

Newstead Town Board Meeting- May 8, 2006

A Regular Meeting was called to order by the Newstead Town Board on Monday, May 8, 2006 at the Newstead Town Hall at 8:00PM.

Present: David Cummings- Supervisor
Harold Finger- Councilman
Mark Decker- Councilman
Brian Murray- Councilman
Michael Bassanello- Highway Supt.
Andrew Casolini- Town Engineer
Rebecca Baker- Assessor
Christine Falkowski- Building Administrator
Nathan Neill- Town Attorney
Dawn D. Izydorczak, Town Clerk
Kathleen Lang- Deputy Town Clerk

Roll Call was taken with all board members present except Councilman George who is out of town on business.

Building Inspector John Good led the pledge to the flag.

Minutes from the previous regular board meeting held on April 24, 2006 were presented for approval. A motion was made by Councilman Finger, seconded by Councilman Decker to accept as presented. Carried

Communications – The Town Clerk presented the following:

A letter from resident Dorothylee Akin requesting use of the bike path for a fundraising bike event to be held on August 5, 2006, with a rain date scheduled on August 6, 2006. The event would start at the Cedar St. access point and run into Clarence Center at Meadow Park. They will be scheduling EMS and Fire Police support for crossing from the Akron and Newstead Fire Companies for the event. The Town Board has received copies of the letter.

The Erie County Department of Environment & Planning has announced its next Hazardous Waste drop-off day to be held Saturday, May 13, 2006 from 9:00am to 2:00pm at the E.C.C. North Campus in Williamsville.

A thank you letter was received from Mary Ann Storr of the U.S. Environmental Protection Agency thanking the Town for the use of its town hall facilities for the April 25th meeting that was held regarding the Fletcher Rd Superfund Clean-up project scheduled for this year.

A notice from the Erie County Department of Health issuing the results from their 2004-2005 Leptospirosis Survey & Report and their 2005 Lyme Disease Survey & Report.

The April 2006 monthly report was received from Amherst Alarm office reporting the calls received by Akron Fire Co. as 35 and Newstead Fire Co. as 27.

A letter from Erie County Legislators Barry Weinstein, John Mills and Michael Ranzenhofer to the towns with a proposal to the Erie County Legislature to terminate the 1977 Agreement of Sales Tax Distribution. These legislators have proposed a new sales tax distribution agreement that takes into account the population shift from the cities to the towns over the past 30 years, giving a more equitable share of the sales tax to those areas that deserve it.

A certified copy of a resolution passed by the Town of Hamburg prohibiting any Town of Hamburg owned vehicles to be fueled with gas from EXXON Mobil gas stations until gas prices fall below \$2.00 a gallon again and encouraging the general population to do the same.

A letter of Intent to Renew a Liquor License was received from Jeffrey Randall at the Rothland's Golf Course located at 12089 Clarence Center Rd. They will renew under the same terms as 2005.

A letter from the NYS DOT informing the Town of Newstead that a total CHIPS Capital balance of \$49,5944.44 is available for the town in June 2006. In order to receive the June payment, the Town must ensure that the NYSDOT Regional Office receives the reimbursement request no later than May 16, 2006.

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

Supervisor Cummings requested that the Town Clerk forward the Brucker Road petition request to the County for a Traffic Study.

Supervisor Cummings has referred several WD #10 restoration complaints to Town Engineer Andrew Casolini.

Supervisor Cummings has received complaints of a dirt bike track at Rt.93 and Hake Road that will be looked into.

Work Session: Supervisor Cummings reported that at the work session held on May1st the following issues were discussed: Water District #10-all phases, district #1 switch over to ECWA, water service at the Rapids Rd substation, shared facilities project, accept/reject bid for highway /ditching equipment, re-zoning of Rt. 5, NYS Police garage, Planning/Zoning issues, resolution on toll-barrier, Association of Towns responses, Library- furniture questions, NIMS, fire contract 2006, Terms & Conditions & CEO position.

