

Newstead Town Board Meeting- December 14, 2009

A Public Hearing was called to order by the Newstead Town Board on Monday, December 14, 2009 at 7:55pm 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 Izydorzak- Town Clerk
Jennifer Heberling- Deputy Town Clerk

Roll Call was taken with all board members present.

Supervisor Cummings called the public hearing on proposed Local Law #5 of 2009 on the proposed rezoning of property located on Clarence Center Rd owned by Niagara Specialty Metals to order at 7:55pm.

The Town Clerk read the proof of publication.

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 proposed rezoning at 7:58pm.

Carried Unanimously

Supervisor Cummings called the public hearing on proposed 2010 Fire Contracts to order at 7:58pm.

The Town Clerk read the proof of publication.

The Supervisor stated the committee consisting of himself, Councilman Finger and fire company representatives met several times. It was the fire companies request to initiate a one year contract as opposed to the typical three year contracts adopted in the past. The Supervisor stated he cautioned the fire companies that a multiple year contract is usually more beneficial to them, especially given the current economic climate, but they chose to go with a one year contract anyways.

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 proposed Fire Contracts at 8:04pm.

Carried Unanimously

A regular meeting of the Newstead Town Board was called to order at 8:04pm with the same board members present as listed above.

Akron Fire Company President Joe Hawes led the pledge to the flag.

Minutes from the previous regular meeting held on November 23, 2009 were presented for approval. A motion was made by Councilman Finger, seconded by Councilwoman Esposito to approve as presented.

Carried Unanimously

Communications – The Town Clerk presented the following:

Information pamphlets are available at the Town Clerks office on the Erie County Microenterprise Loan Program which offers small businesses opportunities to start or grow.

A letter from Time Warner Cable informing the town of programmers they are currently under negotiations with for services as well as planned programming changes effective 12/31/09.

A letter from E & W G Foundation announcing the town has been approved for a one-time grant in the amount of \$29,600 in support of the first phase of the construction project on the lower level of the Newstead Public Library.

A letter from Erie County Environmental Health Services granting approval of the plans submitted for the Havenwood Subdivision, with the approval permit enclosed.

A letter from E M Wargo, LLC requesting that their property located on Havens Rd be rezoned to an I-2 classification.

A letter from Metzger Engineering officially withdrawing the current plan for the proposed subdivision of land at Crittenden & Main Roads. After considering the Town Boards comments they will revise the plan and resubmit for further reconsideration of the project.

A letter from the NYS Department of State notifying the Town that Local Law No. 3 of 2009 was filed on November 24, 2009.

The November Operations Report was received from Amherst Central Fire Alarm office reporting 28 calls for Akron Fire Co. and 18 calls for Newstead Fire Co.

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

Work Session: The Supervisor reported that at the last work session held on 11/30/09 the following issues were discussed: water district issues, Joint Facilities, town hall addition, grant submissions, organizational meeting for 2010, village issues- next joint meeting, multiple planning issues, as well as any other items found necessary. No work session was held on December 7th as the annual Safety Meeting was held.

Privilege of the Floor – A resident questioned the proposed service changes for Time Warner. The Clerk read the proposed change list.

Budget Transfers: a motion was made by Councilwoman Esposito, seconded by Councilman Finger approving the budget transfers as requested by Bookkeeper Colleen Salmon in a memo dated 12/14/09. Carried Unanimously

Approval of Bills -Councilwoman Esposito reported that the Abstract from Batch # 891 from the November 23, 2009 meeting has been reviewed with the previously UN-audited vouchers and everything was found in order. She presented Abstract Batch #895 & 897. Vouchers on this abstract numbered from 1322 - 1385 totaling \$209,693.20 and were presented by Councilwoman Esposito, seconded by Councilman Finger to approve payment as follows:

Abstract Batch #895 & 897:

General Fund (A) -\$22,290.66, General Fund- Outside Village (B) \$90.96, Highway (DA) -\$0, Capital Projects: CAP- Highway Garage- (HG) - \$73,707.11, CAP- Town Hall Addition (HT) \$2,300.00, CAP-WD#10 (HI)- \$0, CAP- Murder Creek (HM)- \$0, CAP- Scotland Rd (HS)- \$6,239.09, Highway: Outside Village (DB) \$1,814.34, Drainage (SD)- \$0, Fire Protection (SF) \$63,645.26, Refuse (SR) \$28,092.87, Sewer Fund (SS) \$604.00, Sewer District #2 (SS02)- \$97.50, and Water Districts (SW1) \$82.18, (SW2) \$114.24, (SW3) \$494.77, (SW4) \$158.75, (SW5) \$3,067.02, (SW6) \$339.99, (SW7) \$3,392.40, (SW7A) \$63.73, (SW8) \$76.93, (SW9) \$117.65, (SW10) \$2,903.75, Trust & Agency(TA)- \$0

Total: \$209,693.20

Carried Unanimously

COMMITTEE AND DEPARTMENT HEAD REPORTS:

Highway – He received notice from the Northern Erie Sno-Seekers Club that they will begin putting up the signage for snowmobile season in the area and along the bike path this week. TA approved the contract for Sprint Nextel services for the town. Next we will be assigned a project manager and once all issues are worked thru then work will begin on the tower.

