

Newstead Town Board Meeting- April 28, 2008

A Public Hearing was called to order by the Newstead Town Board on Monday, April 28, 2008 at 7:45 PM 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.
Rebecca Baker- Assessor
Scott Rybarczyk- Town Engineer
Nathan Neill- Town Attorney
Kathleen Lang- Deputy Clerk

Roll Call was taken with all board members present.

The Supervisor called the public hearing on Water District #10 Phase 3.

The Deputy Clerk read the proof of publication.

The Supervisor explained that Water District#10 includes all the un-serviced areas within that district. This grant money will be used towards the completion of the Hiller Road water loop, N.Millgrove, south of the thruway to Alden and Tonawanda Creek Road, ½ mile from Greenbush west. We will continue to address the other areas like Burdick Road, Fletcher Road, and Koepsel Road by applying for grants and low interest loans.

Comments: Ann Kelkenberg, 8167 Burdick Road, is appalled at the conditions of Burdick Road and the fact that her neighbors ½ mile away from her have water and she does not. She would like to see some return on her taxes.

Supervisor Cummings stated that there are not enough funds to do all the water lines at once and that is not fiscally sound. The state will only allow so much of a burden to the tax payers. We are currently ahead of previous predicted time frame of 2010-2011 for completion.

Holly Rankie, 8781 Burdick Road, questioned how much money in grants has been applied for and what happens if you don't get the grant moneys.

Supervisor Cummings stated that the amount of grant money applied for may vary with each project and we can only get what each project costs. Most of the grant moneys are based on 30year payments. In the worst case, if we get only the partial money, then we do as much as we can and keep going. We have to send out to bid to contractors who are state certified.

David Rankie, 8781 Burdick Road, questioned the cost of the water line per linear foot? Supervisor Cummings asked Engineer Rybarczyk the current cost. He stated it is \$48 per linear foot and that also depends on whether or not you have to dig through rock.

There being no further comments, a motion was made by Councilman Finger, seconded by Councilman George, to close the public hearing at 8:00 PM. Carried Unanimously

A regular meeting of the Town Board was called to order at 8:00PM with the same members present as listed above plus John Good who arrived after the public hearing.

Highway Superintendent Michael Bassanello led the pledge to the flag.

Minutes from the previous regular meeting held on April 14, 2008 were presented for approval. A motion was made by Councilman George, seconded by Councilman Finger to approve as presented. Carried Unanimously

Communications – The Deputy Town Clerk presented the following:

A certified resolution passed by the Lancaster Town Board supporting the draft legislation amending Section 339-Y, Section 1, Subdivision 1 of the Real Property Law allowing municipalities a local opt-out for newly constructed condominiums.

A notice from the NYS DEC announcing public input meetings for the Regional Open Space Conservation Plan. Meetings to be held locally will be on April 21, 2008 at Niagara County Cooperative Extension in Lockport and April 29, 2008 at Woodlawn Beach State Park in Blasdell.

A letter from residents Charlie and Jan Rosenberg regarding their opposition to the proposed commercial development planned on Rt. 5 and Rt. 93, which they feel would compete with their business located in Clarence Center.

A letter from the NYS Liquor Authority outlining their new requirements for liquor licenses and the new color coded system for license categories.

A copy of the NYS Revolving Fund Newsletter, Spring issue.

A letter was received from Carol Sauer, owner of The Borderline, 11825 Main Road, Akron, NY, advising the Town of Newstead of the intent of renewing the liquor license for The Borderline effective June 1, 2008.

A letter was received from Travis and Marcia Jackson, 22 Sylvan Parkway, Akron, NY who are parishioners of St. Teresa of Avila Church, requesting the Town of Newstead to reconsider their plan for the Joint Facility on Buell Street next to their church.

A letter was received from the Akron Celebration Team 2008 July 4th Festival requesting the use of the Newstead Town Park for July 3rd firework display and a tentative schedule of events for the celebration from July 3-5th, 2008 from team chairman David Cummings.

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

Work Session: The Supervisor reported that at the last work session held, the following issues were discussed: a presentation from Kevin Gaughan at the Village Hall, which Mr. Gaughan stated was the first Town and Village joint meeting he has addressed, water district issues, joint facility study, planning issues, denio building basement project, grant submissions, as well as other issues.

Privilege of the Floor – Don Caple, 6860 Maple Road, questioned the joint facility site on Indian Falls Road and if it were taken off the tax rolls it will only cost more because of the loss of taxes. He feels the Buell Street site is already off the tax roll and we should use what we already own.

Greg Papke, N.Ayers Road, reviewed the shared facility finding by Wendel and he feels it raises more questions about the budget numbers which are intangibles. He also feels the public needs to know the true cost and final cost of both locations, Buell Street and Indian Falls.

