

## **Newstead Town Board Meeting- February 12, 2007**

A Regular Meeting was called to order by the Newstead Town Board on Monday, February 12, 2007 at 8:00PM at the Newstead Town Hall.

Present: David Cummings- Supervisor  
Tom George- Councilman  
Harold Finger- Councilman  
Justin Rooney- Councilman  
Mike Bassanello- Highway Supt.  
Andrew Casolini- Town Engineer  
Rebecca Baker- Assessor  
John Good- Code Enforcement Officer  
Nathan Neill- Town Attorney  
Dawn D. Izydorczak- Town Clerk  
Kathleen Lang- Deputy Clerk

Roll Call was taken with all board members present except Councilman Decker who is stilling working.

Jeremy Burton of the Buffalo News led the pledge to the flag.

Supervisor Cummings welcomed the town's new liaison to the Buffalo News, Jeremy Burton.

Minutes from the previous regular meeting held on January 22, 2007 were presented for approval. A motion was made by Councilman Rooney, seconded by Councilman Finger to approve with a change in the wording for Cell Tower permit renewal. The Clerk will see Councilman Decker to go over the wording amendment.

Carried

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

A letter from Christian Airmen requesting the Town to pass the necessary resolutions of municipal Endorsement and State Agency Compliance Statements required for them to obtain state grant monies for the installation of area lighting and security cameras at the airport.

A letter from Erie County Executive Joel Giambra announcing the Town of Newstead has been approved to receive \$234,633.00 in Erie County Consortium Community Development Block Grant funds for the Rural Transit Senior Van Service for 2007.

A certified copy of a resolution passed by the Town of Brant opposing revision of 19 NYCRR Part 1203, which the town feels imposes an unfunded mandate on the town to come into compliance with the minimum standards for Administration and Enforcement of the Uniform Code.

A certified copy of a resolution passed by the Erie County Legislature supporting the proposed New York State legislation (A12114-Assembly & S4124-Senate) strengthening the law and increasing penalties to those who perpetrate a computer crime against a child.

A letter from NYS DOT announcing they have completed the requested speed study on Brucker Rd and determined a speed limit of 45 mph should be established and posted on that road from Maple Rd (Rt. 93) to Cedar St. All necessary signs should be erected by the town highway department.

An up-to-date emergency contact list was received from National Fuel Gas Engineering Department.

A request for renewal of a liquor license was received from Dande Farms Restaurant located at 13278 Carney Rd for the months of April – October 2007.

The I Love NY Division of Tourism has provided the town with pamphlets on their Learn to Ski 1-2-3 program. They are available in the town hall information center.

The January 2007 call report was received from Amherst Central Fire Alarm office reporting 39 calls for Akron Fire Co. and 23 calls for Newstead Fire Co.

Letters were received from Thursday Limerick Too! Home Bureau members Marie Baker and Mary Praprost, both expressing their concerns over the deteriorating condition of the Limerick Hall building. They have noted it has not been being cleaned on any regular basis lately and maintenance has “dropped off” dramatically, the sidewalk was not shoveled on February 1<sup>st</sup> which made it very difficult to get into the building for their meeting, the front door needs serious work or to be replaced, and electrical work needs to be done in the building so that use of the refrigerator is possible. Many other Cub Scout groups use the building regularly also.

The 2006 Solid Waste & Recycling Report was received from Waste Management.

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

Supervisor Cummings stated that the Limerick Hall issues will be directed to the Buildings Committee members.

**Work Session:** The Supervisor reported that at the work session held last week the following issues were discussed: highway equipment purchases, codification review, water district #10 issues, Rt. 5 re-zoning issues, shared facilities project, October Storm status, planning/zoning issues, grants, Christian Airmen request, sewer district information, workplace violence policy, sex offender resolution, senior van inter-municipal agreement with Clarence as well as other items.

**Privilege of the Floor** – Colleen Salmon of 84 Bloomingdale spoke as President of the Akron Sports Baseball Program. She stated that right now the baseball program relies on the Erie County Parks and school for use of their fields for their games and practices. They would like to work with the Town of Newstead on development of town park fields in conjunction with the town’s original park master plan that calls for a baseball diamond in the park. Their Association has applied for grants to help with the costs of such projects and they are willing to share those funds to accomplish the development of fields in the park. The Supervisor is in contact with Commissioner Sedita at the County Parks, who assured him that the fields will be available for use at the beginning of April. The town is willing to work with this group to develop the town park baseball field plan.

