

## Newstead Town Board Meeting- October 8, 2007

A Public Hearing was called to order by the Newstead Town Board on Monday, October 8, 2007 at 7:30PM 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  
John Good- Code Enforcement Officer  
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.

The Supervisor called the public hearing to order on the proposed 2-lot subdivision on Stage Rd by owner Harold Frey.

The Clerk read the proof of publication.

The Supervisor explained the process this project has been through the past several weeks. CEO John Good explained this is considered a major subdivision due to the fact that it is a spin-off from the Frey 10-lot major subdivision.

Comments: no one spoke

There being no further comments, a motion was made by Councilman Finger, seconded by Councilman Decker to close the public hearing at 7:38pm. Carried Unanimously

The Supervisor called the public hearing to order on the proposed increase in Senior Exemption rates for 2008.

The Clerk read the proof of publication.

The Supervisor explained the reasons behind increasing these exemption rates.

Comments: Don Snell of 3 Shepard Avenue stated he does not think the increase in the exemption limits is near enough. He stated we are way below the levels set in Clarence and Alden. The Assessor gave the board notice that these levels are too low a long time ago. He stated with heating oil costs increasing and other costs increasing he doesn't know how senior citizens are going to make it. He feels we need to catch up more than \$2,500, it is not enough.

Barb Miller of Keller Road stated she and her husband feel these levels are "Paupers" figures. Increases in taxes and assessments over the past several years make it tough and the farmers take as much of a hit as the seniors do. She stated retirement and limited budgets make these expenses very difficult. She feels the board needs to look at the little people too.

Don Snell informed the board he will make copies available to them of the research he did in Clarence and Alden and other surrounding towns.

Gene Schuler of Brooklyn Street stated he retired 18 years ago. Times are tough and health care costs, especially for seniors, make it difficult for them to keep their homes. The town needs to help the seniors more.

The Supervisor informed those present that the Board would take no action on this tonight and that they would discuss the limits and any possible changes at the next work session.

There being no further comments, a motion was made by Councilman Decker, seconded by Councilman Finger to close the public hearing at 7:47. Carried Unanimously

The Supervisor called the public hearing to order on the proposed uses for Community Development Block Grant funds for 2008.

The Clerk read the proof of publication.

The Supervisor explained that each town is allowed to submit 3 projects each year. The Rural transit Van Service is submitted by most towns in Erie County. Other past uses of this grant funding have been used for re-surfacing roads. He stated the town boards ideas for the coming year include the senior van service, re-surfacing of town road ways sidewalks to the town park from the village and handicapped accessible door systems to be installed at the town hall. He asked for any other suggestions for next year from those present.

Comments: no one spoke

The Supervisor stated the Board will discuss their ideas at the next work session.

There being no further comments, a motion was made by Councilman Finger, seconded by Councilman George to close the public hearing at 7:53. Carried Unanimously

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

Nathan Neill led the pledge to the flag.

Minutes from the previous regular meeting held on September 24, 2007 were presented for approval. A motion was made by Councilman George, seconded by Councilman Decker to approve as presented. Carried Unanimously

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

A certified resolution and a copy of the Town of Alden's proposed Local Law No. 2 of 2007 entitled Windmill Law of the Town of Alden were received.

A certified resolution from the Town of Colden regarding their opposition to proposed amendments to the Public Service Law, Article X.

The September Operations Report was received from Amherst Central Alarm office reporting 53 calls for Akron Fire Co. and 38 calls for Newstead Fire Co.

A letter was received from The Links at Ivy Ridge owner Don Nicholas requesting an informal meeting with the Town Board, to include several of the business owners along Route 5 regarding the proposed zoning changes.

A notice from the Erie County Senior Services Department announcing four upcoming HEAP meetings for community leaders and public officials: one to held in Hamburg on October 15<sup>th</sup>, one to be held in Cheektowaga on October 16<sup>th</sup>, and two to be held in Buffalo on October 16<sup>th</sup> & 18<sup>th</sup>. For more information see the Town Clerk.

A certified resolution was received from the Town of Amherst regarding their support of the Animal Alliance of WNY and the Erie County SPCA.

