

Newstead Town Board Meeting- October 27, 2008

A Public Hearing was called to order by the Newstead Town Board on Monday, October 27, 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 Tentative Budget for 2009.

The Clerk read the proof of publication.

The Supervisor gave a detailed overview of the increases and decreases in estimated appropriations and expenditures for 2009 and explained that in many cases with the fire, drainage, sewer and water districts any increases in those funds are mainly pass through costs due to fixed contractual costs.

Comments:

Peter Henley of Indian Falls Rd questioned the amount appropriated ion 2009 for the joint facility project. The Supervisor replied it is approximately \$16,000. Mr. Henley question then how capital costs are to be funded. The Supervisor replied those costs are bonded.

Greg Papke of Ayers Rd questioned the sources of projected revenues. The Supervisor responded most revenues are from sales tax, mortgage tax plus town fees collected and the balance is taken from unappropriated fund balance.

The Supervisor explained the funding in the water districts, including decreases for districts 4 and 6 for which the bond capital has now been paid off. He also explained the attached towns summary of exemptions that is now required with the budget.

There being no further comments a motion was made by Councilman Finger, seconded by Councilman George to close the public hearing on the 2009 Budget at 8:05pm.

Carried Unanimously

A regular meeting of the Town board was called to order at 8:05pm with the same members present as listed above.

The Supervisor led the pledge to the flag.

Minutes from the previous regular meeting held on October 13, 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:

A notification of a Public Hearing at the Pembroke Town Hall on October 29, 2008 at 7:00pm regarding their proposed Local Law No. 2 of 2008 was received and posted.

A memo from Erie County Department of Environment & Planning containing their 1st and 2nd Quarter Reports on projects that have been completed and funds drawn down during the reporting period.

A letter from Time Warner Cable announcing they are currently under negotiations with WGRZ for service agreements.

A letter from Governor David Paterson's office thanking the Town Board for their resolution regarding the consolidation of local Registrars of Vital Statistics.

A letter from the Cornell Cooperative Extension requesting help and support from local governments in obtaining continued County funding for their programs.

A letter from Erie County Deputy Commissioner for Youth Services Thomas Lillis updating local governments on the relocation of their offices to 810 East Ferry Street and the new program changes instituted due to a change in staffing.

A brochure from SUNY College of Environmental Science & Forestry announcing their Fall 2008 – Spring 2009 seminar programs on Storm-water Management to be held at the Holiday Inn- Airport. Anyone interested in more information can see the Town Clerk.

A motion was made by Councilman Finger, seconded by Councilman 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, murder creek mitigation project, planning issues, joint facility issues, potential grant submissions, 2009 budget, personnel issues, as well as other necessary issues.

Privilege of the Floor – Steve Wegrzyn of 12153 Rapids Rd addressed with the Board for the 4th time in a year his complaints about an outdoor stove being operated at 12120 Rapids Rd. He stated he and his wife are still waking up in the middle of the night with their house full of smoke, coughing and with headaches from the fumes. Under the law he feels this unit should be shut down and dismantled. His wife has developed severe asthma which has worsened over the past year. He presented a doctor's note to that effect. He feels the stove presents health and safety issues which violate the law. He has done what the law requires him to do to have the unit shut down.

CEO John Good addressed the issue and stated he, as well as the sheriffs, troopers and DEC agents have been to the property. The height on the pipe is 18' and the unit was installed prior to the laws adoption with the only possible violation being the distance from the side lot line. There have been no complaints from the homeowner who lives between these two properties.

Greg Papke of Ayers Rd questioned the Board if they purchased the Indian Falls Rd site for \$1.1 million what would they insure it for? He also questioned the appraisal done and stated that an appraisal is only an opinion. He also questioned the town budget and its estimates.

The Supervisor responded that both boards are looking out for the future of both communities in all aspects of this project. An offer was made on the Henley property, it was turned down and the boards have moved on.

Councilman George responded you can continue to put the project off, but by putting it off the costs are only going to continue to increase. When he looks at this project he is looking at a 50 year window with long term use and efficiency.

Town Attorney Nathan Neill stated you must look at more than just the capital costs, there are more issues than just that. You need to look at this project and its costs over a 40 year time span. The bond issue would be subject to a permissive referendum.

Peter Henley of Indian Falls Rd stated he thinks the town budget is a good one. He stated that with the difference between the prices on the project he just thought he would be saving the town money.

Budget Transfers: A motion was made by Councilman Finger, seconded by Councilwoman Esposito to approve the budget transfers outlined in a memo from Bookkeeper Colleen Salmon dated 10/27/08. Carried Unanimously

Approval of Bills -Councilwoman Esposito reported that the Abstracts from Batches #755 & 758 from the October 13, 2008 meeting have been reviewed with the previously UN-audited vouchers and everything was found in order. She presented Abstract Batch #760. Vouchers on this abstract numbered 1073- 1111 totaling \$232,505.71 and were presented by Councilwoman Esposito, seconded by Councilman Finger to approve payment as follows:

Abstract Batch #760:

General Fund (A) -\$12,880.57, General Fund- Outside Village (B) \$0, Highway (DA) -\$0, Capital Projects: CAP-WD#10-phase 2 (HI)- \$169,243.99, Murder Creek Stabilization (HM) - \$0, Highway: Outside Village (DB) \$48,384.42, Drainage (SD)- \$448.48, Fire Protection (SF) \$1,450.00, Refuse (SR) \$0, Sewer Fund (SS) \$25.11, Sewer District #2 (SS02)- \$73.14, 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: \$232,505.71

Carried Unanimously

COMMITTEE AND DEPARTMENT HEAD REPORTS

Highway – Trucks are ready for winter and the sand and salt are all mixed. The county is finishing up patching Tonawanda Creek, Burdick and Koepsel Roads to make them a little easier for plowing during the winter. The Town Park has been completely winterized.

