

Newstead Town Board Meeting- April 23, 2007

A Regular Meeting was called to order by the Newstead Town Board on Monday, April 23, 2007 at 8:00PM at the Newstead Town Hall.

Present: David Cummings- Supervisor
Tom George- Councilman
Harold Finger- Councilman
Mark Decker- 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.

Andrew Casolini led the pledge to the flag.

Minutes from the previous regular meeting held on April 9, 2007 were presented for approval. A motion was made by Councilman George, seconded by Councilman Finger to approve as presented.
Carried Unanimously

Communications – The Town Clerk presented the following:

A memo from Recreation Director Terri Bierasinski stating the Recreation Board had approved pay increases for 7 recreation employees effective on their April 2, 2007 meeting.

A notice of public hearing from the Town of Alabama regarding a hearing set for May 3, 2007 at 7:00pm at the South Alabama Fire Hall for the purpose of hearing comments on the construction of 56 2.1 megawatt wind turbines in the town.

A letter from NYS DEC notifying the town our application for state assistance in restoring municipal forests has been accepted and approved at a reimbursement cost not to exceed \$6,000.00. The associated paperwork and contract will be sent out shortly.

A notice of a training session on “Understanding the Phase II Stormwater Requirements and the General Permit for Construction Activity” to be held on April 24, 2007 at 7:00pm at the ECC North Campus in Williamsville.

A notice for the “Summit 2007: Four Pillars of a Complete Niagara” conference to be held May 10th and 11th at the Hilton Garden Inn at Niagara-on-the-Lake.

A certified resolution passed by the Town of Lancaster Board in support of the proposed computer sex crimes against children legislation.

A letter from Assemblyman Mike Cole thanking the Town of Newstead for their certified resolution in support of Assembly Bill #5463, which he has co-sponsored, regarding stiffer penalties for computer sex crimes against children.

The Quarterly Report was received from BFI for January – March 2007. 1,751+/- residential units were collected with a total of 416.94+/- tons of solid waste collected and 59.64 +/- tons of co-mingled recyclables collected.

A letter from Keith Hawes, Emergency Service Director for Akron Soccer Leagues “Kick it First” Tournament requesting the towns support for an additional Akron Village Police Officer to be on

duty for their upcoming soccer tournament. He is requesting a resolution be passed giving the Akron Police permission to have jurisdiction over the town park property and its surrounding area during the days of the tournament.

A letter from East Amherst resident Judith Manka regarding her visit to a traveling petting zoo at the WNY Event Center this past weekend and expressing her concerns over her perceived mistreatment of the animals at the event. She asked the town board to consider passing laws restricting these types of acts in the Town of Newstead.

The Supervisor stated that the Code Enforcement Officer investigated the incident and has sent a letter in response to Ms. Manka.

A certified resolution passed by the Town of Marilla Board in support of keeping St. Joseph's Hospital in Cheektowaga open.

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

Work Session: The Supervisor reported that at the last work session the following issues were discussed: water district #10 issues, joint facility study, Rt. 5 re-zoning, planning issues, grant writer projects, recreation wage increases, memo from bookkeeper to attend conference, assessments, wetlands project, CEO agreement, the joint meeting with the Village Board.

Privilege of the Floor – Kevin Borth, 7553 Scotland Road, questioned the Thruway Toll Barrier issue and stated he had heard rumors of another re-location but still in the Town of Newstead. The Supervisor stated there has been no official correspondence from the Thruway Authority but the Town Board has heard the rumors too. At this time they are just rumors. Mr. Borth asked what the next step would be if they make a decision. The Supervisor stated that the firm hired previously is still on retainer and could go to court if necessary. The communities support would also be sought to fight the location in Newstead.

James Fitzpatrick, 7495 Scotland Road, read NYS Job description for Town Assessor, cited statistics from a County in Florida as compared to Erie County and cited Office of Real Property (ORPS) documentation.

Charles Green, 7534 Scotland Road, stated Town needs to do something to keep taxes down. He feels values are excessive. Mr. Green realizes things may have been missed on last re-val project, but the Town Board needs to go to the County and do something before more people leave this region. The Town needs to watch its spending.

Supervisor Cummings explained that the Town can only control what the Town does and our tax and they have no control over the County and School spending and tax.

Dave Sheremeta, 6674 Draper Road, gave statistics on number of politicians in WNY and the Town of Newstead. He also gave statistics on numbers of people leaving Erie County and median incomes. He suggests that the town and village merge with the town absorbing the village.

Donald Snell, 3 Shepard Avenue, asked why the income limits for senior exemptions have not gone up for the Town, Village and School tax portions.