Privilege of the Floor –Doug Ceisner, 100 East Avenue, thanked the Town Clerk for placing the American Legion information on the town web site as he requested at last meeting. He stated he was not quoted in the minutes of the last meeting where he questioned millings being hauled out to a private parking lot. He stated he checked with the school and Agricultural exemptions do come off the school tax bills. Mr. Ceisner questioned why the Drainage district meetings are held in the Conference Room instead of the court room. He would like them moved to the court room so that people can hear better what is being said and more seating is available. Councilman Decker explained that the meeting Mr. Ceisner attended was much larger than normal meetings. In the future, the court room may be used when there is larger attendance at the Drainage Committee meetings. He questioned again his wetlands problem on the property at Rt.5 and South Newstead where a pipe is located that is rated to hold flow for 22 million gallons of water per day that flows to a ditch that the town does not maintain. He claims the drainage problem has created the wet land on the property. He wants to sell that property to put up a Tim Horton's at the location. Mr. Ceisner would like to know when the property was originally mapped as a wetland by the DEC. Town Engineer Andrew Casolini will try to find out, but the data comes from the NYS DEC so, Mr. Ceisner should be able to go direct to them for the information. The property at 12434 Swift Mills owned by Vivian Wheat has problems with standing water at the curb box. Mr. Ceisner claims she has called the Town Engineer and Town Supervisor several times but nothing has been done. Mr.Casolini stated that all calls to his office are logged and he will look into this problem.

Justin Rooney, 32 Bloomingdale, questioned if the Town of Newstead has been notified of the Buffalo Gun Club project in Pembroke to open soon in the Marble and Tesnow Road area. He has concerns of how this might affect our town with traffic, shooting noise and water/drainage run off from the shot/bullets that are left on the ground. Supervisor Cummings stated the town has not been notified because it is out of our jurisdiction and County, but will call the Supervisor of Pembroke for more information on this subject.

Approval of Bills -Councilman Decker reported that the Abstracts from Batches #504 from the April 24, 2006 meeting have been reviewed with the previously UN-audited vouchers and everything was found in order. He presented Abstract Batch #507. Vouchers on these abstracts numbered #387 - 439, totaling \$129,479.76 and were presented for payment approval by Councilman Decker, seconded by Councilman Finger to approve payment.

Abstract Batch #507:

General Fund (A) -\$10,920.93, Fund (B) \$, Highway (DA) -\$0, Highway: Outside Village (DB) \$25,061.21, Capital Projects: CAP-WD#10 (HI)- \$90,257.52, Highway Garage (HG)- \$0, Drainage (SD)- \$0, Fire Protection (SF) \$0, Refuse (SR) \$3,115.10, Sewer Fund (SS) \$0, Sewer District #2 (SS02)- \$0, and Water Districts (SW1) \$62.50, (SW2) \$0, (SW3) \$62.50, (SW4) \$0, (SW5) \$0, (SW6) \$0, (SW7) \$0, (SW7A) \$0, (SW8) \$0, (SW9) \$0, (SW10) \$0, Trust & Agency(TA)- \$0
Total: \$129,479.76. Carried

COMMITTEE AND DEPARTMENT HEAD REPORTS

Highway – Superintendent Bassanello stated that the Tire Drop-Off was a success with one more load to be picked up. The White Goods pick-up went well also. The Bobcat was delivered this morning.

Assessor –Mrs. Baker announced the real property equalization rate will be 95% but this will not affect this year’s exemptions, as there is another revaluation scheduled for next year.

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

Bechara Cobi	8421 Burdick	Pole barn
Frederick Green	11081 Crego	Pipe permit
Taylor Roberts	12427 McNeeley	Addition
Frederick Green	11081 Crego	One family home
Mark Schulz	11685 Nice	Shed
James Sulzbach	13800 Main	Garage
Ronald Epstein	7403 Berghorn	Pipe permit
Michael Maggio	5417 Barnum	Deck
Newstead Fire Co.	11848 Nice Rd	Demolition
Michael Stopa	13626 Bloomingdale	Demolition
John Grande	7709 Scotland	Pole barn

The Town Board accepted and approved the Building Report as presented.
There are 2 demolitions on the unsafe buildings list scheduled for completion this week.

Town Clerk-The Dog Control Officer April 2006 monthly report was presented. Web page hits for the week of April 16th were 137. Hits for the week of April 23rd were 622 with 417 of those hits downloading the CEO Job description. NYS Town Clerk’s conference was very informative. There is a lot of pending legislation that will change dog laws and tax collection laws as well as many new procedural requirements within the Clerk’s office.

Attorney for the Town – Nothing at this time

COUNCILPERSONS

George- Not present

Finger- He met with Highway Superintendent on Town Park and Town Hall grounds issues. He also met with the Supervisor and Town Clerk on Terms and Conditions for employees and met with the employees to go over the proposed changes for the Terms & Conditions.

Decker-The Dog Enumeration will begin May 15th and continue until complete.

