

## Newstead Town Board Meeting- August 13, 2007

A Regular Meeting was called to order by the Newstead Town Board on Monday, August 13, 2007 at 8:00PM at the Newstead Town Hall.

Present: David Cummings- Supervisor  
Tom George- Councilman  
Harold Finger- Councilman  
Mark Decker- Councilman  
Justin Rooney- Councilman  
Mike Bassanello- Highway Superintendent  
Nathan Neill- Town Attorney  
Andrew Casolini- Town Engineer  
Dawn D. Izydorczak- Town Clerk  
Kathleen Lang- Deputy Clerk

Roll Call was taken with all board members present.

Councilman George led the pledge to the flag.

Minutes from the previous regular meeting held on July 23, 2007 were presented for approval. A motion was made by Councilman George, seconded by Councilman Finger to approve as presented.  
Carried Unanimously

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

The 2<sup>nd</sup> Quarter Report was received from Waste Management reporting 18.28 tons of Recyclables collected and 124.39 tons of solid waste collected within the Village.

A letter was received from National Grid which reports the new street lighting inventory for the Town of Newstead effective July 20, 2007.

Certified resolutions were received from the Town of Cheektowaga regarding their support of U.S. Soldiers use of the Spartan II Body Armor Vests and their support of the dedication of County Forest Preserves as parklands.

A letter and public hearing announcement was received from the office of the ECIDA regarding a public hearing to be held on August 30, 2007 at 9:00am at the Newstead Town Hall regarding the acquisition of land and the construction of a 30,000+/- sq. ft. building by Perry's Ice Cream.

A letter from resident James Fitzpatrick to the Town Board regarding his concern over the article recently published by the Supervisor in the Pennysaver. He is requesting that the Supervisor pay for the ad personally and that the town board approve any further articles from his office.

The 2nd Quarter Report was received from BFI reporting 1,751 residential units collected for in the Town with a total of 83.37 Co-mingled recyclables collected and 495.03 tons of solid waste collected.

The July 2007 Operations Report was received from Amherst Central Alarm office reporting 47 calls for Akron Fire Co. and 38 calls for Newstead Fire Co. in July.

A letter was received from CRA Infrastructure & Engineering, Inc. announcing its moving to a new location at 285 Delaware Ave in Buffalo effective August 14<sup>th</sup>.

A letter from Time Warner Cable announcing that effective September 1, 2007 the rates for "On Demand" services will increase by \$.04, increasing the cost to \$4.99 per viewing. There will also be minor changes in their Music Choice channels effective September 19<sup>th</sup>.

The 2006 Annual Report of Catholic Charities was received from Catholic Charities of Buffalo.

Certified resolutions were received from the Town of Alden regarding their support of U.S. Soldiers use of the Spartan II Body Armor Vests and their opposition to amendments to Article X of the Public Service Law which would include the siting of windmills and removing local control over related issues.

A Notice of Public Hearing was received from the Town of Alden announcing a hearing to be held August 20<sup>th</sup> at their town hall at 7:40pm regarding amendments to their Dog Law.

A notice from the Office of the State Comptroller regarding a meeting to be held on retirement related issues on September 27<sup>th</sup> at the Hamburg Village Hall at 9:30am.

A letter was received from Senator Mary Lou Rath thanking the town board for their support of her Taxpayer Protection Act legislation. She will continue to keep the town up to date on its status.

A certified resolution passed by the Town of Holland Town Board was received, which encourages the Erie County Executive and the Legislature to budget sufficient funding for annual normal maintenance for brush removal, ditch maintenance and re-surfacing of all County roads.

A notice from Erie County Department of Public Works that the load limit posting on the Swift Mills Rd Bridge has been lowered to 5 tons due to a flag issued by the NYSDOT.

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

**Work Session:** The Supervisor reported that at the work session held on July 30th the following items were discussed: planning issues, water district #10 issues, Adesa sewer district, Route 5 rezoning, wetlands proposal, senior exemptions, Assessment issues, grant submissions, joint facilities study, 2008 budget, court audit, SPCA resolution, and conservation easements. No work session was held on August 6<sup>th</sup> due to lack of a quorum.

**Privilege of the Floor** – Jean Jacques, 31 Westgate Apt.210, addressed having the problem solved with the Town Hall's neighbor who was very verbally abusive to election inspectors last year on election day with regards to the political signs posted 100 feet from polling places. He took all the signs out that were on the town hall property and threw them on the ground and then came in the building and yelled at all the inspectors. She asked the town board to address this before this election season.