Dodie Akin, 17 Eckerson Avenue, questioned why her neighbor's assessments are different from hers, but their houses are all about the same. She does not understand what the differences are. She also feels the Village of Akron needs to regulate their taxes for the residents and businesses better. Mrs. Akin also addressed some school issues.

Ed Griffin of Realty USA, 195 Knapp Road, stated that on a check of 9 properties in the Akron area on the multiple listings, 3 sold at a high value home range and 5 sold in average price range. He stated that typically 96% of asking price is received upon sale. What is town going to do?

The Supervisor stated the Town Board does not have the power to change any numbers.

Joe Frey, 11114 Keller Road, stated he would not want to do the Supervisors, Town Board members, or the Assessor's jobs as they are the experts at that and they are tough jobs. He questioned how much of the tax money collected actually stays here in the Town of Newstead. He does not believe that the inaccuracies in the re-val are all true and that probably most are just rumors, but asked the Board to understand that the difference in assessments can be the difference between profit and loss at the end of the year for a business. He stated there needs to be accountability.

Mr. Frey stated he recently purchased another local golf course for a steal at \$2 million, but when he received the new assessment paperwork it had been newly assessed at over \$3 million.

Kevin Borth, 7553 Scotland Road, stated that there may be a lot of reasons why a golf course is assessed higher than you paid for the property. The Town Board is elected to do a job and they are doing a horrible job right now. He stated Chuck Green is a great neighbor who fought his increased assessment during the last re-val and an adjustment was made. Now he is in the same process again. Mr. Borth stated we should be promoting farming in the town to retain its rural integrity. He stated it is not all Becky Baker's fault, the Town Board has a lot of responsibility in this. What they can affect is in the future. He feels there are 5 people asleep at the switch.

Fred Pask, 102 Golden Pond Estates, stated he is present tonight to support Becky Baker. There are a lot of reports and data sheets generated from data gathered over several months in this process. Then over 3 years worth of sales data are used. She does not just pull these numbers out of the air, there is a set procedure she uses. The sales for homes in the Town of Newstead have been very high over the past 3 years. Mr. Pask stated he hopes that the Town Board will support the revaluation process and Becky.

Merritt Spoth, 37 Crescent Drive, questioned his last assessment and why his neighbors sale was different than his.

Don Nicholas, 11868 Nice Road, questioned what are the options now and can the board roll back the values. He feels Becky is trying to do her job but he feels bad for the other people present. Mr. Nicholas stated that he is in the same situation as Mr. Frey with his golf course. He feels there is too much state influence in the process. He also thinks that the Board of Assessment Review process is subjective instead of objective.

Kim Nagle 35 Clinton Street, stated that her assessment went up \$32,000 from when she purchased it. She is questioning how often you can be reassessed. The town is on a three year cycle.

Robert Overfield, 12369 Nice Road, stated that the proposed Thruway Toll Barrier is set to be in his backyard. He questioned Becky's assessment of his property. Does it mean that it is who you know when it comes to what your assessment is?

Kevin Borth spoke again in support of Becky and the fact that none of this is personal and she is just doing her job.

Supervisor Cummings addressed the Toll Barrier issue stating that the Town of Newstead put a lot of work and action into the toll barrier issue and will continue to do so as necessary in the future.

Marshall Klingelhofer of Realty USA, 330 Knapp Road, stated he has recently done an appraisal on a property where some of the comparables that were used should not have been. The system is not perfect.

Toby Schrock, 8249 Greenbush Road, stated that he has land that is land locked and the value on that was lowered, but his house went up dramatically.

Nancy Green, 7534 Scotland Road, asked the Town Board as a tax payer what she can do to help them fight this. She would like to know what she can do to help stand behind them to fight the waste in Albany, the State, and Erie County. She will stand behind them but just do something.

A Carney Road resident stated that in the past 3 years their taxes have gone up every year and they would like to know when it is going to stop.

Doug Ceisner, 100 East Avenue, stated there is a dentist on Main Street and a florist on East Avenue that are running businesses out of their homes, yet in the town on Route 5 there is a moratorium on new businesses. He questioned who gets the breaks on their taxes and the reason for confidentiality of exemption information. Mr. Ceisner stated he feels the Town should hire within the town and not someone from Pembroke.

Jack Bradley, 157 Skyline Drive, suggested that the Town Board and Village Board dissolve. His suggestion was there should be a new election with 6 new members on the board and each one would be the Supervisor for 12 months and then the position would rotate thru each of the 6 board members each year.

Supervisor Cummings stated the Town and Village do work together on several areas currently.

