

## Newstead Town Board Meeting- September 10, 2007

A Public Hearing was called to order by the Newstead Town Board on Monday, September 10, 2007 at 7:50PM at the Newstead Town Hall.

Present: David Cummings- Supervisor  
Tom George- Councilman  
Harold Finger- Councilman  
Mark Decker- Councilman  
Justin Rooney- Councilman  
Mike Bassanello- Highway Supt.  
Rebecca Baker- Assessor  
Nathan Neill- Town Attorney  
Scott Rybarczyk- Town Engineer  
Dawn D. Izydorczak- Town Clerk  
Kathleen Lang- Deputy Clerk

Roll Call was taken with all board members present.

The Supervisor called the public hearing to order on the proposed Increase and Improvement for Water District #10- Phase 2 funding.

The Clerk read the proof of publication.

Town Engineer Scott Rybarczyk explained the benefits of adding the additional improvements.

Comments: No one spoke

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

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

Fred Pask led the pledge to the flag.

Minutes from the previous regular meeting held on August 27, 2007 were presented for approval. A motion was made by Councilman Finger, seconded by Councilman Decker to approve as presented. Carried Unanimously

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

A notice of public hearing was received from the Town of Alabama regarding their proposed Local Law No. 2 of 2007 adopting the NYS Uniform Fire Prevention and Building Code. The hearing will be held on September 24<sup>th</sup> at 7:15pm at the Alabama Town Hall.

A letter of intent to renew a “ball park” liquor license was received from the Arrowhead Golf Club for their beverage cart service at 12292 Clarence Center Rd.

The August 2007 Amherst Central Alarm report was received reporting 45 calls for Akron Fire Co. and 25 calls for Newstead Fire Co.

A notice of public hearing was received from the Town of Pembroke regarding their proposed Comprehensive Plan for the Town of Pembroke. The hearing will be held on September 17<sup>th</sup> at 7:00pm at the Pembroke Community Center.

Two letters were received from the “Newstead Citizens Voice” regarding FOIL requests that have not been fulfilled by the Highway Department yet, which were requested back in July. The group is asking the Supervisors assistance in getting those requests for information filled.

A letter was received from residents Ray and Sharon Carlo expressing their belief that Assessor Rebecca Baker should be re-appointed to her position unless there is proof that there was some “improper practice or a failure to adhere to established rules governing the assessment process” on her part. They feel it would be an error in judgment not to re-appoint her merely because a petition that does not represent the entire town base was presented.

A letter from National Grid, along with a proposed invoice for work to be done on a utility pole on Rapids Road that has been severely damaged due to three accidents at that area in the last six months. They are asking for a board resolution to go ahead with the work order.

A letter from National Grid informing the town of billing errors for the street lighting account due to some inventory that was left on their files for the last year. The town will receive a credit for the errors on the next billing cycle.

The Supervisor advised those present that the Newstead Citizen Voice F.O.I.L. requested information will be delivered to them next week. The delay was due to an employee that was out on sick leave who had the information needed to complete this request.

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 no work session held last week due to the holiday however at session prior to tonight's meeting the following items were discussed: budget, water district #10 issues, joint facilities study, Route 5 re-zoning, planning issues, grant submissions.

**Privilege of the Floor** – Jim Fitzpatrick, 7495 Scotland Road, asked the board to look into the following grievance board decisions: #1- Mary's Good and Plenty Restaurant assessment was lowered from \$106,000 to \$45,000. #2- Applicant David Meyer of Nice Road was a no show and should have been denied. That was crossed off by the review board and they reduced the assessment. #3- James Anderson of 12452 Meahl Road had assessed land at \$18,000, which was lowered to \$1,200 and he was a no show also. Mr. Fitzpatrick would like a review from the Town Board.

Michael Bassanello addressed Mr. Fitzpatrick's issues on Mary's Restaurant as he is the owner. He stated the former owners lived in Florida and were never here to contest their assessments through several years. Mr. Bassanello stated he asked for the assessment to be lowered to purchase price he paid for the property and that's what the board of assessment review did.

Fred Pask of 102 Golden Pond Estates, stated that it would be an injustice to the Town of Newstead not to reappoint Rebecca Baker as Assessor. He stated several other Assessor's across the state have not been re-appointed this year because politics have entered into these decisions and it should not. Now many towns are scrambling to look for qualified Assessor's and there aren't any to fill the positions. He stated it is wrong when the "squeaky wheel" starts allowing the wrong decisions to be made. Becky is qualified and certified and did her job as Assessor and should be re-appointed.

**Approval of Bills** -Councilman Decker reported that the Abstract from Batch #642 from the August 27, 2007 meeting has been reviewed with the previously UN-audited vouchers and everything was found in order. He presented Abstract Batch #644. Vouchers on this abstract numbered 847 - 901, totaling \$84,566.01 and were presented for payment approval by Councilman Decker, seconded by Councilman Finger to approve payment.

Abstract Batch #644:

General Fund (A) -\$30,455.00, Fund (B) \$929.72, Highway (DA) -\$0, Highway: Outside Village (DB) \$6,358.46, Capital Projects: CAP-WD#10 (HI)- \$0, Reserve- Roof Repair (HR01)- \$0, (HL) October Storm- \$0, Drainage (SD)- \$0, Fire Protection (SF) \$3,923.52, Refuse (SR) \$22,814.35, Sewer Fund (SS) \$0, Sewer District #2 (SS02)- \$0, and Water Districts (SW1) \$40.20, (SW2) \$88.44 (SW3) \$112.56, (SW4) \$112.56, (SW5) \$14,920.04, (SW6) \$305.52, (SW7) \$426.12 (SW7A) \$613.30 (SW8) \$32.16 (SW9) \$1,218.56, (SW10) \$2,215.50, Trust & Agency(TA)- \$0  
:Total:\$84,566.01 Carried Unanimously

## **COMMITTEE AND DEPARTMENT HEAD REPORTS**

**Highway** – The Town Hall parking lot is sealed and will be striped this week. The White Goods pick up will begin September 24th. The one pole at Howe and Davison has been removed but one more still needs to be removed.