Don Snell, 2 Shepard Ave. questioned if the Senior Exemption limits would be raised this year. He did some calling and the neighboring town exemption levels are much higher than our local levels. He remembers the Assessor even recommended the levels be raised.

The Supervisor stated that the Town, Village, and School officials have met and are working together to set new rates on the senior exemptions.

James Fitzpatrick, 7495 Scotland Road, addressed Mr. Snells concern and stated he had met with Akron School Comptroller Cindy Tretter and the new Enhanced Star level has increased to \$64,600. Mr. Fitzpatrick then read a statement which referenced a letter he sent to the Town Board a couple weeks ago expressing his displeasure with Supervisor Cummings published article which he feels looked politically motivated. He questioned that the article did not address the town's audit or why the budget surplus decreased in 2006. He asked if now that the Supervisor is retired from his other job, if some of the unfinished business in the town can be completed. He questioned the negativity towards his previous secretary and the previous Supervisor. He questioned the Supervisors statement of having a difficult time supporting the revaluation but yet he voted yes on the continuation of the project. He also questioned why he asked Councilman Rooney twice regarding his no vote, but did not ask the other board members twice about their votes. Mr. Fitzpatrick asked the opinion of the Town Board members on these subjects.

Supervisor Cummings replied that the article printed on July 25, 2007 was paid by him personally and not with town funds, as have the other articles he has run every 6 months since taking office. He also stated that the information run in each of those articles were his opinions and no one else's. It is titled "From the Desk of Supervisor", and is not the opinion of the town board members, nor is it paid for with taxpayer dollars.

**Approval of Bills** -Councilman Decker reported that the Abstract from Batch #636 from the July 23, 2007 meeting has been reviewed with the previously UN-audited vouchers and everything was found in order. He presented Abstract Batch #637 & 640. Vouchers on this abstract numbered 735-739 & 758-816, totaling \$195,278.78 and were presented for payment approval by Councilman Decker, seconded by Councilman Finger to approve payment.

Abstract Batch #637 & 640:

General Fund (A) -\$22,333.37, Fund (B) \$1,784.70, Highway (DA) -\$0, Highway: Outside Village (DB) \$27,494.55, Capital Projects: CAP-WD#10 (HI)- \$64,238.20, Reserve- Roof Repair (HR01)- \$0, (HL) October Storm- \$0, Drainage (SD)- \$0, Fire Protection (SF) \$43,159.14, Refuse (SR) \$21,794.87, Sewer Fund (SS) \$3,204.02, Sewer District #2 (SS02)- \$283.29, and Water Districts (SW1) \$40.20, (SW2) \$88.44 (SW3) \$118.38, (SW4) \$112.56, (SW5) \$2,526.73, (SW6) \$305.52, (SW7) \$434.37 (SW7A) \$48.24 (SW8) \$32.16 (SW9) \$88.44, (SW10) \$2,215.50, Trust & Agency(TA)- \$4,976.10 :Total: \$195,278.78  
Carried Unanimously

### **COMMITTEE AND DEPARTMENT HEAD REPORTS**

**Highway** –The Siehl Road blacktop project is complete and now they will continue with roadside and ditch mowing. The second section of the town hall parking lot will be finished by end of August or beginning of September.

**Assessor** –Not present, on vacation

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

Vincent Heiderman	6734 Cedar	Roof
Christine Falkowski	12455 Hunts Corners	Fill
Judith Miller	13588 Stage	Pool
Marion McElligott	11552 Main	Roof
Gordon Domon	5238 Crittenden	Siding
Robert Buyea	12446 Swift Mills	Garage
John A. Nunn, III	12402 Swift Mills	Addition
Charles & Karen Strait	11202 Crego	Roof
Anthony & Marcia Gullo	13154 Stage	Roof
Karen Orts	12989 Dorsch	Roof
Duwayne Grabenstatter	12447 Hunts Corners	addition & deck
County Line Stone	4467 Crittenden	Roof
Linda Shriber	12125 McNeeley	Roof
Michael Domin	6371 Utley	Patio
Nancy & William O'Donnell	12254 Nice	Shed
John R. Easton	V/L Martin	Driveway

Board accepted the report as presented. John Good, Code Enforcement Officer was not present, as he is on vacation.

