

Newstead Town Board Meeting- November 9, 2009

A Public Hearing was called to order by the Newstead Town Board on Monday, November 9, 2009 at 7:00pm at the Newstead Town Hall.

Present: David Cummings– Supervisor
Tom George- Councilman
Harold Finger- Councilman
Justin Rooney- Councilman
Cheryl Esposito- Councilwoman
Mike Bassanello- Highway Supt.
Nathan Neill- Town Attorney
Scott Rybarczyk- Town Engineer
Dawn Izydorczak- Town Clerk
Jennifer Heberling- Deputy Clerk

Roll Call was taken with all board members present.

Supervisor Cummings called the public hearing on proposed consolidation of water district to order at 7:00pm.

The Town Clerk read the proof of publication.

Supervisor Cummings and Scott Rybarczyk from Wendel Duchscherer gave a power point presentation on the topic and then opened the floor to questions.

Comments: Kathy Baker, 8530 Burdick Rd, questioned why district 10 has a higher average annual cost than the other districts. The Supervisor explained it is higher because it is a new district and the largest district the town has ever done.

Dave Wakeman, 5860 Crittenden Rd questioned the percentage of the town covered by water now.

Response: Approximately 95% by population and 90% by area. Small pocket areas still have not been done either because the majority of the area is vacant land and unnecessary due to lack of homes or they are the areas with physical difficulties to putting in the lines. He questioned how many undone links are there in the town. **Response:** Approximately 5.

Jerry Bower, 13889 Knapp Rd questioned the Scotland Rd project and how many customers are gained. **Response:** They are only gaining 1 customer, but the project is more about gaining adequate pressure and bettering the rest of the system. He also questioned how much more un-serviced parcels will pay. **Response:** They will not pay more they will pay less.

Tony Tobolski, 12033 Tonawanda Creek Rd stated he does not take the water offered and questioned how bookkeeping will be better. **Response:** 11 separate district accounts will eventually become 1 district account. He also questioned if there is any type of guarantee on any of the lines in any of the districts. **Response:** no. He also questioned as district 10 populates will it change the costs. **Response:** Yes, it spreads the debt out more over more homes so it is reduced as in all the districts.

Town Engineer explained that a potential maintenance issue could happen in any of the districts especially the older ones, but it doesn't necessarily have to be due to age. It could be a break caused by a contractor or homeowner error in digging too close to the lines.

Bob Lichtenthal, 12234 Hunts Corners Rd questioned how many of the districts were lease managed by Erie County Water Authority (ECWA) and how are they paid for. **Response:** all of the districts are lease managed thru ECWA and the funds are a 50/50 split out of the water funds and the fire districts funds for hydrants. The current age of the districts varies from 30 years to 1 year. If there is currently a water break and it only affects one length of pipe it is the ECWA responsibility and expense. If it is more than one length of pipe the town pays the costs.

Brian Williams, 6031 Cummings Rd stated he still has many issues with ECWA regarding the issues at the bottom of the hill on Cummings Rd. He understands that supposedly the new Scotland Rd project should alleviate those problems in the future. He questioned how the districts all merge in the end. **Response:** As payoffs in the districts occur they are dropped and consolidated.

Richard Christiana, 240 Golden Pond Estates questioned what is deemed “Adequate pressure”? A minimum of 30 pounds.

Arlene Richardson, 4678 South Newstead Rd questioned if anyone can get copies of the districts indebtedness. **Response:** Yes, the Supervisor will make sure everyone who spoke gets a copy of that information.

Phil Richardson, 4678 South Newstead Rd questioned in the older districts that have paid off their debt and built a fund balance in their districts, if a break occurs where does the money come from to fix it. **Response:** partly ECWA, the rest from the town. At this time it would come entirely from that one district. If consolidation occurs it would come from all districts and be evenly spread. A difference to residents of possibly hundreds of dollars vs. cents on the dollar.

Jim Felber, 13415 Main Rd questioned if a district is doing well with a surplus why would they want to consolidate? **Response:** It will make sense for the future of all the districts and the residents. The town is looking at the long term outlook and the best way to handle the districts as the lines age.

Kathy Baker questioned does the flood zone have anything to do with Burdick Rd and the northern roads not getting water. **Response:** not really although there are more permitting issues. Really the problem is population density and the expense to the residents make it cost prohibitive right now.

Councilman George stated if you look out far enough into the future this plan will have benefits for everyone.

The Supervisor thanked everyone for their input and stated no action would be taken tonight.