**Assessor** – She will be going to Buffalo for the Small Claims Hearings tomorrow. She has received the foreclosures list from the County, which will take place on October 3<sup>rd</sup>. There are 2 properties within the town on the list. The foreclosure list will be posted on the website.

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

Jean Bly	11535 Meahl	shed
Jerry Szmania	13356 Stage	roof
Golden Pond Estates	13415 Main	mailbox cover
Thomas Carroll	4999 South Newstead	garage addition
Steven Bedford	6926 Cedar	siding
Martin J. Smith	11342 Miland	shed
Richard Stachura	12320 Rapids	windmill aerator
Melvin & Ruth Knerr	12509 Hunts Corners	shed
Charles Ross	13479 Bloomingdale	deck
Stainless Steel Brakes	11470 Main	siding
ADESA Auctions Buffalo	12200 Main	demolition
Kirk Kubiak	11205 Hiller	addition
Joseph & Jacquelyn Rotundo	5814 Barnum	kitchen + deck
David & Dawn Reid	13465 Stage	roof
Dave & Marybeth Brucker	7758 Greenbush	3-sided commodity bldg.
James DeYoung	13201 Carney	porch enclosure
John C. Stein	11986 Main (The Dog House)	addition
Mark Wagner	12555 Brucker	roof
Michael & Carol Sutton	12424 Nice	porch enclosure
C. Turchiarelli	11152 Clarence Center	fill
Michael & Jennifer Baran	12800 Carney	deck
Timothy Colf	12721 Swift Mills	storage building
Jeff Sage	11446 Howe	pole barn
Brian J. Siska	8025 Kathryn	pellet stove
Mr. & Mrs. Zitzka	4594 South Newstead	roof
William Barry Jones	7389 Downey	above ground pool
William & Angela Earle	12505 Meahl	permit renewal
Kevin D. Stoldt	13069 Dorsch	single family home
T & C. Woodbury	5875 Davison	pellet stove

The Town Board accepted the Building Report as presented.

**Town Clerk-** The final version of the new code should be available and ready for adoption sometime in November. School tax bills are in and will be mailed this Friday.

**Attorney for the Town** – Nothing at this time

#### **COUNCILPERSONS**

**George-** Nothing at this time

**Finger-** Nothing at this time

**Decker-**Nothing at this time

**Rooney-** He attended the Conservation Advisory Council meeting last Friday. He went out and observed the creek clean up with the Highway Superintendent. The highway crew has done a very nice job.

**SUPERVISOR-** Attended a Supervisor's roundtable with his secretary this week hosted by the town's auditing firm. He had his monthly meeting with Mayor Patterson to discuss issues. The draft for the EMS contract is out to board members. He attended the Northeast Supervisors meeting today.

The Crittenden Bridge is still in progress with no set date to begin. The clean up of waterways and ditches is being done by highway crews and inmates from the correctional facility.

**UNFINISHED BUSINESS**

**Water District #10-** Phase 2 & Extensions- both projects are almost complete. They are addressing punch lists with Milhurst and Pilon and are preparing for close out of both projects.

**Route 5 Re-Zoning-** the town has taken lead agency status, the law is completed and a public hearing will be set tonight for September 24<sup>th</sup> at 7:30pm.

**Shared Public Works Facility Committee-** The next meeting is scheduled for Monday, September 17<sup>th</sup> with the Village.

**Grants-**They will be going over in Work Session next week and making decisions on what to pursue.

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

**Crittenden Road Bridge-** The Supervisor reported he is the point person for contact on project with the County and is reporting to the Village on keeping the process going on this project.

**NEW BUSINESS:**

**WD#10- Phase 2 Increase & Improvement Approval and Bond Resolution:**

A motion was made by Councilman Decker, seconded by Councilman George authorizing the approval on the increase and improvement of the Water District #10- Phase 2 project to increase expenditures from \$2,000,000 to \$2,300,000 for the cost of adding the Hiller, N. Millgrove and Downey Road extensions and approving the corresponding bond resolution.

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

**Public Hearing Local Law No. 3 of 2007- Zoning Law Amendment:**

A motion was made by Councilman George, seconded by Councilman Decker approving the calling of a public hearing on Local Law No. 3 of 2007 entitled "Zoning Law Amendment" to be held on September 24, 2007 at 7:30PM at the Town Hall and authorizing the Town Clerk to publish the notice in the Akron Bugle.

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

Councilman George also requested that ads be placed in the Pennysaver announcing the hearing.

**Arrowhead Liquor License Renewal:**

A motion was made by Councilman George, seconded by Councilman Finger approving the renewal request of a "Ball Park" liquor license for Arrowhead Golf Course for their cart service at 12292 Clarence Center Rd. and approving a waiver of the 30 day requirement.

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

The Supervisor stated there would be a short work session following the meeting and then they would be going into executive session.

**Question Period-** Stan Serwon of 5759 Davison Road questioned the resolution passed on August 13<sup>th</sup> regarding the proposed NYS property tax reform and the status of the legislation. The Supervisor explained there have been no updates received from Senator Rath yet.

There being no further business to come before the board a motion was made by Councilman Rooney, seconded by Councilman Finger to adjourn the meeting at 9:40 PM.

Carried Unanimously

Respectfully Submitted,  
Dawn D. Izydorczak, Town Clerk