Peter Henley, Indian Falls Road, stated that the ECIDA goes until 2019 at 50% taxes and would be taken off by sale and 2 new buildings for the tenants who are using the Indian Falls facility now would be built. The net effect would be \$100,000 more in taxes through 2012 combined.

Budget Transfers: A motion was made by Councilman Finger, seconded by Councilwoman Esposito to approve the budget transfers per a memo dated 4/17/08 from Bookkeeper Colleen Salmon. Carried Unanimously

Approval of Bills -Councilwoman Esposito reported that the Abstracts from Batches #706 & 709 from the April 14, 2008 meeting have been reviewed with the previously UN-audited vouchers and everything was found in order. She presented Abstract Batch #710. Vouchers on this abstract numbered 361-408 -totaling \$49,052.41 and were presented by Councilwoman Esposito, seconded by Councilman Rooney to approve payment as follows:

Abstract Batch #710:

General Fund (A) -\$41,030.38, General Fund- Outside Village (B) \$89.00, Highway (DA) -\$0, Capital Projects: CAP-WD#10-phase 2 (HI)- \$2,925.23, Murder Creek Stabilization (HM) - \$0, Highway: Outside Village (DB) \$1,589.79, Drainage (SD)- \$0, Fire Protection (SF) \$0, Refuse (SR)

\$0, Sewer Fund (SS) \$3,335.61, Sewer District #2 (SS02)- \$82.40, 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: \$49,052.41

Carried Unanimously

COMMITTEE AND DEPARTMENT HEAD REPORTS

Highway – Nothing at this time

Assessor – All Exemptions are due May 1, 2008 by 4:30PM. There are many agriculture exemptions not yet turned in so the assessing department has made phone calls as reminders. Grievance Day is June 3, 2008 from 10-12, 2-4, 6-8 with appointments recommended.

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

John Kausner	V/L Billo Road	Driveway
John Kausner	11155 Hiller	Driveway
Art & Cindy Young	8142 Maple	Roof
Dave Morehouse	11326 Miland	Roof
Scott Swader	6842 Cedar	Garage
Newstead Fire Company	Rt. 5 & Cummings	Sign
Rothland's Golf Course	12089 Clarence Center	Addition
Mark Young	12391 Hunts Corners	Garage
Ray & Mary Pionessa	12949 Carney	pole barn
William & Linda Swader	6748 Cedar	Roof
Jeffrey & Beth Kieffer	6265 Dye	above-ground pool
Catherine Rodgers	12718 Swift Mills	porch repair
Greg & Jessyca Gajewski	11687 Clarence Center	Shed
Pinecrest Homes, Inc.	6161 Dye	Driveway
Mark & Karen Molitor	6161 Dye	single family home
Edward & Brenda Baker	5507 Barnum	shed addition
Scott & Melissa Dieterle	12869 Clarence Center	above-ground pool

The Town Board accepted the report as presented.
 Code Enforcement Officer will be giving a class through the continuing education program at Akron Central School on April 30th from 6:30 -9:00 PM

Town Clerk- Nothing at this time

Attorney for the Town –Nothing at this time

COUNCILPERSONS

George-Nothing at this time

Finger- The next phase for the Denio basement will begin with the Supervisor and Harold meeting with the contractor and completion should be by June 1st, 2008.

Rooney-The Recreation Board will meet tomorrow night at 6:30pm in the upstairs community building.

Esposito-Nothing at this time

SUPERVISOR- He attended the Association of Towns meeting last Thursday with Mayors and Supervisors from Erie County. This month the discussion regarded a review of Assessment procedures from the state.

UNFINISHED BUSINESS

Water District #10- Phase 3 –There are maps to review for the public with the phase 3 outlined.

Shared Public Works Facility Committee- The committee will review all the information that has been accumulated over the past several years along with public input before any decisions will be made. They must first develop an inter-municipal agreement with the Village to set responsibilities and expectations of the Town and Village.

NEW BUSINESS:

Investment Policy Revisions Adopted:

A motion was made by Councilman Finger, seconded by Councilman Rooney approving the updated and revised Investment Policy for the Town of Newstead.

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

Akron Airport- Randall Hanger Approval:

A motion was made by Councilman George, seconded by Supervisor Cummings issuing a determination of non-significance on the environmental assessment, approving the negative SEQRA declaration and approving the site plan/survey dated November 17, 2006 for a 4,500 sq. ft. private use hanger at the Akron Airport by John Randall, subject to the terms set forth in the resolution. The Newstead Town Board has set a condition that John Randall must provide a Certificate of Deposit or a Bond in the amount of \$10,000 to be used to create a storm water management system if the Akron Airport's proposed project for 130,000 square feet of terminal area apron reconstruction does not occur within 24 months of site plan approval.

