

**Newstead Town Board Meeting- September 22, 2008**

A Public Hearing was called to order by the Newstead Town Board on Monday, September 22, 2008 at 7:45pm at the Newstead Town Hall.

Present: David Cummings– Supervisor  
Tom George- Councilman  
Harold Finger- Councilman  
Justin Rooney- Councilman  
Cheryl Esposito- Councilwoman  
Nathan Neill- Town Attorney  
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.

The Supervisor called the public hearing to order on the proposed preliminary plat submitted for a 28-lot subdivision at Stage & Havens Roads.

The Clerk read the proof of publication.

Comments: The engineer on the project gave a brief explanation of the proposed project. They discussed access to the public water system, private individual septic systems, and a detention pond for drainage. The lots will be sold individually to owners and builders.

Newstead Chief Craig Frost, 4833 N.Millgrove Rd. questioned if the planning included ample roadways for fire apparatus to turn around especially on the cul-de-sacs. They replied that the roads would be constructed under state regulations.

There being no further comments a motion was made by Councilman Finger, seconded by Councilman Rooney to close the public hearing on the 28-lot subdivision at 7:58pm.

Carried Unanimously

The Supervisor called the public hearing to order to hear comments on the proposed use of Erie County Community Development Block Grant funding for 2009 at 7:58pm.

The Clerk read the proof of publication.

The Supervisor explained that the town would be submitting its annual request for the Rural Transit Senior Van as ranked #2. He also mentioned some other projects including new handicapped accessible doors at the Senior Center and Town Hall as a possible project.

Comments: No one spoke

There being no further comments a motion was made by Councilman George, seconded by Councilman Finger to close the public hearing on the CDBG funding at 8:03pm.

Carried Unanimously

A regular meeting of the Town board was called to order at 8:03pm with the same members present as listed above.

Craig Frost led the pledge to the flag.

Minutes from the previous regular meeting held on September 8, 2008 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:

Certified resolutions were received from the Town Boards of the Towns of Lancaster, Evans, and Cheektowaga regarding their opposition to the proposed changes in the Public Health Law that would allow shifting the duties of the Registrars of Vital Statistics to the County level.

A notice of several upcoming free Planning & Zoning Board training sessions was received from TVGA Consultants. For more information see the Clerk.

A Notice of Public Hearings was received from the NYS Public Service Commission regarding Niagara Mohawk and National Grid Gas Service Rates. The closest to us will be in Syracuse on Tuesday, October 28, 2008.

A notice of the “Ultimate Deer Hunting Seminar” to be held on October 8, 2008 at 6:00pm at the New Creation Fellowship at 3325 Genesee St in Cheektowaga featuring Charles Alsheimer.

A letter from WIVB News 4 General Manager Christopher Musial regarding their negotiations with Time Warner Cable for service agreements that will expire on October 2, 2008 and could discontinue local programming to local viewers.

A copy of the Erie County Taxpayer Newsletter was received from the County offices.

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

**Work Session:** The Supervisor reported that at the work session held last week the following issues were discussed: water district issues, conservation committee issues, joint facility issues, potential grant submissions, planning issues, the Rails resolution, 2009 budget, personnel issues, bike path, 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 #746 from the September 8, 2008 meeting have been reviewed with the previously UN-audited vouchers and everything was found in order. She presented Abstract Batch #750 & 751. Vouchers on this abstract numbered 937- 981 totaling \$203,148.52 and were presented by Councilwoman Esposito, seconded by Councilman Finger to approve payment as follows:

Abstract Batch #750 & 751:

General Fund (A) -\$41,099.13, General Fund- Outside Village (B) \$5,452.50, Highway (DA) -\$0, Capital Projects: CAP-WD#10-phase 2 (HI)- \$118,992.67, Murder Creek Stabilization (HM) - \$0, Highway: Outside Village (DB) \$6,271.51, Drainage (SD)- \$0, Fire Protection (SF) \$106.23, Refuse (SR) \$0, Sewer Fund (SS) \$325.51, Sewer District #2 (SS02)- \$205.23, and Water Districts (SW1) \$0, (SW2) \$0, (SW3) \$0, (SW4) \$0, (SW5) \$12,500.00, (SW6) \$0, (SW7) \$0, (SW7A) \$466.00, (SW8) \$0, (SW9) \$529.00, (SW10) \$17,200.74, Trust & Agency(TA)- \$0,  
Total: \$203,148.52 Carried Unanimously

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

**Highway** – The white goods/metal pick up started this morning but seemed light this time. They will go out a couple more times during the week to look for items. They finished the fertilizing and maintenance of the Town Park fields for the fall.

**Assessor** – submitted an update report on pending Article 7 cases.

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

Bryan Vanvolkenberg	12834 Dorsch	I.G. pool & fence
Mark Wagner	12555 Brucker	Permit Renewal
Peter Latka	11464 Clarence Center	Barn addition
Robert Galuski	11875 Hunts Corners	Outdoor wood furnace

James DeYoung	13201 Carney	Roof
Leisurewood Campgrounds	5720 Cummings	R.O.W. Access
Beatrice Carey	11241 Miland	Outdoor wood furnace/shed
Arthur Beitz	13012 Dorsch	A.G. Pool
John Hehnen	13069 Dorsch	I.G. pool
Barbara Stanley	8191 Fletcher	Demolition
Newstead Fire Co	Rt. 5 & Cummings	Temporary sign
Dan McMahon	4163 S Newstead	Roof
Peter Schenk	13881 Knapp	A.G. pool
Niagara Specialty Metals	12600 Clarence Center	Addition
Mark Graziano	5428 S Newstead	Roof
ADESA New York	12200 Main	Pavilion
Terrance Foley	12646 Meahl	Roof

The Town Board accepted the report as presented. CEO Good stated he has started back on fire inspections to finish the list for 2008.