Leonard Davies, 18 Cedar Street, wants to address issues which happened at an evening recreation event where a player was suspended for 2 games. The Supervisor suggested for him to put the issues in writing for the March 19<sup>th</sup> Recreation Board Meeting at the Library meeting room at 6pm and/or contact the Recreation Director Terri Bierasinski with his concerns as a first step.

**Budget Transfers:** A motion was made by Councilman Finger, seconded by Councilman George to approve the 2006 year-end budget transfers per the memo dated February 8, 2007 from Bookkeeper Kathleen Strobele. Carried

**Approval of Bills** -Councilman Finger reported that the Abstract from Batch #581, #582 & 583 from the January 22, 2007 meeting has been reviewed with the previously UN-audited vouchers and everything was found in order. He presented Abstract Batch #589 & 590. Vouchers on this abstract numbered 31 - 95, totaling \$273,400.41 and were presented for payment approval by Councilman Finger, seconded by Councilman George to approve payment.

Abstract Batch #589 & 590:

General Fund (A) -\$22,983.82, Fund (B) \$656.69, Highway (DA) -\$0, Highway: Outside Village (DB) \$19,885.83, Capital Projects: CAP-WD#10 (HI)- \$192,363.63, Reserve- Roof Repair (HR01)- \$0, (HL) October Storm- \$6,862.50, Drainage (SD)- \$0, Fire Protection (SF) \$3,923.52, Refuse (SR) \$20,530.73, Sewer Fund (SS) \$0, Sewer District #2 (SS02)- \$308.41, and Water Districts (SW1) \$40.20, (SW2) \$88.44, (SW3) \$112.56, (SW4) \$112.56, (SW5) \$2,420.04, (SW6) \$305.52, (SW7) \$426.12, (SW7A) \$48.24, (SW8) \$32.16, (SW9) \$88.44, (SW10) \$2,211.00, Trust & Agency(TA)- \$0 Total: \$273,400.41 Carried

## COMMITTEE AND DEPARTMENT HEAD REPORTS

**Highway** – Nothing at this time

**Assessor** –Rebecca stated that 80% of field work is complete. The Tentative Roll change notices are scheduled to be sent out on March 16<sup>th</sup>. The exemptions applications are coming in at a steady pace and have a final due date of May 1<sup>st</sup>.

Councilman Rooney questioned if a similar meeting that was held for the commercial property owners will be held for residents. Assessor Baker said she was considering it, but has not established a time or method for doing so yet. Councilman George suggested the use of the website to get as much information out to residents also.

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

Harold Frey	11187 Stage	Storage barn
Robin Combs	v/l Fletcher	Demolition

The Board accepted the report as presented.

Code Enforcement Officer John Good announced the Fire Inspections are on going at this time.

**Town Clerk**- 2007 County\Town tax bills have been mailed out a week early this year and they have already received back several payments.

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

## COUNCILPERSONS

**George**-Nothing at this time

**Finger**- He has met with soccer league for discussions on town park field use. He also would like work session time to discuss Senior Center issues and will schedule a discussion with the Highway Superintendent on lawn service for this spring.

**Decker**-Absent

**Rooney**- He attended the Recreation Board meeting last week. Minutes should be out to everyone soon. The next meeting will be held March 19<sup>th</sup> at 6pm.

**SUPERVISOR**- The December Supervisors report is on file with the Town Clerk. He has had meetings with the grant writer and the auditors. He also wanted to thank Dawn for the update on the town's yearly and multi-year contracts. He has spoken with Ray Braun of Amherst Central Alarm on their EMS contract. He is still waiting for paperwork that Mr. Braun is supposed to be sending him.

## UNFINISHED BUSINESS

**Water District #10**- Phase 1A & Phase 1B – nothing to update

Phase 2-They are going out to bid on extensions for this phase. They will send out a schedule of events on this. The Milhurst Construction Co. is still on hold for their base contract and would recommend the inclusion of Downey Road to the contract.

**Route 5 Re-Zoning**- Information at next work session

**Shared Public Works Facility Committee**-Pre-Draft has been reviewed and the next revised draft will be available at the next work session, with the exception of cost estimates.

