

## Newstead Town Board Meeting- April 9, 2007

A Public Hearing was called to order by the Newstead Town Board on Monday, March 26, 2007 at 7:50PM at the Newstead Town Hall.

Present: Harold Finger- Deputy Supervisor  
Tom George- Councilman  
Mark Decker- Councilman  
Justin Rooney- Councilman  
Mike Bassanello- Highway Supt.  
Andrew Casolini- Town Engineer  
John Good- Code Enforcement Officer  
Nathan Neill- Town Attorney  
Dawn Izydorzak- Town Clerk  
Kathleen Lang- Deputy Clerk

The Deputy Supervisor called the Public Hearing on Local Law No. 1 of 2007 to order.

The Clerk read the proof of publication.

Comments: Doug Ceisner, 100 East Ave., questioned why the increase in the number of planning board members when most municipalities are decreasing their board sizes. The Deputy Supervisor stated this is simply being done to correct an error in the code that was an oversight. The Planning Board has actually consisted of 7 members since 1990.

There being no other comments made, Councilman Decker made a motion to close the public hearing at 7:57 PM. Seconded by Councilman George.

Carried

A regular meeting of the Town Board was called to order with the same members present as above.

Roll Call was taken with all board members present except the Supervisor who is on vacation.

Bookkeeper Kathy Strobele led the pledge to the flag.

Minutes from the previous regular meeting held on March 26, 2007 were presented for approval. A motion was made by Councilman George, seconded by Councilman Decker to approve as presented.

Carried

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

Certified Resolutions passed by the Towns of Aurora, West Seneca, and Hamburg were received regarding their Town Boards support of the internet sex offender legislation.

The March Operations Report was received from Amherst Central Alarm office reporting 38 calls received for Akron Fire Co. and 30 calls received for Newstead Fire Co.

An announcement from UB Green Office regarding a seminar by Denis Hayes entitled “Greening Buffalo- Addressing climate change while renewing our economy” to be held Tuesday, April 10<sup>th</sup> from 12:00 – 1:30pm at Asbury Hall at the Church on Delaware & Tupper in Buffalo.

An announcement of a planning seminar to be held by the New York Planning Federation with Wendel Duchscherer on Tuesday, May 8<sup>th</sup> at 6:45pm at the New Angola Theater on 72 N. Main St in Angola.

A Certificate of 15 Year Membership has been presented to the Town of Newstead by the New York Rural Water Association.

A letter and petitions containing 44 signatures submitted by Phil & Arlene Richardson regarding the NYS Agricultural District Law Section 305 and their request for the town to extend Ag exemptions to the fire districts portion of agricultural land assessments on the tax bills.

A letter from Boy Scout Andy Depczynski requesting permission from the Town to paint the cemetery fence around the Maple Lawn cemetery on John and Franklin Streets as part of his Eagle Scout project on April 28<sup>th</sup>, weather permitting.

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

**Work Session:** The Deputy Supervisor reported that at the last work session the following issues were discussed: water district #10 issues, highway issues, town park- soccer use, airport issues, assessor's issues, terms & conditions, wetlands proposal, ditching, shared facilities project, CEO 6 month probationary period, planning/zoning issues, Route 5 re-zoning, as well as other items. The request regarding the eagle scout project was also discussed.

**Privilege of the Floor** –Doug Ceisner, 100 East Avenue, questioned if ditching minutes were going to be posted on the web site. Councilman Decker stated he will ask the recording secretary to do so. He discussed the ditch by MGA and Becks with Don Kreher and would like to be on the agenda for the next Ditching Committee meeting. Councilman Decker informed Mr. Ceisner the meetings are held every 3<sup>rd</sup> Tuesday of the month at the Town Hall and he will add him to the next agenda. Mr. Ceisner also questioned the issue of the STAR exemptions information not being allowed on web sites by the state. The Town Clerk addressed this issue. He also questioned a commercial building located east of his property on Main Road with a propane tank he thinks is too close to the building and he thinks is this illegal. The Code Enforcement Officer will check it out. Mr. Ceisner also questioned 2 unlicensed cars on Crittenden Road. The Code Enforcement Officer will also look into this matter.

Mr. James Fitzpatrick, 7695 Scotland Road, questioned increase in assessments of at least 25%. He would like to know how they can be going up so high and feels the Town Council needs to answer for this increase. He was asked if he has been thru an informal hearing with the Assessor yet. He has a meeting scheduled next week. He received figures of recent sales percents averaging only 6% increases in this area from the Real Estate Association.