There being no further comments a motion was made by Councilman Finger, seconded by Councilwoman Esposito to close the public hearing on the Local Law #3 at 7:50pm.

Carried Unanimously

A regular meeting of the Newstead Town Board was called to order at 8:00pm with the same board members present as listed above.

Supervisor Cummings led the pledge to the flag.

Minutes from the previous regular meeting held on October 26, 2009 and the special meeting held on November 2, 2009 were presented for approval. A motion was made by Councilman Finger, seconded by Councilman George to approve as presented.

Carried Unanimously

Communications – The Town Clerk presented the following:

A notification of SEQR training to be held November 18, 2009 from 6:30 – 9:00pm at the ECC South Campus and November 19, 2009 from 6:30-9:00pm at the ECC North Campus.

A letter from resident Charlene Sikora regarding the future park at Miland and Sandhill Roads requesting a memorial plaque be placed in the park to Daisy and Lewis Campbell, her grandparents, who owned the land for over 40 years.

A letter from County Executive Chris Collins notifying the town that we have been approved for a \$44,897 Community Development Block Grant award for the installation of new handicapped accessibility doors at the Senior Center and Town Hall.

The October 2009 Operations Report was received from Amherst Central Alarm Office reporting 43 calls for Akron Fire Co and 33 calls for Newstead Fire Co.

A letter from Christian Airmen requesting the town board to address a Municipal Endorsement and State Agency Compliance Statements required for them to obtain grant monies for airport projects.

A letter from Akron Central School requesting the participation of one of the Town Board members on the District’s Budget Advisory Committee for the 2010-2011 budget process.

A letter from Time Warner Cable notifying the town that effective 12/8/09 channel 777 Pay Express will no longer be available.

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

Work Session: The Supervisor reported that at the last work session held the following issues were discussed: water district issues, Joint Facilities, multiple planning issues, 2010 Budget comments, personnel issues, fire contracts, grant submissions, as well as setting a public hearing on LL#4.

Privilege of the Floor – no one spoke

Budget Transfers: a motion was made by Councilwoman Esposito, seconded by Councilman Rooney approving the budget transfers as requested by Bookkeeper Colleen Salmon in a memo dated 11/9/09. Carried Unanimously

Approval of Bills -Councilwoman Esposito reported that the Abstract from Batches # 883 & 884 from the October 26, 2009 meeting has been reviewed with the previously UN-audited vouchers and everything was found in order. She presented Abstract Batch #889. Vouchers on this abstract numbered from 1184- 1249 totaling \$102,524.03 and were presented by Councilwoman Esposito, seconded by Councilman Finger to approve payment as follows:

Abstract Batch #889:
General Fund (A) -\$10,737.74, General Fund- Outside Village (B) \$1,595.23, Highway (DA) -\$0, Capital Projects: CAP- Highway Garage- (HG) - \$34,997.36, CAP- Town Hall Addition (HT) \$0, CAP-WD#10 (HI)- \$0, CAP- Murder Creek (HM)- \$1,000.00, CAP- Scotland Rd (HS)- \$6,153.50, Highway: Outside Village (DB) \$5,379.13, Drainage (SD)- \$75.00, Fire Protection (SF) \$4,560.94, Refuse (SR) \$29,110.48, Sewer Fund (SS) \$0, Sewer District #2 (SS02)- \$90.00, and Water Districts (SW1) \$87.32, (SW2) \$135.56, (SW3) \$159.68, (SW4) \$183.24, (SW5) \$3,386.00, (SW6) \$564.68, (SW7) \$591.04, (SW7A) \$71.80, (SW8) \$79.28, (SW9) \$135.56, (SW10) \$3,430.49, Trust & Agency(TA)- \$0
Total: \$102,524.03 Carried Unanimously

COMMITTEE AND DEPARTMENT HEAD REPORTS:

Highway – nothing at this time

Assessor – no report presented

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

James Kron III	13174 Kirby	Addition
Urso Construction	4433 Billo Rd	One family home
Urso Construction	4433 Billo	Driveway
Beverly Richards	171 Golden Pond Est	Roof
Maurice Ackerman	18 Golden Pond Est	Roof
John Mages	7750 Brackett	Floodplain development
John Mages	7750 Brackett	Addition
Ivy Ridge Properties	5430/32 Barnum	Cert. of Occupancy
Kevin Lamb	7797 Moore	Windows, roof, siding
Beth Vogt	7511 Maple	Lean-to
Fran Gilbert	11585 Hiller	Roof

The Town Board accepted the report as presented.