(Resolution Attached) Cummings-Aye, George-Aye, Finger-Abstain, Rooney -No, Esposito-Aye
Carried

Councilman George stated the private use was approved by Zoning Board of Appeals and the Town Board has concerns with drainage. The airport has a project pending with drainage work so the \$10,000 bond is the insurance policy to address any potential drainage problems if the pending project does not get completed.

WD#10- Phase 3 Increase & Improvement Approval:

A motion was made by Councilman George, seconded by Councilman Finger issuing approval of an increase and improvement in the amount of \$375,000 by bond issue for work to be completed on the Water District #10-phase 3 construction of 5,600 linear feet of waterline on Hiller, North Millgrove and Tonawanda Creek Roads.

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

WD#10- Phase 3 Bond Approval:

A motion was made by Councilman George, seconded by Councilman Finger authorizing the bond issue the amount of \$375,000 for work to be completed on the Water District #10-phase 3 construction of 5,600 linear feet of waterline on Hiller, North Millgrove and Tonawanda Creek Roads.

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

Supervisor Cummings explained lateral restriction hardship applications are a requirement by Ag & Markets, which provided some of the funding for the districts. Hardships such as health issues, bank loans, etc must be proven for additional homes.

Lateral Restriction Hardship Application- 12251 McNeeley Rd:

A motion was made by Councilman Finger, seconded by Councilman Rooney approving the lateral restriction hardship exception application for 12251 McNeeley Rd within Water District #5 as submitted by Cornerstone Development of WNY, LLC.

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

Lateral Restriction Hardship Application- 12229 Clarence Center Rd:

A motion was made by Councilman Rooney, seconded by Councilwoman Esposito approving the lateral restriction hardship exception application for 12229 Clarence Center Rd within Water District #5 as submitted by Cornerstone Development of WNY, LLC.

Cummings-Aye, George-No, Finger-Aye, Rooney -Aye, Esposito-Aye Carried

Lateral Restriction Hardship Application- 7908 Cedar St:

A motion was made by Councilman Finger, seconded by Councilman Rooney approving the lateral restriction hardship exception application for 7908 Cedar St within Water District # 10 as submitted by Michael Allen.

Cummings-Aye, George-No, Finger-Aye, Rooney -Aye, Esposito-Aye Carried

12963 Main Road Retail Plaza Site Plan Review Authorization

A motion was made by Councilman Finger, seconded by Councilman Rooney to approve the proposal from Wendel Duchscherer dated April 8, 2008 for site plan review of the retail plaza location at 12963 Main Street at a cost not to exceed \$5,000.

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

Celebration Committee Town Park Use Request:

A motion was made by Councilwoman Esposito, seconded by Councilman Finger approving the request by the Celebration Committee to use the Town Park property for the July 4th festivities and authorizing the Akron Police jurisdiction over the park during that time.

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

Councilman George suggests that the committee consider changing name to Akron/Newstead Celebration Committee.

Highway Position Advertising:

A motion was made by Councilman Rooney, seconded by Councilman George approving the advertising of a full time permanent position with the Highway Department.

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

Lateral Restriction Hardship Application-6161 Dye Road

A motion was made by Councilman Rooney, seconded by Councilwoman Esposito approving the lateral restriction hardship exception application for 6161 Dye Road within Water District # 10 as submitted by Mark Molitor.

Cummings-Aye, George-No, Finger-Aye, Rooney-Aye, Esposito-Aye Carried

Reminder- Tire Drop off Saturday May 3, 2008 and White metal pickup starting on Monday, May 5th, 2008.

Question Period- Don Caple, 6860 Maple Road, questioned if the prisoners are going to continue cleaning the creeks and who will keep them mowed. Supervisor stated that the Town will follow through with maintaining the creeks and that is why the Drainage District was created .A big thank you to Sheriff Higgins for the great job the prisoners have been doing and there has been another 6 month extension with this program.

Fran Dahill, Cedar Street, questioned the vote count for the Akron Airport Randall Hanger. There were 3 yes, 1 no, 1 abstain with it passing.

James Baker, Burdick Road, questioned why the Town can not take over Burdick Road because they do a better job maintaining and fixing the road than Erie County does. Supervisor stated he would call the County to see what the time frame is for work on Burdick Road. James Baker asked if a petition would help, he would get signatures from his neighbors.

The Town Board went into Executive Session.

There being no further business to come before the board a motion was made by Councilman George, seconded by Councilman Finger to adjourn the meeting at 10:25 PM.

Carried Unanimously

Respectfully Submitted,
Kathleen Lang, Deputy Town Clerk