

Newstead Town Board Meeting- August 25, 2008

A Regular Meeting was called to order by the Newstead Town Board on Monday, August 25, 2008 at 8:00pm at the Newstead Town Hall.

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

Roll Call was taken with all board members present.

Councilman Rooney led the pledge to the flag.

Minutes from the previous regular meeting held on August 11, 2008 were presented for approval. A motion was made by Councilman Finger, seconded by Councilwoman Esposito to approve as presented. Carried Unanimously

Communications – The Town Clerk presented the following:

A notice from TVGA Consultants announcing a series of free training seminars for Planning & Zoning Boards in September, October & November.

The 2007 Annual Report was received from Catholic Charities of Buffalo.

A letter from Peter Drago of Governor Paterson’s office thanking the town board for their resolution passed regarding changes to the General Municipal Law.

An announcement from People, Inc. regarding their new management of Leisuretimmers Residential Units on Bloomingdale Rd. in Basom.

A notice from Erie County Dept. of Environment & Planning announcing training sessions for Planning & Zoning Board members, as well as municipal officials, at the Aurora Town Hall on Thursday September 25, 2008 from 6-10pm.

A certified resolution passed by the Marilla Town Board regarding their support of resuming testing by the NYS DEC of aqua-business operations at no cost to the business.

A letter from Erie County Executive Chris Collins stating the County has reversed its previous position on removing the services provided to towns with the T-1 line and hosting town web sites. The County will be continuing to offer these services into the future to the towns and villages.

A packet was received from the Erie County Legislature announcing 3 informational meeting dates on a proposal to establish an Erie County Planning Board. The dates are September 4th at ECC City Campus, September 10th at Harlem Rd Community Center and September 15th at the Hamburg Town Hall. All meetings start at 7:00pm.

A letter from Akron Little League Football requesting use of the town park facilities for their home game schedule on August 23rd, September 20th, September 27th and October 18th.

A letter of resignation was received from Zoning Board member Peter Randall effective immediately.

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

Work Session: The Supervisor reported that at the last work session held the following issues were discussed: budget meetings with department heads, water district issues, joint facility issues, grants, planning issues, highway contract negotiation, and other issues as necessary.

Privilege of the Floor – No one spoke

Budget Transfers: a motion was made by Councilman Finger, seconded by Councilman Rooney approving the requested budget transfers per a memo from Bookkeeper Colleen Salmon dated 8/25/08. Carried Unanimously

Approval of Bills -Councilwoman Esposito reported that the Abstracts from Batches #741 from the August 11, 2008 meeting have been reviewed with the previously UN-audited vouchers and everything was found in order. She presented Abstract Batch #744. Vouchers on this abstract numbered 864- 896 totaling \$128,375.64 and were presented by Councilwoman Esposito, seconded by Councilman Finger to approve payment as follows:

Abstract Batch #744:
General Fund (A) -\$9,045.33, General Fund- Outside Village (B) \$0, Highway (DA) -\$0, Capital Projects: CAP-WD#10-phase 3 (HI)- \$55.00, Murder Creek Stabilization (HM) - \$0, Highway: Outside Village (DB) \$80,739.52, Drainage (SD)- \$0, Fire Protection (SF) \$38,430.94, Refuse (SR) \$0, Sewer Fund (SS) \$23.23, Sewer District #2 (SS02)- \$81.62, 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: \$128,375.64 Carried Unanimously

COMMITTEE AND DEPARTMENT HEAD REPORTS

Highway – They started the resurfacing of 3 patches on the bike path. They installed the mile markers from the Village to Barnum Road and the rest will be installed after the resurfacing project is complete. Mike is working with the County on installing reflective tape markers at the intersection of Hake and Clarence Center Roads due to several accidents there lately. The County has placed Tonawanda Creek, Burdick, and Koepsel Roads on their list of priority roads to be redone for 2009.

Assessor – reported that taxable status day for Erie County was officially changed to March 1st instead of May 1st for the 2009 year and beyond. All exemptions will now need to be filed by March 1st. Grievance day has also changed from the 2nd Tuesday in June to the 4th Tuesday in May. Tentative Roll due date has changed from May 24th to May 1st and the Final Roll due date remains July 1st. Notices of these changes will be in the papers as well as in a flyer to be sent out in the school tax bills.

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

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|-----------------------|---------------------|-----------------|
| Newstead Self Storage | 13399 Main | Roof |
| Terrance Baker | 12574 Hunts Corners | Roof |
| Kurt Schie | 6696 Utley | Barn |
| John Suckow | 7081 Maple | Addition |
| NOCO Energy | 13613 Main | Sign |
| Leonard Schie | 6744 Utley | Garage |
| Leonard Schie | 6744 Utley | One family home |
| Steven McNutt | 5663 Cummings | Roof |
| Martin Dugan | 13595 Stage | A.G. Pool |
| Peter Anaka | 6656 Utley | Chimney/stove |

The Town Board accepted the report as presented. CEO Good will be attending the Planning/Zoning training in Aurora.