Mr. Spencer Brown, 11671 Rapids Road, cited the Akron Bugle article by Jeffrey Bono requesting a public hearing on the assessment increases and asked if a hearing was going to be held and if Mr. Bono's letter was addressed. Councilman Finger stated he is not aware if the Supervisor responded to the request or not, but will speak to him when he returns to town. Mr. Brown feels a meeting should be held by the Town Board and they should change the numbers. He stated the Assessor is appointed and can be replaced. Attorney Neill addressed the issue of changing the numbers and stated that NYS law and regulations are in place to keep the town board out of the re-assessment process. It is not within their power to change numbers. That is what the review and grievance process is in place for.

Mr. Charles Green, 7534 Scotland Road, received his reassessment and it has increased 60% for a house that is nothing fancy. He feels they are pushing people right out of the community because they will not be able to pay their taxes with these new assessments.

The statement was made by several on the board that the assessments do not have an impact on the taxes, the tax rate does, and that in a revaluation year the tax rates should drop proportionately with the increase in assessments if the process is handled right. In the process the town sets a budget, the amount needed to be raised by taxes is determined and a tax rate is set by using assessed valuations.

**Budget Transfer:**

A motion was made by Councilman Decker, seconded by Councilman George to approve the budget transfers per memo presented and dated 4/4/07 by Bookkeeper Kathleen Strobele.

Carried

**Approval of Bills** -Councilman Decker reported that the Abstract from Batch #601 from the March 26, 2007 meeting has been reviewed with the previously UN-audited vouchers and everything was found in order. He presented Abstract Batch #605 & 606. Vouchers on this abstract numbered 260-328, totaling \$133,559.48 and were presented for payment approval by Councilman Decker, seconded by Councilman George to approve payment.

Abstract Batch #605 & 606:

General Fund (A) -\$27,864.97, Fund (B) \$3,855.47, Capital Projects: CAP-WD#10 (HI)- \$62,169.25, Reserve- Roof Repair (HR01)- \$0, Highway: Outside Village (DB) \$4,952.89, Drainage (SD)- \$0, Fire Protection (SF) \$3,923.52, Refuse (SR) \$22,114.35, Sewer Fund (SS) \$0, Sewer District #2 (SS02)- \$221.00, and Water Districts (SW1) \$40.20, (SW2) \$88.44, (SW3) \$112.56, (SW4) \$201.60, (SW5) \$4,199.39, (SW6) \$431.98, (SW7) \$837.25, (SW7A) \$48.24, (SW8) \$32.16, (SW9) \$88.44, (SW10) \$2,377.77, Trust & Agency(TA)- \$0

Total: \$133,559.48

Carried

## **COMMITTEE AND DEPARTMENT HEAD REPORTS**

**Highway** – Nothing at this time

**Assessor** – She is conducting informal assessment meetings in the conference room tonight. Her written report was presented.

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

Richard Krzykowski	13517 Stage	Roof
Martin Wahl	13847 Main	Garage
Kevin Stoldt	13060 Dorsch	Fill
Gary Truhn	12469 Rapids	Roof
Rambo Roofing	5686 Crittenden	Roof

Board accepted the report as presented. Code Enforcement Officer Good is continuing to work on fire inspections.

**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

**Decker**- Nothing at this time

**Rooney**- He did not attend the Recreation Board meeting but the minutes were sent out by Terri. They did approve an increase to state minimum wage for employees, which they feel is in the budget.

**SUPERVISOR**- Not present

## **UNFINISHED BUSINESS**

**Water District #10**- Phase 1A & Phase 1B – The Tennessee Pipeline has been placed in service and final payment requests will be submitted soon.

Phase 2- The line installation in all areas is continuing, they are trying to dig through the rock in the Crittenden and Scotland road areas. The pre-construction meeting on the extensions was held last week and Pilon has been approved to proceed.

**Route 5 Re-Zoning**- Nothing new at this time

**Shared Public Works Facility Committee-** They will have a joint meeting with Village of Akron to go over the plan on April 23rd.

**NYS Toll Barrier-** waiting for a response from NYS Thruway Authority.

**G.I.S.** – phase 1 work continuing. Training is set for April 19<sup>th</sup> for village and town employees.

**Drainage-** They are formulating plans for summer work and obtaining easements

**NEW BUSINESS:**

**Local Law No. 1 of 2007:**

A motion was made by Councilman Decker, seconded by Councilman Rooney issuing a Determination of Non-Significance under SEQR regarding Local Law No. 1 of 2007.

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

A motion was made by Councilman Decker, seconded by Councilman George adopting the proposed Local Law No. 1 of 2007 changing the number of Planning Board members listed in the town code book from 5 to 7 to truly represent the current make-up of the planning board.