**Town Clerk-** The July 2007 Dog Control Officers Report was presented and the dog enumeration project is wrapping up. The Dog Control Officers will begin writing court appearance tickets for any un-licensed dogs beginning September 1<sup>st</sup>. Dawn also reported she is in process of looking at new filing and storage solutions for the Building & Assessors office with Councilman Finger.

**Attorney for the Town** – A decision needs to be made on the Allied Wasted contract which is currently being negotiated for an extension or the town needs to decide if it will be going out to bid. The Town of Marilla bid quotes were provided to the board members. The Supervisor stated he talked to Allied Waste representatives and will tentatively be meeting with them this week.

### **COUNCILPERSONS**

**George-** Nothing at this time

**Finger-** He met with Carl Klingenschmitt, Dawn Izydorczak, and Village representatives on GIS matters and planning for future projects. He also has been addressing air conditioning issues at the Newstead Library.

**Decker-** The next Drainage Committee meeting will be Tuesday, August 21<sup>st</sup>.

**Rooney-** He stopped at the summer recreation program during the week and spoke with several rec attendants and everything is running well.

**SUPERVISOR-** He had his monthly meeting with Village Mayor Patterson. He thanked Dean Schultz from the Highway Department for building steps at Town Hall rear court emergency exit. He also is waiting for final budget sheets to come in from some departments and then he will be scheduling department head meetings with the board for next week.

**UNFINISHED BUSINESS**

**Water District #10-** Phase 2 & Extensions- Milhurst Construction is thru Murder Creek and restoration will begin and punch list items will be addressed. Pilon Construction punch list items are also being addressed and restoration work is being tracked. Restorations have been held up due to the extremely dry weather conditions.

**Route 5 Re-Zoning-** They have finalized the draft law. A meeting was held with Attorney Neill and the Code Enforcement Office staff to address some issues. If all goes well they should be ready for the public hearing to be scheduled for the 2<sup>nd</sup> meeting in September.

**Shared Public Works Facility Committee-** There will be another meeting of the boards next Monday. They are with making progress and are still on target for a decision to be made in September.

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

**NEW BUSINESS:**

**SPCA Support:**

A motion was made by Councilman Finger, seconded by Councilman Decker issuing support for the efforts of the Animal Alliance of Western New York and the Erie County SPCA and their partnership to save the lives of dogs and cats and authorizing the Supervisor to sign the statement of support prepared by the Erie County SPCA.

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

The Supervisor explained that this resolution will help the SPCA to receive crucial funding for its programs.

**Court Audit Acknowledgement:**

A motion was made by Councilman Decker, seconded by Councilman Finger acknowledging the requirement for audit of the Town Court and issuing an acceptance of the report of the audit of the Town Court as submitted by Councilman Decker.

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

**Statement for Repair of Crittenden Rd Bridge:**

A motion was made by Councilman George, seconded by Councilman Rooney requesting the Erie County Executive, the Erie County Legislature and the Erie County Control Board expedite the necessary actions to fund and carry out the repairs on the Crittenden Rd bridge as soon as possible so that the bridge can be reopened.

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

The Supervisor explained that Mayor Patterson of the Village, John Wideman the Transportation Superintendent at the school, Legislator Mike Ranzenhofer and himself have been working on this issue to push the funding through to repair and re-open the bridge as soon as possible.

**Tree Grant Authorization:**

A motion was made by Councilman Finger, seconded by Councilman George authorizing the acting Supervisor to enter into and execute a project agreement with the NYS DEC for financial assistance for a WNY Municipal Urban Forest Restoration Grant in an amount not to exceed \$6,000.

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

Carried Unanimously

The Supervisor explained the town has been approved to receive the grant money already and this resolution is a formal requirement of the DEC to receive the grant monies. They are scheduled to begin planting the trees in September.

**Soccer Field Request:**

A motion was made by Councilman Finger, seconded by Councilman Rooney authorizing the Akron Soccer League to use the town park fields for a fall soccer league from September 8<sup>th</sup> – October 13<sup>th</sup>.

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

Carried Unanimously

**Question Period**-No one spoke

The board went into Executive Session to discuss personnel matters. They then reconvened.

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 10:15 PM.

Carried Unanimously

Respectfully Submitted,  
Dawn D. Izydorczak, Town Clerk