Bob Larouere, 12580 Brucker Road, stated that his insurance policy shows it would be a 4.9% rebuild cost for his home. He has old aluminum wiring which automatically decreases his value by \$10,000. The property next to his sold for \$13,000, yet his land is valued at \$30,000. He received quotes from builders of \$120 per square foot and only 80% of true value is gotten out of your home. He is moving towards a fixed retirement income like many people in this area and we have to get the message to County and Albany. A real estate agent uses sales in a 5 mile radius of your house, not like properties. There has only been one house in his neighborhood that has sold in 10 years.

Ron Snyder, 12178 Hunts Corners Road, stated that he is a 2nd generation farmer in Newstead. He is lucky that his son wants to take over the business, but there has been a 46% increase in all his agricultural property combined. He has good neighbors and wants to stay, but lets work together to make it right.

Connie Rice, 111 Cedar Street, stated she has Whiting Manufacturing in her back yard which creates awful smells and Perry's Ice Cream near her which creates vibrations from their plant that rattle her house occasionally. The house next to her sold which raised her assessment dramatically. Her neighbor has done improvements and has only been assessed \$10,000 more than her home. She is willing to sell her home right now for the assessed value proposed. She did not bother to schedule an appointment with Assessor because she did not feel it would do any good.

Mae Weaver, 13865 Bloomingdale Road, stated she has not made any improvements to her home since 1997 when it was assessed at \$62,000 and now it is assessed at \$82,000. If she had the money to do improvements maybe she could get that much for her house.

Don Caple, 6860 Maple Road, questioned ditching in the Town of Newstead and whos idea it was to buy the Kobota to do the ditching? He feels is too small to do any ditching. Highway Supt. Mike Bassanello stated that they had demonstrations of several machines and he made the recommendation to purchase this model. Mr. Caple feels it is a waste of money.

Gary Baehr, 78 Cedar Street, was representing his parents at 13828 Martin Road and is pleading with the Town Board to do something to help with this situation.

Dave Sheremeta, 6674 Draper Road, stated the previous quotes he was comparing from are in St. Petersburg, Florida. He feels the Town Board needs to start earning their keep. The only good service provided is a plowed road. The increases should stay with in the rate of inflation

Supervisor Cummings stated the Town Board will discuss the comments made tonight and in conjunction with the Assessor, will make a decision with in 2-4 weeks of what they can do. He thanked everyone for showing up tonight.

Budget Transfer:

A motion was made by Councilman Decker, seconded by Councilman Finger to approve the requested budget transfers per memo dated 4/11/07 by Bookkeeper Kathy Strobele.

Carried Unanimously

Approval of Bills -Councilman Decker reported that the Abstract from Batch #605 & 606 from the April 9, 2007 meeting has been reviewed with the previously UN-audited vouchers and everything was found in order. He presented Abstract Batch #613 & #614. Vouchers on this abstract numbered 348 - 390, totaling \$227,851.16 and were presented for payment approval by Councilman Decker, seconded by Councilman Finger to approve payment.

Abstract Batch #613 & 614:

General Fund (A) -\$16,691.39, Fund (B) \$59.00, Highway (DA) -\$0, Capital Projects: CAP-WD#10 (HI)- \$7,209.95, Reserve- Roof Repair (HR01)- \$0, Highway: Outside Village (DB) \$19,843.30, Drainage (SD)- \$0, Fire Protection (SF) \$0, Refuse (SR) \$0, Sewer Fund (SS) \$6,006.58, Sewer District #2 (SS02)- \$92.39, and Water Districts (SW1) \$3,200.00, (SW2) \$0, (SW3) \$24.25, (SW4) \$0, (SW5) \$8.73, (SW6) \$0, (SW7) \$0, (SW7A) \$0, (SW8) \$0, (SW9) \$0, (SW10) \$174,715.57, Trust & Agency(TA)- \$0 Total: \$227,851.16 Carried Unanimously

COMMITTEE AND DEPARTMENT HEAD REPORTS

Highway – The new equipment is in and after testing is working well with several small ditching projects.

Assessor –Mrs. Baker wanted to thank Christine, John and Jennifer for all their help in the past few weeks during this very busy time of the revaluation project. A written report on the revaluation project was given. The Assessor reminded the board that all exemptions benefits we be affected as well as equalization rates depending on what is done with the project and that all exemptions are due by May 1st, 2007 at close of business and she will accept postmark. Change notices for those who had meetings are scheduled to go out the 3rd week of May. The Board of Assessment Review must use as many days as necessary to hear all complaints. Councilman Decker questioned the Senior Exemption on the town portion and how does it compare to neighboring towns. Becky will check.