The quarterly report was received from BFI for the months of July thru September reporting 1,751+/- residential units collected for and 456.93+/- tons of solid waste collected and 74.74 tons of co-mingled recyclables collected.

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

**Work Session:** The Supervisor reported that at the work session held last the following items were discussed: water district #10 issues, sewer district #1 issues, Route 5 re-zoning, grant submissions,

CAC issues, joint facilities study, budget hearing, planning issues, and the joint meeting with the Village Board, at which they discussed the joint facility project, sewer issues, drainage issues, sharing of CEO, archives grant, bike path grant, police garage grant, justice dept. issues, police issues and the comprehensive master plan.

**Privilege of the Floor** – Larry Badgley of Barnum Road stated he and several other Barnum Road residents attended a September 27<sup>th</sup> Zoning Board of Appeals public hearing on a proposed dog kennel by the neighbor, Patrick Galla. He informed the board that several signed petitions by neighboring residents were presented at that meeting. He stated that six parcels adjacent to the parcel in question have a combined assessment of \$1.2 million. He and these other neighbors are worried about quality of life issues and the de-valuation of their property. Having a dog kennel next to their properties could make them difficult to sell in the future due to constantly barking dogs. He stated that all the residents in that area are against the project.

The Supervisor explained that the Zoning Board of Appeals is an autonomous board in their decisions. The Town Board has no jurisdiction or influence to interfere in their decisions. Code Enforcement Officer John Good spoke and informed the Badgley’s that in this process the Zoning Board of Appeals is only granting Mr. Galla the right to apply for a special use permit and nothing else. If that right is given then the project would be passed onto the Planning Board and then ultimately the Town Board for approval or denial.

**Approval of Bills** -Councilman Decker reported that the Abstract from Batch #644 from the September 24, 2007 meeting has been reviewed with the previously UN-audited vouchers and everything was found in order. He presented Abstract Batch #649. Vouchers on this abstract numbered 954 - 1008, totaling \$158,030.22 and were presented for payment approval by Councilman Decker, seconded by Councilman Finger to approve payment.

Abstract Batch #649:

General Fund (A) -\$33,771.30, Fund (B) \$767.83, Highway (DA) -\$0, Highway: Outside Village (DB) \$3,065.01, Capital Projects: CAP-WD#10 (HI)- \$85,653.51, Reserve- Roof Repair (HR01)- \$0, (HL) October Storm- \$0, Drainage (SD)- \$0, Fire Protection (SF) \$0, Refuse (SR) \$21,487.62, Sewer Fund (SS) \$3,345.00, Sewer District #2 (SS02)- \$5.34, and Water Districts (SW1) \$40.88, (SW2) \$89.92 (SW3) \$114.45, (SW4) \$118.79, (SW5) \$2,478.99, (SW6) \$310.64, (SW7) \$433.26 (SW7A) \$49.05 (SW8) \$32.70 (SW9) \$89.92, (SW10) \$6,176.01, Trust & Agency(TA)- \$0 :  
 Total: \$158,030.22 Carried Unanimously

**COMMITTEE AND DEPARTMENT HEAD REPORTS**

**Highway** – salt is being delivered tomorrow and they will begin mixing it for winter. The new window for the skidster was supplied to the town at no cost and he has kept the old frame and put a new window in it to use as a back-up. He will be out of town from October 10<sup>th</sup> – 15<sup>th</sup>.

**Assessor** – all of the SCAR hearings are finished and she should have the final set of decisions this week. She is working on obtaining GIS updates and information for our system.

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

Nova Schlager	11258 Clarence Center	Addition
McDonald’s of Akron	12976 Main	Temporary sign
Ron Horbach	12077 Hunts Corners	Shed
Kurt Schie	12225 Clarence Center	One Family Home
Dave Hill	4758 Crittenden	Windows
Antique World, LLC	11163 Main	Temporary sign
Harold Thomas	6713 Maple	Roof
Jack Toepfer	13172 Stage	Shed
Donald Kreher	13212 Main	Roof
David Kempston	12380 Swift Mills	Stove

John Randall	13775 Knapp	Mini-storage units
Richard Walser	13677 Main	Roof
Nelson Rappold	7461 Cedar	Garage
Steve Bedford	6826 Cedar	Siding

The Town Board accepted the Building Report as presented.