**NYS Toll Barrier**- Waiting for response

**G.I.S.** - Phase 1 implementation at the village is continuing. The town is still waiting for their GIS files for their system from Wendel. The grant application for the Phase 2 implementation was

mailed out on February 1<sup>st</sup> and confirmation of delivery to State Archives was received. We'll know by April if we've been denied or not.

Training sessions for the Planning and Zoning boards is going to be shared with the Village Boards as well and will be scheduled for sometime in March.

**NEW BUSINESS:**

**Inter-Municipal Agreement- Senior Van Service:**

A motion was made by Councilman Finger, seconded by Councilman Rooney authorizing the Supervisor to sign the Inter-Municipal Agreement with the Town of Clarence for shared services of the Senior Van program.

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

**Akron Airport Municipal Endorsement:**

A motion was made by Supervisor Cummings, seconded by Councilman George endorsing the area lighting and security camera installation project at the Akron Airport for the purpose of making the projects eligible for state funding.

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

**Budget Amendment for Aging Grant Award:**

A motion was made by Councilman Rooney, seconded by Councilman Finger authorizing the amendment of the 2007 budget to include appropriations and estimated additional revenue for a \$3,000 grant received by the Programs for the Aging/Senior Center to purchase office equipment.

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

**Cricket Communications Co-Location:**

A motion was made by Councilman George, seconded by Councilman Finger authorizing the co-location of Cricket Communications on the cellular tower located at 11167 Main Road and declaring this a Type II Action under SEQRA.

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

**Permit Renewals Approval:**

A motion was made by Councilman George, seconded by Councilman Finger approving the renewal of 3 special use permits as follows: 1.)Triple G Small Engine Repair at 12056 Buckwheat Road 2.)Buffalo Drilling Co., Inc. at 12340 Main Road 3.) Champion Auto Locator at 11678 Main Road.

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

**Fee Schedule Amendment Approval:**

A motion was made by Supervisor Cummings, seconded by Councilman Finger authorizing the amendment of the previously adopted 2007 Town of Newstead Fee Schedule.

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

**Highway Equipment Purchase Approval:**

A motion was made by Councilman Rooney, seconded by Supervisor Cummings authorizing the purchase of a KX080 Excavator in the amount of \$76,106.40, a Track Skidster in the amount of \$18,603.96, and Trailer at a cost of \$7,000.00 for use by the highway department on road work and drainage projects.

Cummings-Aye, George-No, Finger-Aye, Decker-Absent, Rooney-Aye  
Carried

**Appointment of Affirmative Action Officer:**

A motion was made by Councilman Finger, seconded by Councilman George authorizing the appointment of Town Clerk, Dawn Izydorczak as Affirmative Action Officer for the Town of Newstead for the year 2007.

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

**Liquor License Renewal Approval:**

A motion was made by Councilman George, seconded by Councilman Finger authorizing the renewal of a liquor license for Dande Farms Restaurant located at 13278 Carney Road.

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

Carried

**WD#10 Change Orders:**

A motion was made by Councilman Rooney, seconded by Councilman George approving the proposed change orders for the Water District #10-Phase 2 project as follows: Extension of the substantial completion date by seven days from January 12, 2007 to January 19, 2007 and authorizing the installation of 1,282 +/- additional feet of 8" waterline on Downey Road.

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

Carried

**Special Use Permit-11167 Main Rd:**

A motion was made by Councilman George, seconded by Councilman Rooney authorizing the issuance of a renewal for a Special Use Permit for a cellular tower at 11167 Main Road subject to all conditions being met as set forth in the resolution and declaring this project a Type II action under SEQRA. This approval is conditional upon receipt of the \$50.00 renewal fee.

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

Carried

Supervisor Cummings stated that this resolution clears up the problem with the wording in the last board meeting minutes on a motion to approve the same project, making the motion on subject property dated January 22, 2007 null and void.

**Question Period-** No one spoke

No Work Session will be held on February 19<sup>th</sup> due to the holiday and work session on February 26<sup>th</sup> will start at 7:00PM.

There being no further business to come before the board a motion was made by Councilman Finger, seconded by Councilman Rooney to adjourn the meeting at 8:50 PM.

Carried

Respectfully Submitted,  
Dawn D. Izydorczyk, Town Clerk