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

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| Global Sign | 11167 Main | Cell tower co-location |
| Justin Gerstung | 7238 Cedar | One Family Home |
| Donald Holmes | 5078 Crittenden | Demolition |
| Mark Schulz | 11685 Nice | Garage/breezeway |
| John Smith | Barnum Rd | Pond |
| Niagara Specialty Metals | 12600 Clarence Center | Dust collector |
| John Ernst | 11254 Crego | Shed |
| Roger Kelkenberg | 8167 Burdick | Demolition |
| St. Theresa’s Church | 5771 Buell | Sign |
| Cricket Communications | 5877 Buell | Cell tower co-location |

Board accepted the report as presented.

Town Clerk- Dog Control Officer monthly reports for January 2007 and March 2007 were presented. Dawn will be out of town starting Wed thru May 1st.

Attorney for the Town –The attorney reminded everyone present that the assessment level does not influence the taxes we raise, the budget influences the total dollars raised. The tax levy is not influenced.

COUNCILPERSONS

George- Nothing at this time

Finger-He attended the Drainage Committee meeting, met with soccer league and spent time with Highway Superintendent on town park issues.

Decker-The Drainage minutes will be out soon and will be posted on the web page in the near future. Dawn informed the board that they are already on the web page.

Rooney-He attended the Recreation Board meeting tonight and the next meeting will be May 7th at 6:00pm at the new library. He requested work session time.

SUPERVISOR-He attended a expansion project committee meeting at the school and suggested that every citizen look at the proposal by the school for expansion. He feels it is a big project that will greatly influence their tax. He encourages resident to get involved to make a change. He is now retired from his day job and will be around the town hall more in the morning hours.

UNFINISHED BUSINESS

Water District #10- Phase 1A & Phase 1B – nothing new.

Phase 2-The work on Crittenden and Scotland road is continuing. They are half way down Downey Road. They will then start the restoration of driveways and properties.

Pilon Construction is working through permits and will start with the extensions segments in a couple days.

Route 5 Re-Zoning- The draft law is being created and will then be taken to public hearing once complete.

Shared Public Works Facility Committee-There was a joint meeting scheduled tonight with Village but it has been cancelled due to the length of the regular meeting. They will reschedule with the Village as soon as possible to discuss this project.

NYS Toll Barrier- waiting for a response from NYS Thruway Authority. There has not been any official response from the Thruway Authority to date.

G.I.S. – phase 1 work continuing. Training sessions were held with village and town employees on April 19th. Another evening session is scheduled for May 9th to be held in the Assessor's office area. We have taken possession of the 2 new printers.

NEW BUSINESS:

Budget Amendment:

A motion was made by Councilman Finger, seconded by Councilman George approving a budget amendment on the 2007 budget to authorize additional appropriations and estimated additional revenues of \$17,754 as part of the GIS grant funding.

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

Carried Unanimously

C.E.O. Salary Increase Approval:

A motion was made by Councilman George, seconded by Councilman Finger approving the increase of the base salary for the Code Enforcement Officer John Good by \$2,000.00 as per their agreement when he was hired.

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

Carried Unanimously

Supervisor Appointment:

The Supervisor announced his appointment of Colleen Salmon as his new bookkeeper effective April 24, 2007 at a salary of \$16.25 per hour.

New Bookkeeper Training Approval:

A motion was made by Councilman Rooney, seconded by Councilman George approving the expenditure in an amount not to exceed \$600.00 to assist the new bookkeeper in getting acclimated to the Town system.

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

Carried Unanimously

Question Period- Richard Raykowski, 13830 Indian Falls Rd., questioned the progress of getting water on Indian Falls and Knapp Rd. He also questioned the possibility of the Town of Newstead taking over the maintenance of Indian Falls Road and other county roads. He was informed that when enough additional money is generated in the water fund his area will be receiving water, but for the town to maintain the county roads would be very costly to the taxpayers.

Christine Cummings, 240 East Avenue, feels that her new assessment was fair but questioned what her new garage will do to her assessment in the future.

Meredith Spoth, 33 Crescent Drive, questioned who maintains the bridge on Crittenden Road. He stated the County does not do any preventative maintenance at all on their bridges or roads.

Ron Hatcher, 2 Sylvan Drive, questioned how to get County Legislature Michael Ranzenhofer to respond to e-mails that he has sent several times regarding the Parkview Bridge. The Supervisor will mention it to the Legislator and stated the Town has asked the same questions about the bridge.

Doug Ceisner, 100 East Avenue, questioned if Mr. Fryling has taken care of the unregistered cars on his property. The Code Enforcement Officer stated if Mr. Ceisner gives him permission to go onto his property he will check it out. They agreed to meet there together this week.

There being no further business to come before the board a motion was made by Councilman Decker, seconded by Councilman Finger to adjourn the meeting at 10:10 PM.

Carried Unanimously

Respectfully Submitted,
Dawn D. Izydorczak, Town Clerk