Town Clerk- Hunting licenses went on sale August 18th and have been selling at a steady pace. School tax bills will be picked up soon to ready for mailing and Primary Day is September 9th.

Attorney for the Town –Not present

COUNCILPERSONS

George- Nothing at this time

Finger-He will meet with Highway Superintendent Bassanello on Town Park issues this week.

Rooney- He attended the Recreation Board meeting last week and there were good reports from new Recreation Director Dan Roland on the summer program.

Esposito- the Court audit is complete and everything was well organized and in order. Cheryl stated it was a pleasure to work with Court Clerk Sandy Pietrowski and she enjoyed getting to spend the time with her. She thanked her for a great job.

SUPERVISOR- Re-Tree is giving more trees to the Town for the Town Hall property and to replace damaged trees at the Town Park. He will be attending the Erie County Association of Towns meeting in Eden this Thursday. He met with Zoning Board member Pete Randall and accepts his resignation with regret. The Erie County web site hosting will continue but he will be working with Dawn and Becky to pursue more information and quotes on hosting our own web site.

UNFINISHED BUSINESS

Water District #10- Phase 3 – construction is progressing ahead of the proposed schedule with Hiller Road work done and North Millgrove Rd in progress and they will be moving on to Tonawanda Creek by Wednesday.

Shared Public Works Facility Committee-They are still looking at the proposed contract agreement and will still accept comments from board/committee members.

GIS- we received an award letter that the grant has been fully funded at \$69,630. Dawn will be attending a kick-off meeting with the State representatives on September 2nd and a meeting of the GIS committee will be scheduled for later that week. Currently there will be no extensions on the grant cycle so we need to get to work fast.

The Supervisor stated that this is a great accomplishment for the Town, Village, and Fire Companies and thanked Dawn and Carl and the committee for their hard work in securing this grant.

Bike Path-There is a replica sign on the wall in the hallway at the Town Hall of the actual signs that will be located at each of the intersections of the bike path. Highway Superintendent Bassanello gave an update on the project earlier under his comments.

NEW BUSINESS:

Benderson Project- Hydrant placement:

A motion was made by Councilman Rooney, seconded by Councilman George issuing approval for a fire hydrant to be installed in front of 12963 Main Rd as part of the proposed Benderson project and agrees to pay the applicable hydrant fees to ECWA within Water District #5.

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

Benderson Project- Neg Dec & Site Plan Approval:

A motion was made by Councilman George, seconded by Councilman Finger issuing a Negative SEQR Declaration and authorizing the Supervisor to execute Part III of the EAF form on the proposed pharmacy, restaurant & retail project by Benderson Development to be located at 12963 Main Rd and approving the site plan dated February 2008 with revisions on 5/19/08 and 7/8/08 subject to the terms set forth in the resolution.

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

NOCO Fuel Storage Tank Replacement- Lead Agency:

A motion was made by Councilman Rooney, seconded by Councilman George issuing a declaration of Lead Agency on the proposed NOCO Energy Corp. fuel storage tank project and authorizing the building department to conduct a coordinated review.

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

Town Justice Court Audit:

A motion was made by Councilman Finger, seconded by Councilman Rooney approving the completed review and audit of the Town Court records for 2007 by Councilwoman Cheryl Esposito and authorizing a copy of the resolution be forwarded to the Director of Internal Audit of the NYS Office of Court Administration..

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

Akron Little League Football Request:

A motion was made by Councilman Finger, seconded by Councilman Rooney approving the request by Akron Little League Football to use the town park fields for games.

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

Lateral Restriction- 12213 McNeeley Rd:

A motion was made by Councilman Rooney, seconded by Councilwoman Esposito approving the lateral restriction application submitted by Cornerstone Development for the property located at 12213 McNeeley Rd within Water District #5.

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

Zoning Board Appointment Approval:

A motion was made by Councilman Rooney, seconded by Councilwoman Esposito approving the appointment of Erik Polkowski to the Zoning Board of Appeals to complete the term of office vacated by Peter Randall.

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

Councilman George supports the appointment but feels the board must “up the anti” for future appointments to this board and all its boards by requesting interviews with prospective applicants and require mandatory training for all board appointments. We owe it to this community to have accountability and training for these board appointments due to the important rulings they make and the work they do on behalf of the Town. Decisions need to be made in line with the town laws

Councilman Finger agreed with Councilman Georges statements but will support Erik’s appointment even though they would have liked to have had time for interviewing the proposed candidates.

GIS Grant Award Acceptance:

A motion was made by Councilman Finger, seconded by Councilwoman Esposito authorizing the supervisor to sign the acceptance paperwork for a 2008-09 GIS Grant award from the NYS Department of Education in the amount of \$69,630.00.

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

Councilman Finger thanked Dawn, Carl and the committee for the work they did on this grant and for bringing it home to Newstead.

Question Period-Carl Klingenschmitt, CAC Chairman, thanked the Town Board for supporting the GIS projects in the past and this present one. He also thanked Dawn, Becky, and Jennifer for all their hard work on getting the grant ready and out the door.

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 8:43 PM.

Carried Unanimously

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