

**Newstead Town Board Meeting- October 22, 2007**

A Public Hearing was called to order by the Newstead Town Board on Monday, October 22, 2007 at 7:45PM at the Newstead Town Hall.

Present: David Cummings- Supervisor  
Harold Finger- Councilman  
Mark Decker- Councilman  
Justin Rooney- Councilman  
Mike Bassanello- Highway Supt.  
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 except Councilman George who is out on business.

The Supervisor called the public hearing to order on the proposed 2008 Budget.

The Clerk read the proof of publication.

The Supervisor reviewed the key points of his 2008 Budget. He stated the overall assessments increased 21% and that the tax rate decreased 17.3%, allowing for a 3% increase in the budget. He was notified that the assessment rate has changed by approximately \$800,000 due to small claims hearings results to date, which will have a very minor effect on the final rate.

Comments: No one spoke

There being no further comments, a motion was made by Councilman Finger, seconded by Councilman Rooney to close the public hearing at 7:55pm. Carried

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

Councilman Mark Decker led the pledge to the flag.

Minutes from the previous regular meeting held on October 8, 2007 were presented for approval. A motion was made by Councilman Decker, seconded by Councilman Finger to approve as presented. Carried

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

A letter from Senator Mary Lou Rath thanking the Town Board for their resolution passed regarding the proposed amendments to Article X of the Public Service Law and stating she will keep them informed as this progresses.

A letter from Time Warner Cable informing the town of the pending network agreements that is currently under negotiation.

A letter from Northern Erie Snow-seekers Snowmobile Club requesting permission from the Town to use the west shore bike path run again for this season as they have done for the past 11 years.

A letter was received from Whiting Door Manufacturing Corp. thanking the Highway Supt. and the highway crew for their work done on Murder Creek with the clearing of trees and debris and the ditch clearing job that was done from their plant to the creek. It has greatly improved the water flow.

A notice was received from the NYS Department of State acknowledging the filing of Local Law No. 3 of 2007 on October 1, 2007.

A copy of the Akron-Newstead Recreation Board minutes was received from the Recreation Director Terri Bierasinski.

A petition submitted by Jim Baker of 8530 Burdick Road requesting water service from the Water District #10 system was received with signatures from 34 residents this month, along with a copy of a similar petition filed in June 1997 that contained 19 signatures.

A petition submitted and signed by 46 residents declaring their support for a Right to Farm Law in Newstead and requesting the Town Board adopt such a law. Accompanying the petition was a copy of the adopted Right to Farm Law for the Town of Marilla.

A petition submitted by Joseph Rotundo of 5814 Barnum Road and signed by 41 Barnum Road residents, requesting a speed limit reduction on Barnum road from 55 mph to 35 mph.

A certified resolution passed by the Town of Orchard Park was received in support of the re-negotiation of the 1977 sales tax agreement between the towns and the County.

A letter was received from the Erie county Farm Bureau along with a copy of the 2007-08 Erie County Farm Bureau resolutions presented to and passed at their annual meeting.

A letter was received from the Amherst Fire Chiefs' Association listing their recommendations for the ambulance contract for 2008-2010.

A memo was received from the Erie County Dept. of Environment & Planning along with brochures on their upcoming state training sessions to be held on Monday, November 26, 2007. For more information see the Town Clerk.

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

**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, agricultural issues(met with farmers), Route 5 re-zoning(met with business owners), grant submissions, Rural Transit Service resolution, LOSAP resolution, CAC issues, joint facilities study, planning issues, and budget items.

**Privilege of the Floor** – James Baker, 8530 Burdick Road, questioned raising the disability exemption levels as well as the senior exemption levels. He also questioned bringing water from water district #10 to the homes in his area. The Supervisor stated that originally in the plan this area was un-serviced, but with the completion of the major areas of water district #10 the Town is now currently looking at addressing water in his area as well as the remaining unserviced areas of the town.

Stan Serwon, 5759 Davison Road, asked Councilman Rooney about the status of the 4-way stop sign requested on Davison and Howe Roads. Councilman Rooney stated he has not heard anything from the County since he last talked to him 2-3 weeks ago and he did send a letter to the County. He is still working on it.

**Budget Transfers:**

A motion was made by Councilman Decker, seconded by Councilman Finger to approve the budget transfer in the amount of \$3,000.00 from A3089 to A2770 per the memo dated 10/22/07 from the Bookkeeper.

Carried

A motion was made by Councilman Decker, seconded by Councilman Finger to approve the budget transfers in the amount of \$38,661.00 from DB5110.100 to DB5130.100 and \$12,000.00 from DB5130.400 to DB5110.400 per the memo dated 10/22/07 from the Bookkeeper.

Carried

**Approval of Bills** -Councilman Decker reported that the Abstract from Batch #649 from the October 8, 2007 meeting has been reviewed with the previously UN-audited vouchers and everything was found in order. He presented Abstract Batch #650 & 655. Vouchers on this abstract numbered 1009 and 1032-1066, totaling \$30,235.42 and were presented for payment approval by Councilman Decker, seconded by Councilman Finger to approve payment.

Abstract Batch #650 & 655:

General Fund (A) -\$14,269.15, Fund (B) \$268.38, Highway (DA) -\$0, Highway: Outside Village (DB) \$14,884.73, Capital Projects: CAP-WD#10 (HI)- \$0, Reserve- Roof Repair (HR01)- \$0, (HL) October Storm- \$0, Drainage (SD)- \$0, Fire Protection (SF) \$0, Refuse (SR) \$0, Sewer Fund (SS) \$742.52, Sewer District #2 (SS02)- \$70.64, 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: \$30,235.42 Carried

**COMMITTEE AND DEPARTMENT HEAD REPORTS**

**Highway** –The Highway Department has started winter hours, 7:00AM-3:30 PM Monday – Friday. They are continuing on ditching projects and field ditch mowing.