**Town Clerk-** Presented August Dog Control officers report. They are now starting to ticket owners of dogs that were discovered during the enumeration that still have not come in to license their dogs. School tax collection is progressing and we will be having Saturday hours on October 4<sup>th</sup> and 11<sup>th</sup> from 9:00am – 12:00 noon for tax collection.

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

### **COUNCILPERSONS**

**George-** Nothing at this time

**Finger-**He thanked Mike for the work done at the town park. He is working with Ledford Heating and Air Conditioning negotiating contracts for the town buildings for 2009. He is also working on getting pricing for the snow shoveling contract for winter for the town properties.

**Rooney-** Nothing at this time

**Esposito-**Nothing at this time

**SUPERVISOR-** August Supervisors Report is on file with the Town Clerk and available for inspection. The Preliminary Budget for 2009 was presented. Supervisor Cummings read his Supervisor’s Budget Message for 2009. The Public Hearing for the Budget will be on October 27th and the adoption of the Budget will be scheduled for the November 10th board meeting. NYS law now requires that effective October 1, 2008 the Budget must include the total number of exemptions in the Town.

### **UNFINISHED BUSINESS**

**Water District #10-** Phase 3 –The Tonawanda Creek line is in. Final connection has been completed on Hiller Road and the line is now fully operational. They will start installation of the N. Millgrove services tomorrow and then move on to the Tonawanda Creek services.

**Shared Public Works Facility Committee-** Councilman George requested work session time to discuss this issue prior to the joint Town /Village meeting on October 6th.

**GIS-** overall budget was reduced 6% by the State to \$65,453 from \$69,630. Pending authorization of final contract with Bergmann & Associates, we are getting ready to purchase equipment.

**Bike Path-** Clarence is hosting several upcoming fundraisers for the purchase of cameras and safety measures along the bike path. The Supervisor was informed that the money raised will be shared with Town of Newstead/Akron to continue those safety measures along our paths as well.

**NEW BUSINESS:**

**Local Law #3 of 2008 Determination of Non-Significance & Adoption:**

A motion was made by Councilman Rooney, seconded by Councilman George issuing a Determination of Non-Significance of Local Law regarding the proposed Local Law #3 of 2008 amending the Subdivision Law of the Town of Newstead.

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

A motion was made by Councilman Rooney, seconded by Councilman George adopting the proposed Local Law #3 of 2008 amending the Subdivision Law of the Town of Newstead.

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

**Hearing for 13136 Steiner Rd- Unsafe Building Law Violation:**

A motion was made by Councilman Finger, seconded by Councilman George issuing approval for a hearing on an unsafe building violation for the property at 13136 Steiner Rd owned by Carol Rowe to be held on October 13, 2008 at 7:55pm at the Newstead Town Hall and authorizing the CEO to serve notice to the property owner of the alleged violation.

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

**E & GW Foundation Grant Request Approval:**

A motion was made by Councilman George, seconded by Councilman Rooney authorizing the Supervisor to execute the appropriate applications for grant funding from E&WG Foundation for an amount not to exceed \$40,000 to cover renovation costs in the Newstead Library lower level.

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

**Rural Transit Van Agreement Approval:**

A motion was made by Councilman George, seconded by Councilwoman Esposito authorizing the Supervisor to execute the agreement for the Rural Transit Van Service for 2009.

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

**Lateral Restriction Approval- 6137 Dye Rd:**

A motion was made by Councilman Finger, seconded by Councilwoman Esposito approving the lateral restriction hardship application by Cornerstone Development for property at 6137 Dye Rd within Water District #5 for the reasons specified in the application.

Cummings-Aye, George-No, Finger-Aye, Rooney -Aye, Esposito-Aye Carried

**Lateral Restriction Approval- 6744 Utley Rd:**

A motion was made by Councilwoman Esposito, seconded by Councilman Rooney approving the lateral restriction hardship application by Leonard Schie for property at 6744 Utley Rd within Water District #5 for the reasons specified in the application.

Cummings-Aye, George-No, Finger-Aye, Rooney -Aye, Esposito-Aye Carried

**Request for GIS Data to ECWA:**

A motion was made by Councilwoman Esposito, seconded by Councilman Finger authorizing the Supervisor to execute an agreement with Erie County Water Authority on behalf of the Town to obtain and share GIS data layers for the towns GIS system from the Water Authority.

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

**Bergmann & Associates Contract Approval:**

A motion was made by Councilman Finger, seconded by Councilman George authorizing the Supervisor to sign the contract with Bergmann & Associates, Inc., PC for GIS implementation work in an amount not to exceed \$17, 800.

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

**SEMO/FEMA Grant Letter of Intent-**

A motion was made by Councilman Rooney, seconded by Councilman Finger authorizing the Supervisor to submit a Letter of Intent to Apply for SEMO/FEMA Grant funding for 2009 for the Murder Creek Mitigation project.

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

**Question Period-** No one spoke

Reminder- a joint meeting is scheduled with the Village of Akron Board on Oct 6, 2008 at 6:00pm at the Town Hall.

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 8:35 PM.

Carried Unanimously

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