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

**Municipal Clerk's Week:**

A motion was made by Councilman Rooney, seconded by Councilman Decker recognizing Municipal Clerks week from April 29<sup>th</sup> – May 5<sup>th</sup>.

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

**Site Plan Approval- 11145 Main Rd:**

A motion was made by Councilman Decker, seconded by Councilman George approving the site plan dated March 1, 2007 for a 648 sq. ft. entrance way addition to building #5 located at 11145 Main Road of the Kelly Schultz complex.

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

**Lead Agency- Cummings Rd Major Subdivision:**

A motion was made by Councilman George, seconded by Councilman Decker declaring lead agency with permitting authority on the proposed site plan from Joe Frey for a 7 lot major subdivision located on Cummings Rd and authorizing a coordinated review by the building department.

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

**Lead Agency- Billo & Hiller Rd Major Subdivision:**

A motion was made by Councilman Rooney, seconded by Councilman George declaring lead agency with permitting authority on the proposed site plan from Joe Frey and LF One, LLC for a 10 lot major subdivision located on Billo and Hiller Roads and authorizing a coordinated review by the building department.

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

**Highway Work Permit- WD#10 project:**

A motion was made by Councilman George, seconded by Councilman Decker authorizing the Supervisor to sign the Highway Work Permit application for utility work on behalf of Water District #10 and sent out the corresponding paperwork.

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

**Akron Airport- Improvements Funding:**

A motion was made by Councilman George, seconded by Councilman Rooney approving the installation of water main and septic system, the acquisition of maintenance equipment, cave security and fence repairs and supports replacement of the existing airport terminal building conditional upon the new building to be constructed does not exceed the size of the existing terminal

building. The Town Board opposes the portion of the endorsing resolution regarding T-Hanger construction and any actions that would potentially expand the use or capacity of the Akron Airport. (Resolution Attached) Cummings-Absent, George-Aye, Finger-Aye, Decker-Aye, Rooney-Aye  
Carried

**Erie County Tax Act- Support of Taxable Status Date Change:**

A motion was made by Councilman George, seconded by Councilman Decker supporting the petition proposal submitted by the Erie County Assessors Association to the Erie County Legislature which would change the Erie County Tax Act setting the assessment calendars Taxable Status Day to March 1<sup>st</sup> of each year instead of May 1<sup>st</sup> of each year. Also changed would be the dates for tentative roll filing (May 1<sup>st</sup>) and grievance day (4<sup>th</sup> Tuesday in May). (Resolution Attached) Cummings-Absent, George-Aye, Finger-Aye, Decker-Aye, Rooney-Aye  
Carried

**Cellular Phone Policy:**

A motion was made by Councilman Rooney, seconded by Councilman Decker approving the proposed Town of Newstead Cellular Phone Policy and authorizing it to be added to the terms and conditions packet. Cummings-Absent, George-Aye, Finger-Aye, Decker-Aye, Rooney-Aye  
Carried

**Revised Employee Time Sheets:**

A motion was made by Councilman Decker, seconded by Councilman George approving the proposed newly revised time sheets for all Town of Newstead employees and authorizing use beginning on the next payroll. Cummings-Absent, George-Aye, Finger-Aye, Decker-Aye, Rooney-Aye  
Carried

**Town Park use- Soccer Tournament:**

A motion was made by Councilman Finger, seconded by Councilman Decker approving the use of the Town Park fields and shelter by the Akron Soccer League for their annual Soccer Tournament on May 4th – May 6th. Cummings-Absent, George-Aye, Finger-Aye, Decker-Aye, Rooney-Aye  
Carried

**LOSAP Program- Newstead Fire Co.:**

A motion was made by Councilman Rooney, seconded by Councilman George approving the submitted documentation for Newstead Fire Co. under the LOSAP program and authorizing the town board members to sign the appropriate documents. Cummings-Absent, George-Aye, Finger-Aye, Decker-Aye, Rooney-Aye  
Carried

**NYSDOT fees- Emergency Generators:**

A motion was made by Councilman George, seconded by Councilman Rooney approving the payment of a \$25.00 fee to the NYSDOT to install emergency generators on the traffic lights within the Town of Newstead and authorizing the Supervisor to sign the application form. Cummings-Absent, George-Aye, Finger-Aye, Decker-Aye, Rooney-Aye  
Carried

**Question Period-** Doug Ceisner, 100 East Avenue, questioned the cell phone policy for town employees and how many have cell phones. Councilman George and Councilman Decker addressed his question stating the Highway Supt. has one and one is in their #2 truck, the Dog Control Officer has one and the Supervisor has one for a total of 4.

Deputy Supervisor Finger stated there will be a brief work session after the meeting.

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

Respectfully Submitted,  
Dawn D. Izydorczak, Town Clerk