**Town Clerk-** school tax bills are coming in at a brisk pace, with the final date to pay without penalties next Monday, October 15<sup>th</sup>. The Clerk’s office will be open this Saturday morning again to take payments. The Village DPW shut down power to the building this morning to replace the pad our transformer sits on. They did a great job. Thank you to them for their work. The August and September Dog Control Officer reports were presented.

Councilman Finger asked if the Dog Control Officer could get these reports in a more timely manner. He will speak to him.

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

**COUNCILPERSONS**

**George-** nothing at this time

**Finger-** library repair work is completed and senior center repair work is in process. The town park shelter needs to be closed up for the winter. He asked Highway Supt. Bassanello to take care of that and make arrangements for the dumpster also.

**Decker-** nothing at this time

**Rooney-** there is a recreation board meeting this Thursday in the basement of the Denio at 6:30pm.

**SUPERVISOR-** the August Supervisor’s report is on file with the Town Clerk. He has scheduled a meeting with Hans Mobius and some other representatives from the farming community to come out for the work session on the 15<sup>th</sup>. There were some misquotes that made it onto a radio talk show last week regarding the town banning open fires. This is completely false and he has corrected the information with the proper persons.

**UNFINISHED BUSINESS**

**Water District #10-** Phase 2 & Extensions- still in process of close-out procedures with both contractors. A resolution will be read later in the meeting to start the phase 3 process.

**Route 5 Re-Zoning-** Councilman George explained this is a process we have been going thru as a community for several years. A vision map for the Route 5 corridor had been developed over a several year process with feedback from the public at hearings over that time. He would like to propose that the Comprehensive Plan for the Route 5 portion and the Vision Map be re-looked at.

**Motion to Table Route 5 Re-Zoning Project:**

A motion was made by Councilman George, seconded by Councilman Finger to table the Route 5 re-zoning project and remove it from the agenda. He would also like to motion that the Town Board hold their scheduled meeting with the business owners along Route 5 on October 15<sup>th</sup> and request that they be a staple at future sessions and help to guide where the project goes from here.

Carried Unanimously

**Shared Public Works Facility Committee-** an October 29<sup>th</sup> meeting is scheduled with the Village Board to go thru the final draft.

**NYS Toll Barrier-** waiting for a response from NYS Thruway Authority. The Supervisor has heard comments recently made by Senator Volker on the issue. Councilman George made the Board aware that the Port Authorities of New York and New Jersey are currently working on a cash free, barrier free system for their road systems. These authorities work very closely with the NYS Thruway Authority so this may be a new avenue that can be explored for this problem.

**Crittenden Road Bridge-** the new deck was poured at the end of last week, so the bridge could be open by the end of the month.

**NEW BUSINESS:**

**Public Hearing- 2008 Budget:**

A motion was made by Councilman Decker, seconded by Councilman Finger approving the calling of a public hearing to hear comments on the proposed 2008 Budget on October 23, 2007 at 7:45pm at the Newstead Town Hall and the Clerk is hereby ordered to publish a notice in the official paper of the town, the Akron Bugle.

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

**2-lot Subdivision on Stage Rd for Frey:**

A motion was made by Councilman Finger, seconded by Councilman George issuing a negative declaration under SEQRA and approving the proposed 2-lot subdivision on Stage Rd by owner Harold Frey per site plan dated August 23, 2007.

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

**WD#10- Phase 3 DWSRF Pre-Application Approval:**

A motion was made by Councilman Rooney, seconded by Councilman George approving the pre-application process for future DWSRF funding to add extension areas to Water District #10 (to be known as Phase 3) and authorizing the Supervisor to sign the applications.

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

**Sewer District #1 Work Approvals:**

A motion was made by Councilman George, seconded by Councilman Finger approving the proposed plan for repair work to the sewer district #1 pumping station and authorizing the solicitation for public bids on the project.

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

**Question Period-** no one spoke

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 8:28 PM.

Carried Unanimously

Respectfully Submitted,  
Dawn D. Izydorczak, Town Clerk