**Assessor** –She is attending a GIS meeting at the Akron Fire Hall.

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

Kreher Poultry Farms	13370 Main	Dock
Randy Ribbeck	11384 Crego	Deck & roof
CMK Builders	13100 Dorsch	One Family Home
Empire Building Diagnostics	13836 Knapp	Demo
Nelson Kaufman	5316 South Newstead	Roof
Daryl Santillo	11735 Clarence Center	Garage
Patrick Galla	5475 Barnum	Entryway
Dale Kruschke	11475 Stage	Barn addition & roof
Laura Borchert	6795 Cedar	Roof
Jon Campbell	12680 Brucker	Lean-to & roof
Kelly Schultz	11080 Stage	Garage
Brian Chadsey	5951 Cummings	Roof
Gary Betzold	5910 Cummings	Shed
Eugene Przybyl	12575 Meahl	Enclosed porch
Buck's Motorsports	13090 Main	Signs
Kevin Knight	7641 Maple	Roof

The Town Board accepted the Building Report as presented.

**Town Clerk-** the school tax collection penalty free period is over with only 7% of taxes uncollected at this time. The Clerk's office is now able to accept debit cards as a payment choice with the hope of having credit cards on-line by the first of the year. Dawn will be out of town next Monday.

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

**COUNCILPERSONS**

**George-** Not present

**Finger-**Nothing at this time

**Decker-**Nothing at this time

**Rooney-** He attended the drainage committee meeting last Tuesday and toured the Akron Airport with the Code Enforcement Officer John Good.

**SUPERVISOR-** the September Supervisor's report is on file with the Town Clerk. He would like to address with the board the incident that happened at the drainage meeting last week during their next work session. He met with the fire companies regarding budget items. He and

Councilman Finger also met with the Wilson Greatbatch Foundation on the grant project at the Denio building. He and the Highway Superintendent met with the Re-tree group and reported the town, village and school will be receiving 60 trees from the program to share at no cost. The trees will be picked up on November 9<sup>th</sup> and volunteers will be planting them on November 10<sup>th</sup>.

**UNFINISHED BUSINESS**

**Water District #10- Phase 2 & Extensions-**

Final paper work is almost ready for Milhurst Construction. They have one item left to take care of.

They are looking into funding for the new phase 3 extensions. They will be meeting with USDA hopefully later this week to discuss possibilities. The town is looking to complete as many un-serviced areas of the town as feasible over the next 2-3 years.

**Shared Public Works Facility Committee-**There will be a Joint meeting with the Village Board here on October 29<sup>th</sup> following the work session.

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

**Crittenden Road Bridge-** The Supervisor stated that Charles Sickler of the Erie County Highway Department believes the bridge will be open no later than November 1<sup>st</sup>.

**NEW BUSINESS:**

**Community Development Block Grants- Rural Van Service:**

A motion was made by Councilman Finger, seconded by Councilman Decker approving the use of Community Development Block Grant funds for 2008 for the Senior Van Service and ranking this project as Number 3.

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

**LOSAP Certification:**

A motion was made by Councilman Decker, seconded by Councilman Rooney authorizing the Supervisor to sell, sign, assign and endorse for transfer certificates representing stocks, bonds or other securities now registered in the name of the Town of Newstead for the LOSAP program.

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

**Community Development Block Grants 2008 Projects:**

A motion was made by Councilman Rooney, seconded by Councilman Finger approving the use of Community Development Block Grant funds for 2008 for the following projects and rankings: No. 1- Road Repairs, No. 2- Joint sidewalk project with Village of Akron and No. 3- Rural Transit Van Service and authorizing the Supervisor to sign the applications.

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

**Budget Amendment- Records Management Grant:**

A motion was made by Councilman Decker, seconded by Councilman Finger approving the amendment of the 2007 adopted General Fund Budget authorizing additional appropriations and additional revenues of \$22,587.00 which represents a records management grant awarded to the town.

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

**Budget Amendment- Recreation Program Donation:**

A motion was made by Councilman Finger, seconded by Councilman Decker approving the amendment of the 2007 adopted General Fund Budget authorizing additional appropriations and additional revenues of \$500.00 which represents a donation made to the Akron-Newstead Recreation Program by Mary Cummings.

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

**Water District #10-Phase 2 Extensions Final Close-out:**

A motion was made by Councilman Rooney, seconded by Councilman Finger approving the final pay request and Release of Liens provided by Pilon Construction and authorizing full contract payment and release of all retained monies with the condition that the Performance Bond and Payment Bond remain on effect for a two (2) year period commencing from October 22, 2007.

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

**Lateral Restriction Application- 12225 Clarence Center Rd:**

A motion was made by Councilman Rooney, seconded by Councilman Finger approving the Lateral restriction application filed by Kurt Schie for property located at 12225 Clarence Center Rd after presenting appropriate proof of hardship.

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

Carried

Supervisor stated that the speed study requested by Joe Rotundo and the Barnum Road residents will not be sent out to the County until Spring of 2008, which was agreed to by all interested parties. The Right to Farm petition will be discussed at the next work session, as will the Sno-Seekers request for use of the bike path areas. The Amherst Fire Chiefs recommendations will also be discussed at the next work session and a date for a public hearing will be decided.

**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 8:30 PM.

Carried Unanimously

Respectfully Submitted,  
Dawn D. Izydorzak, Town Clerk