Assessor – no report presented

Building Office –the building report was presented by the Director of Planning & Building Christine Falkowski:

James Hamm	6441 Utley	Porch
Paul Stephan	13399 Utley	Sign
Greg Snyder	11812 Stage	Barn
Michael Gerstung	7184 Maple	Roof
Matthew Wiatrowski	13367 Dorsch	Shed
OmniPoint Communications	11167 Main	Cell tower ice canopy
Dale Kruschke	11454 Stage	Roof
Terry Thomas	5450 Crittenden	Roof
Rick Stachura	12320 Rapids	Outdoor wood furnace

The Town Board accepted the report as presented.

Town Clerk- \$5.9 million has been transferred to Akron Central School and \$1.09 has been transferred to Clarence Central School for their collections. A reminder that Town Hall will be closed next week Tuesday, November 4th for Election Day and the following Tuesday, November 11th for Veterans day. The September Dog Control Officers Report was presented.

Attorney for the Town – Nothing at this time

COUNCILPERSONS

George- Nothing at this time

Finger- Nothing to report, but thanked Mike again for all his work on the Town Park.

Rooney- Nothing at this time

Esposito- Nothing at this time

SUPERVISOR- Attended the Association of Erie County Governments meeting at which he presented a resolution that will be passed by our board tonight concerning Erie County Soil & Water.

UNFINISHED BUSINESS

Water District #10- Phase 3 – all work on North Millgrove and Hiller Roads is complete and only some restoration work remains to be done on Tonawanda Creek. The grant application is in and they are waiting for any questions or comments.

Shared Public Works Facility Committee- a meeting will be held to discuss the public information meeting to establish a date and time and agenda for the meeting. Design specs are being set for the RFP's.

GIS- GIS Conference was attended and very informational to those who attended and equipment purchases are in process.

Mitigation- all information and supporting documentation is completed and has been turned over to the grant writer. The application is in process by the grant writer and we are ahead of schedule.

NEW BUSINESS:

Budget Amendment- GIS Grant:

A motion was made by Councilman Finger, seconded by Councilman Rooney approving the amendment of the 2008 budget to reflect the GIS grant funding received from NYS Department of Education. Increase Appropriations: A1680.110 \$4,582.00 and A1680.410 \$28,144.00 Increase Revenues: \$32,726.00

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

Resolution & Order After Public Hearing- 13136 Steiner Rd: Tabled to monitor current activities and movement on the site.

Recreation Department Mission, Vision & Value Statement Adoption:

A motion was made by Councilman Rooney, seconded by Councilman George approving the adoption of the proposed Mission, Vision & Value Statement for the Newstead Recreation Program and authorizing its incorporation in the official policies of the Town of Newstead.

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

Cooperative Extension & Erie County Soil & Water Support:

A motion was made by Councilwoman Esposito, seconded by Councilman Finger issuing a request to the Erie County Executive to restore the funding to the Cooperative Extension and the Erie County Soil & Water in the 2009 Budget to their 2008 funding levels and issuing their support for both of these organizations.

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

Purchase/ Purchase Option Contract Authorization:

A motion was made by Councilman George, seconded by Councilman Finger authorizing the Supervisor to negotiate along with the Village Mayor, a purchase contract and/or purchase option for an alternative site selection, subject to approval by the Town Board as to the purchase price and any other such provisions set by the Counsel for the Town and Village.

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

The supervisor noted a similar resolution was passed by the Village Board at their last meeting.

Lead Agency- 13399 Main Rd:

A motion was made by Councilman Finger, seconded by Councilman George issuing a Declaration of Lead Agency status on the proposed Newstead Self Storage expansion project at 13399 Main Rd and authorizing the building department to conduct a coordinated review.

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

Zoning Policy Adoption: Tabled for more discussion and comments

Lateral Restriction Request- 13408 Martin Rd:

A motion was made by Councilman Finger, seconded by Councilman Rooney approving the lateral restriction hardship application submitted for the property located at 13408 Martin Rd in accordance with the acceptable documentation provided.

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

Limerick Hall Discontinuance of Use:

A motion was made by Councilman Finger, seconded by Councilman George authorizing the supervisor to send out letters to community groups currently using the Limerick Hall to notify them of the official decision to discontinue the use of the historical Limerick Hall building for community meetings due to safety and building code issues at the site effective December 31, 2008.

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

Correction to previously authorized CDBG Grant Resolution:

A motion was made by Councilman George, seconded by Councilman Finger authorizing the Supervisor to sign and submit the 2009 grant application to apply for CDBG grant funding for town projects with the projects ranked as follows: 1. Replacement and Installation of Handicapped Doors at Senior Center and Town Hall, 2. Joint Project with Village of Akron for Sidewalks, and 3. Rural Van Service.

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

Question Period- Peter Henley of Indian Falls Rd stated the feeling that he and Greg Papke were trying to imply earlier is that they would like the Boards still to take the Indian Falls Rd site as an option to the public information meeting. He questioned if the board could still present this site as a viable option for the public to decide.

The Supervisor adjourned the Board into an Executive Session to discuss the union contract negotiations at 9:04pm. The Board came out of Executive Session at 10:10pm.

There being no further business to come before the board a motion was made by Councilman Rooney, seconded by Councilman George to adjourn the meeting at 10:10pm.

Carried Unanimously

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