

## Newstead Town Board Meeting- December 29, 2008

A Regular Meeting was called to order by the Newstead Town Board on Monday, December 29, 2008 at 8:00pm at the Newstead Town Hall.

Present: David Cummings– Supervisor  
Tom George- Councilman  
Harold Finger- Councilman  
Cheryl Esposito- Councilwoman  
Nathan Neill- Town Attorney  
Mike Bassanello- Highway Supt.  
John Good- Code Enforcement Officer  
Dawn D. Izydorczyk- Town Clerk

Roll Call was taken with all board members present except Councilman Rooney whose wife just had their first child at Christmas time.

Supervisor Cummings led the pledge to the flag.

Minutes from the previous regular meeting held on December 8, 2008 were presented for approval. A motion was made by Councilman George, seconded by Councilman Finger to approve as presented. Carried

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

A certified resolution adopted by the Alden Town Board regarding their support of restored funding for the Cornell Cooperative Extension and Erie County Soil & Water departments by the County.

A certified resolution adopted by the City of Buffalo Common Council regarding their support of the Empire Zone Communities Program and regionally significant projects and serving notice of where any and all relevant notifications on Empire Zone Regionally Significant Projects should be filed in the City of Buffalo.

A letter from the Department of State notifying the town that Local Law No. 4 of 2008 was received and filed by their office on December 3, 2008.

A letter from Time Warner Cable notifying the town of the rate increases effective February 1, 2009 for video service customers.

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

**Work Session:** The Supervisor reported that at the last work session held on December 15<sup>th</sup> the following issues were discussed: Joint Facilities project, grant submissions, planning issues, organizational matters, the annual Association of Towns Conference in NYC and the Murder Creek Grant submission.

**Privilege of the Floor** – Peter Henley of Indian Falls Rd spoke regarding the Board meetings format. He would like a comment period added at the end of the meeting instead of just a question period. He questioned if the projected \$3.9 million cost on the joint facility project includes soft costs and if so, how were dollars saved over the original projected cost of \$5 million. The board stated yes, it includes all costs and dollars were saved in three areas: cold storage, site costs, and building design and finishes in the office space. Mr. Henley stated he is resigned to the fact the board is not looking at the Indian Falls Rd site anymore, but as a resident he prefers the Buell Street site and feels some of the issues the church is concerned about are not big issues at all and could be resolved. He questioned if public opinion played into the choice of the Clarence Center Rd site. The Supervisor responded no, it did not.

Donna Roehling of Cummings Rd stated the project will be in her back yard if the Clarence Center Rd site is chosen and is concerned about the gas lines in the area. She questioned if the property will be rezoned and is concerned with the wildlife in the area as well as increased traffic concerns. The

Supervisor stated the town is aware of the gas lines present on the property, the parcel would not need to be rezoned and the traffic issues will be looked at and addressed, including taking into account the two new proposed subdivisions on Hake, Jackson and Clarence Center Rds. Councilman George stated that berming and screening will be used to seclude the complex and make the parcel attractive and they will work with the neighbors to address concerns and limit impact on their properties. As for traffic there would only be a minimal impact as only 5 trucks maximum would leave the facility at any given time.

Tracey Brogowski of Cummings Rd stated she is worried about the cost of a joint facility given today's economic climate. Many people are tapped out with taxes and she questioned will it really save money, it looks great on paper but will it really work. The Supervisor stated the joint facility study addressed all those points and he will get her a copy of the study which should answer all of her concerns. He explained the evolution of the study/project and why the Buell St site has not been used for past town projects in creating a town complex as suggested in the master plan.

The Supervisor stated that once the environmental studies are complete the boards will look at the results and make a determination in which direction to move on the project. Growth is inevitable in our town and whether a town facility goes on the property or a development of homes does, something new will eventually be in that spot.

**Budget Transfers:** A motion was made by Councilwoman Esposito, seconded by Councilman Finger to approve the budget transfers outlined in a memo from Bookkeeper Colleen Salmon dated 12/29/08. Carried

**Approval of Bills** -Councilwoman Esposito reported that the Abstracts from Batches #776 & 777 from the December 8, 2008 meeting have been reviewed with the previously UN-audited vouchers and everything was found in order. She presented Abstract Batch #779 & 780. Vouchers on these abstracts numbered 1294- 1332 totaling \$39,617.31 and were presented by Councilwoman Esposito, seconded by Councilman Finger to approve payment as follows:

