Institute study entitled “Rural Aging Summit” was received.

A motion was made by Councilman Finger, seconded by Councilwoman Esposito 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, joint facility project, grants, planning issues, town park issues, denio building basement project, budget agenda, town hall addition drafts, town web site, personnel issues, and the budget process for 2009 as well as other necessary issues.

Privilege of the Floor – No one spoke

Budget Transfers: None

Approval of Bills -Councilwoman Esposito reported that the Abstracts from Batches #727, 731 & 732 from the July 14, 2008 meeting have been reviewed with the previously UN-audited vouchers and everything was found in order. She presented Abstract Batch #736 & 737. Vouchers on this abstract numbered 728- 770 totaling \$54,440.43 and were presented by Councilwoman Esposito, seconded by Councilman Finger to approve payment as follows:

Abstract Batch #736 & 737:

General Fund (A) -\$34,998.12, General Fund- Outside Village (B) \$69.00, Highway (DA) -\$0, Capital Projects: CAP-WD#10-phase 3 (HI)- \$14,357.50, Murder Creek Stabilization (HM) - \$0, Highway: Outside Village (DB) \$1,966.88, Drainage (SD)- \$2,366.68, Fire Protection (SF) \$0, Refuse (SR) \$0, Sewer Fund (SS) \$15.23, Sewer District #2 (SS02)- \$75.70, and Water Districts (SW1) \$0, (SW2) \$0, (SW3) \$0, (SW4) \$0, (SW5) \$274.96, (SW6) \$41.40, (SW7) \$0, (SW7A) \$0, (SW8) \$0, (SW9) \$0, (SW10) \$274.96, Trust & Agency(TA)- \$0,
Total: \$54,440.43 Carried

COMMITTEE AND DEPARTMENT HEAD REPORTS

Highway – The bike path is sealed. There is a 700’-800’ section between Barnum and Davison Road that needs to be patched and repaired. That section will be closed for a couple days to complete the work.

The Supervisor stated that the new path signage from Clarence to Akron will be up by end of August.

Assessor – not present

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

Joseph Duszkiewicz	5509 South Newstead	roof
Anaka	12016 Main	roof
James & Sheryl Fatig	12227 Clarence Center	pole barn
Leisurewood Campgrounds	5720 Cummings	right-of-way access
Brian Tobin	11758 Rapids	shed
Nick Fedaro	11770 Stage	roof
Kreher Poultry Farms	5411 Davison	(3) silos *
Paul D. Willson	7840 Greenbush	roof
Paul Raszewski	12138 Nice	pole barn + porch

Kevin Paquin	12426 Swift Mills	outdoor wood boiler + barn addition
Gregory Bolis	4333 South Newstead	

The Town Board accepted the report as presented.

Town Clerk- The new courtroom chairs were delivered today and the TV and DVD will be installed on Thursday of this week.

Attorney for the Town –Nothing at this time

COUNCILPERSONS

George- Nothing at this time

Finger-The final clean out of the Denio basement is complete. The Town Clerk will do an announcement for the availability to the community in an ad starting in August. He and the Highway Supt. will schedule repair work on the fields at the Town Park for the end of September.

Rooney- Not present

Esposito- Nothing at this time

SUPERVISOR- June Supervisors Report is on file with the Town Clerk and available for review. Budget 2009 work sheets are out and the tentative schedule is set. Budget sheets are due from department heads by August 4th . He met with Mayor Patterson to discuss consolidation of certain services between the town and village.

UNFINISHED BUSINESS

Water District #10- Phase 3 – Nothing new

Shared Public Works Facility Committee- The committee is meeting this Friday morning and work session time on inter-municipal agreement is scheduled.

Mitigation Grant-nothing new

GIS- We are still waiting for official approval letter.

NEW BUSINESS:

Akron Central School Tax Collection Approval:

A motion was made by Councilman Finger, seconded by Councilman George approving the proposed contract with Akron Central School for the 2008-09 tax collection services and authorizing the supervisor to execute the contracts.

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

Clarence Central School Tax Collection Approval:

A motion was made by Councilman Finger, seconded by Councilman George approving the proposed contract with Clarence Central School for the 2008-09 tax collection services and authorizing the supervisor to execute the contracts.