Town Clerk- nothing at this time

Attorney for the Town – nothing at this time

COUNCILPERSONS:

George- nothing at this time

Finger- nothing at this time

Rooney- nothing at this time

Esposito- nothing at this time

SUPERVISOR- nothing at this time

UNFINISHED BUSINESS:

Water District #10- Scotland Rd Extension/Consolidation- bid opening was held last week and they should be ready to award contract at next meeting on Scotland Rd project.

Shared Public Works Facility Committee- bulk of grading site work completed. Site utilities work set to begin soon and all drainage structures are on site ready for installation. They are finishing hauling stone in for building site. Building design was completed 2 weeks ago and comments were received from both highway superintendents. Value engineering is being looked at. A pre-engineered building is planned and they will be meeting with specialists next week. Clarence Center to Hake Rd sewer work will be left out to bid soon as excavations are expected to be at least 10'-15' deep and are outside the abilities of the town's equipment.

Grants- received CDBG grant for handicapped accessible doors at Senior Center and Town Hall. Comments on Murder Creek Mitigation grant have been returned, addressed and re-submitted.

NEW BUSINESS:

Adoption- 2010 Budget:

A motion was made by Councilwoman Esposito, seconded by Councilman Finger approving the 2010 Budget as presented with amendments by the Supervisor and Town Board.

(Resolution Attached) Cummings-Aye, George-Aye, Finger-Aye, Rooney -No, Esposito-Aye
Carried

Lead Agency & SEQR- Local Law #3 of 2009:

A motion was made by Councilman Finger, seconded by Councilman Rooney issuing a declaration of Lead Agency on Local Law #3 of 2009 and authorizing the Building Department to send the required notices to all interested agencies.

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

Dog Shelter Adoption Contract:

A motion was made by Councilman Rooney, seconded by Councilwoman Esposito approving the proposed contract with Akron Canine Rescued Angels, Inc. for adoption services in conjunction with the Newstead Dog Shelter for a 1 year period, renewable annually.

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

SEQR & Lead Agency- Local Law #5 of 2009- Rezoning Request:

A motion was made by Councilman George, seconded by Councilman Finger issuing a negative SEQR declaration and declaring lead agency status on the proposed re-zoning request by Niagara Specialty Metals for property located on Clarence Center 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

Public Hearing- Local Law #5 of 2009- Rezoning Request:

A motion was made by Councilman George, seconded by Councilman Rooney approving the calling of a public hearing to hear comments on the proposed re-zoning request by Niagara Specialty Metals for property located on Clarence Center Rd on December 14, 2009 at 7:55pm.

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

Akron Airport Municipal Endorsement:

A motion was made by Councilman Finger, seconded by Councilman George endorsing the archeological study for removal of a residential dwelling and tree obstructions in the runway 25 approach and the performance of a drainage study at the Akron Airport.

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

Councilman Finger requested that the town be given a copy of the studies once completed.

Lead Agency- 12638 Main Rd:

A motion was made by Councilwoman Esposito, seconded by Councilman George declaring Lead Agency status on the proposed 4,300 sq. ft. new animal hospital project to be located at 12638 Main Rd known as Akron Animal Hospital and authorizing the Building Department to conduct a coordinated review.

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

Public Hearing- 12638 Main Rd:

A motion was made by Councilwoman Esposito, seconded by Councilman George approving the calling of a public hearing to hear comments on the proposed 4,300 sq. ft. new animal hospital project to be located at 12638 Main Rd known as Akron Animal Hospital to be held on November 23, 2009 at 7:50pm.

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

Scotland Rd Waterline- Award Bid:

A motion was made by Councilman George, seconded by Councilman Finger approving the Award of the Scotland Rd waterline project to New Frontier Excavating with a bid of \$236,876.78 as a result of the bid opening held on 11/4/09, subject to approval of a contract by the Town Attorney.

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

Annual Applications Ad Approval:

A motion was made by Councilman Rooney, seconded by Councilwoman Esposito approving the advertisement of the annual applications & appointments ad to Town Committees and positions in the Akron Bugle and the PennySaver.

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

Question Period- no one spoke

There being no further business to come before the board a motion was made by Councilman Rooney, seconded by Councilwoman Esposito to adjourn the meeting at 8:40pm.

Carried Unanimously

Respectfully Submitted,
Dawn D. Izydorczak, Town Clerk