Assessor – no report presented

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

David Edwards	5821 Cummings	Shed
Kathy Beck	12720 Main	Roof
County Line Stone Co.	4685 Crittenden	Demolition
Irene Smith	11316 Main	Permit renewal
Natale Builders	11250 Hiller	Driveway
Natale Builders	11250 Hiller	One family home

The Town Board accepted the report as presented.

Town Clerk- Both school tax collections are complete and unpaids have been returned to the County. Request work session time to discuss changes in dog licensing laws & GIS agreements with fire companies.

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- recreation board meeting was cancelled last Thursday due to the weather. The meeting will be re-scheduled soon.

SUPERVISOR- the November Supervisor’s Report is on file with the Town Clerk. He and Town Attorney Neill have been working on the new bike path properties and trying to get loose ends tied up. The property surveys are almost done and finalized.

UNFINISHED BUSINESS:

Water District #10- Scotland Rd Extension/Consolidation- a pre-construction meeting will be set soon with New Frontier with hope of starting work in January.

Shared Public Works Facility Committee- will be main topic on agenda for joint meeting of the Town and Village Boards in January. Nothing new happening currently.

Grants- grant writer set to apply for several new grants after the first of the year.

NEW BUSINESS:

Approval- Local Law #4 of 2009- Home based businesses:

A motion was made by Councilwoman Esposito, seconded by Councilman Finger issuing a Determination of Non-Significance of Local Law under SEQR for Local Law #4 of 2009 amending Article X of the Zoning Law of the Town of Newstead and authorizing the Supervisor to sign the EAF forms.

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

A motion was made by Councilwoman Esposito, seconded by Councilman Finger approving the adoption of Local Law #4 of 2009 amending Article X of the Zoning Law of the Town of Newstead.
(Resolution Attached) Cummings-Aye, George-Aye, Finger-Aye, Rooney -Aye, Esposito-Aye
Carried Unanimously

Approval- Local Law #5 of 2009- Rezoning Parcel:

A motion was made by Councilman George, seconded by Councilman Rooney issuing a Determination of Non-Significance of Local Law under SEQR for Local Law #5 of 2009 rezoning a parcel of land owned by Niagara Specialty Metals on Clarence Center Rd and authorizing the Supervisor to sign the EAF forms.

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

A motion was made by Councilman George, seconded by Councilman Rooney approving the adoption of Local Law #5 of 2009 amending the Zoning Map of the Town of Newstead and authorizing the change from an R-A zone to an I-2 zone for the parcel of land owned by Niagara Specialty Metals on Clarence Center Rd.

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

Site Plan & Special Use Permit Approval- 12638 Main Rd:

A motion was made by Councilman Rooney, seconded by Councilman George issuing a Negative SEQR Declaration, approving the site plan dated 10/30/09 and granting the requested Special Use Permit for the parcel located at 12638 Main Rd owned by Dr. Sandra Corrie for the purpose of constructing a new 4,300 sq. ft. animal hospital building.

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

Approval- 2010 Fire Contracts:

A motion was made by Councilman Finger, seconded by Councilman George approving the adoption of the proposed 2010 Fire Contracts for Akron and Newstead Fire Companies and authorizing the Supervisor to sign the contracts on behalf of the town.

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

Approval- E & G W Foundation Grant:

A motion was made by Councilman Finger, seconded by Councilwoman Esposito approving the E & G W Foundation Grant Contract for a \$29,600 grant to be used on the Newstead Public Library lower level construction project and authorizing the Supervisor to sign the contract on behalf of the town.

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

Approval- 2010 CDBG Grant Contract:

A motion was made by Councilman Finger, seconded by Councilwoman Esposito approving the 2010 CDBG Contract for ADA improvements to the Senior Center and Town Hall and authorizing the Supervisor to sign the contract on behalf of the town.

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

Approval- Wendel Duchscherer Contract- Scotland Rd Waterline Project:

A motion was made by Councilman Rooney, seconded by Councilman George approving the proposed contract for construction administration services in the amount of \$13,500 and construction observation services at an estimated cost of \$26,500 (based on 280 inspection hours) on the Scotland Rd Waterline project with Wendel Duchscherer and authorizing the Supervisor to sign the contracts on behalf of the town.

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

Approval for Highway Work Permits:

A motion was made by Councilman Finger, seconded by Councilman George authorizing the supervisor to sign the highway work permits with Erie County Department of Public Works for the Scotland Rd project.

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 Councilman Finger to adjourn the meeting at 8:36pm.

Carried Unanimously

Respectfully Submitted,
Dawn D. Izydorzak, Town Clerk