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

WD #10-Phase 3 Bond Approval:

A motion was made by Councilman George, seconded by Councilman Finger issuing approval of the proposed \$395,000.00 bond issue on the Water District #10-Phase 3 project and authorizing the Town Clerk to record a copy of the resolution and publish the approval.

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

WD#10-Phase 3 Issuance of Bond:

A motion was made by Councilman George, seconded by Councilwoman Esposito, authorizing the issuance of bonds on the Water District #10- Phase 3 project in the amount of \$395,000.00.

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

WD #10-Phase 3 Engineering Approvals:

A motion was made by Councilwoman Esposito, seconded by Councilman George issuing approval of the proposal by Wendel Duchscherer for construction administration services at a lump sum cost of \$13,000.00 and \$27,000 for Construction Observation Services on the Water District #10-Phase 3 project and authorizing the Supervisor to sign the acceptance/authorization of the proposal.

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

The Supervisor stated all response cards are in but one and one has declined the service. Milhurst will be starting construction soon.

SEQRA- 28-lot Subdivision- Lead Agency:

A motion was made by Councilman Finger, seconded by Councilwoman Esposito issuing a declaration of Lead Agency and authorizing the building department to conduct a coordinated review on the proposed 28-lot subdivision on Havens Rd.

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

Public Hearing- Local Law No. 3 of 2008- Amending the Subdivision Law:

A motion was made by Councilwoman Esposito, seconded by Councilman George approving the calling of a public hearing on September 8, 2008 at 7:45pm at the Town Hall to hear comments on the proposed amendment to the subdivision law of the Town of Newstead and authorizing the Clerk to publish said hearing notice.

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

Highway Contract Negotiator Approval:

A motion was made by Councilman George, seconded by Councilman Finger approving the hiring of Schroder & Joseph Associates to serve as negotiator on the Highway Union contract.

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

Carried

The Supervisor stated that this group was recommended by several neighboring towns.

Audit of Court and Town Clerk:

A motion was made by Councilman George, seconded by Councilman Finger authorizing Councilwoman Cheryl Esposito to conduct the annual audit of the Town Court and Town Clerk records and report her findings back to the board.

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

Carried

Question Period- Stan Serwon of 5759 Davison Road questioned the consolidation of Village of Akron and Town of Newstead services. The Supervisor stated that they are already looking at several areas to consolidate including the Courts, Code Enforcement Officer, Archives and the Joint Highway facility. Mr. Serwon stated that the NYS Governor is calling for municipal consolidations and wondered if that would happen here. The Supervisor stated that consolidating services is a starting point. Town Attorney Neill stated that Villages are actually dissolved, not consolidated as most villages are in the towns that surround them already.

Aaron Handzlik of 8630 Maple Road stated again that he would like public water and realistically needs to know when he might expect it so he can make an informed decision on whether he needs to sell his house or if he can stay and wait for water? The Supervisor stated again that he needs to know if the Town is going to receive the grant money first and they hope to know that within 3 months. If the grant money is received, then he will get water but there is no concrete time table. The Supervisor will keep him informed for 2009.

Rick Smith of 41 East Avenue questioned the installation of sidewalks on Skyline Drive, where he owns property, and Buell Street. The Supervisor stated the Buell Street/Skyline Drive section would give access to the Town Park and a small section on Clarence Center from Buell St would give access to the town hall. These would be town sections. The Village would decide whether to extend the sidewalks past the town park to the Sunset subdivision up on Skyline Drive. Mr. Smith questioned who would plow the sidewalks if they do.

Mr. Smith also questioned his property he owns in the town which he gave an easement on for the water line. The waterlines end 600' away from his building and he still can't get the water. The Supervisor stated his property would be included with the same section as Mr. Handzlik's if the grant funding is received and he will keep him informed as well on its progress.

Mr. Handzlik questioned if there are emergency grant funds for emergency situations when people run out of water? The Supervisor does not believe there are such grants available but will look into that.

The Town Board went into Executive Session on a personnel matter.

There being no further business to come before the board a motion was made by Councilman George, seconded by Councilman Finger to adjourn the meeting at 9:18 PM.

Carried

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