Abstract Batch #779 & 780:  
 General Fund (A) -\$29,290.30, General Fund- Outside Village (B) \$147.67, Highway (DA) -\$0, Capital Projects: CAP-WD#10-phase 2 (HI)- \$554.75, Highway Garage Project (HG) - \$3,000.00, Highway: Outside Village (DB) \$3,994.77, Drainage (SD)- \$0, Fire Protection (SF) \$0, Refuse (SR) \$0, Sewer Fund (SS) \$2,546.51, Sewer District #2 (SS02)- \$83.31, 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: \$39,617.31 Carried

**COMMITTEE AND DEPARTMENT HEAD REPORTS:**

**Highway** – Two crews have been working in recent days on 10:00 – 1:00 and 1:30 – 4:30 shifts assessing damage from the wind storm and keeping up to date on the road flooding. Tonawanda Creek is expected to crest at 6:30am Tuesday morning and they are meeting with the Disaster Coordinator Glenn Joachimiak after the Town Board meeting for an update of the situation. They are prepared for the worst just in case.

**Assessor** – no report presented

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

Richard Urbanski	13428 Main	Sign
Thomas Forrestel	6497 Scotland Rd	One family home
Rehwaldt/Pearse	5686 Crittenden	Siding
Kreher's Poultry Farm	11072 Main	Office building

The Town Board accepted the report as presented.

**Town Clerk-** The office is now able to accept credit card payments from MasterCard, American Express and Discover with a 4% fee charge, as well as Visa Debit transactions with a \$2.50 fee. They are still negotiating with Visa for the actual credit card payments as well. Our on-line tax payments program should be available for the 2009 County/Town tax cycle. Dawn will be hosting the first Erie County Town Clerks meeting as the associations President on January 13<sup>th</sup> in Clarence if any of the board members are interested in attending.

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

**COUNCILPERSONS:**

**George-** nothing at this time

**Finger-** he spent the day assessing wind damage at the Senior Center on the roof and some flashing. He also reported the sprinkler system at the library is due for updates.

**Rooney-** not present

**Esposito-** nothing at this time

**SUPERVISOR-** met with Councilman Finger and several contractors today to get estimates on finishing the restrooms in the lower level of the library. The town has received a grant to cover the cost of this work. His office is also busy getting ready for year end and working on organizational meeting issues.

**UNFINISHED BUSINESS:**

**Water District #10-** Phase 4/Consolidation- nothing new to report.

**Shared Public Works Facility Committee-** discussed earlier under privilege of the floor.

**GIS-** nothing new to report

**Grants-** several applications will be going out soon. FEMA now has the final Murder Creek grant application. We are waiting for comments.

**NEW BUSINESS:**

**Lead Agency- Buffalo Shooting Club Project, Billo Rd:**

A motion was made by Councilman Finger, seconded by Councilwoman Esposito issuing a declaration of lead agency on the proposed Buffalo Shooting club project to be located on Billo Rd and classifying the project as a Type I action under SEQR. The building department was instructed to conduct a coordinated review.

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

**Public Hearing- Buffalo Shooting Club Project, Billo Rd:**

A motion was made by Councilman Finger, seconded by Councilwoman Esposito approving the calling of a public hearing on the proposed site plan and special use permit application for the Buffalo Shooting Club project on Billo Rd on January 12, 2009 at 7:50pm at the Newstead Town Hall and authorizing the legal notifications to be published.

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

**LGE Grant Application- Town Hall Addition:**

A motion was made by Councilwoman Esposito, seconded by Councilman Finger authorizing the submission of a grant application jointly with the Village of Akron for a Local Government Efficiency Grant, with the Town acting as lead applicant, and authorizing the Supervisor to execute any necessary financial and/or administrative processes relating to the grant which will request

\$200,000 on behalf of the town and \$200,000 on behalf of the Village for an addition to the Town Hall facility.

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

**Association of Towns Conference:**

A motion was made by Councilman Finger, seconded by Councilwoman Esposito approving the request of the Supervisor, Town Clerk, Assessor, 2<sup>nd</sup> Deputy Town Clerk and Town Attorney to attend the Association of Towns Conference in NYC in February 2009.

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

**Highway Conferences Requests:**

A motion was made by Councilman George, seconded by Councilman Finger approving the request of the Highway Superintendent to attend his annual highway conferences in May & September of 2009.

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

**Question Period-** no one spoke

The Supervisor wished everyone a Happy New Year and stated hopefully it will be better than we anticipate.

There being no further business to come before the board a motion was made by Councilman Finger, seconded by Councilwoman Esposito to adjourn the meeting at 8:55 PM.

Carried

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