Murray- Nothing at this time

SUPERVISOR- The March 2006 Supervisors Report is available in the Town Clerks office. He attended the EPA Superfund meeting on April 25th, which was very informative. The option of digging out and removing the contaminated soil is the way they will be preceding. He also attended the Association of Towns meeting on Regionalism and met with Town Accountant Wayne Drescher

and Bookkeeper Kathy Strobele on the 2005 Town Financial Audit. The Supervisor congratulated John Donnelly from Akron Soccer League, Councilman Finger and Highway Superintendent Bassanello on a successful and smoothly run Soccer Tournament.

UNFINISHED BUSINESS

Water District #10- Phase 1A & Phase 1B –The restoration is over 50% completed due to favorable weather conditions and restoration will continue through June. The complaint calls are being handled and pre-work photos are being used to restore areas to there original state. A tentative closing date for 1A and 1B has been set as June 6th .

Phase 2- Submitting all DEC and Health permits this week.

Water Tank- It is being painted at this time

Route 5 Zoning- The next Work Session will be dedicated to this issue

Shared Public Works Facility Committee- The meeting last week focused on finalizing reports and potential sites.

Other:

A meeting was held with residents from Water District # 1 on May 1st to go over new rates and projected dates for switch over to ECWA.

Fire Contracts are being worked on for the fire companies with financial payments being figured for over the next several years.

NEW BUSINESS:

NIMS Policy Adoption:

A motion was made by Councilman Murray, seconded by Councilman Finger approving the mandated National Incident Management System as set forth by the Department of Homeland Security and approving all town employees be trained according to the required mandates.
(Resolution Attached) Ayes-4 Nays-0 Absent-1 Carried

Neg Dec & Approval- Berghorn Rd Major Subdivision:

A motion was made by Councilman Decker, seconded by Councilman Murray issuing a negative SEQR declaration and authorizing the Supervisor to sign Part III of the EAF form and giving final approval on the 8-lot major subdivision on Berghorn Rd.
(Resolution Attached) Ayes-4 Nays-0 Absent-1 Carried

Local Law No. 3 of 2006- SEORA Review:

A motion was made by Councilman Decker, seconded by Councilman Finger declaring Lead Agency status on proposed Local Law No. 3 of 2006 regarding Outdoor Furnaces, being listed as an “Unlisted Action”, and approving the Building department to do a coordinated review.
(Resolution Attached) Ayes-4 Nays-0 Absent-1 Carried

Local Law No. 3 of 2006- Public Hearing:

A motion was made by Councilman Decker, seconded by Councilman Murray approving the calling of a public hearing on proposed Local Law No. 3 of 2006 regarding Outdoor Furnaces to be held at the town hall on June 12, 2006 at 7:50pm.
(Resolution Attached) Ayes-4 Nays-0 Absent-1 Carried

School Funding Reform:

A motion was made by Councilman Finger, seconded by Councilman Murray issuing approval of the need for a solution and reform in how public education funding is mandated in New York State and removing and/or lessening the burden and dependence for funding through property taxes.
(Resolution Attached) Ayes-4 Nays-0 Absent-1 Carried

Water District #10- Phase 2- Health Dept. Application:

A motion was made by Councilman Finger, seconded by Councilman Decker authorizing the Supervisor to sign the Department of Health application designating ECWA as the water supplier to Water District #10 and authorizing the plans and specifications to be submitted.

(Resolution Attached) Ayes-4 Nays-0 Absent-1 Carried

Ditching/Highway Equipment Bid:

A motion was made by Councilman Decker, seconded by Councilman Murray approving the bid for equipment by Buffalo Bobcat for a Timber Axe Mower in the amount of \$18,000.00, with \$9,000 charged from the Ditching Budget and \$9,000 charged from the Highway Equipment Budget.

 Ayes-4 Nays-0 Absent-1 Carried

Approval for Request of Use of Bike Path:

A motion was made by Councilman Murray, seconded by Councilman Decker approving the request for use of the bike path on August 5th and 6th for a bike outing fundraising event.

 Ayes-4 Nays-0 Absent-1 Carried

The Supervisor stated that there have been 35-40 applications received for the Code Enforcement Officer position and review of these applications will be done tonight in Work Session.

Question Period- Doug Ceisner, 100 East Avenue, questioned the wording of outdoor “furnaces” for Local Law No. 3. He stated they are really outdoor “boilers”. The Supervisor stated the language will be reviewed by the Town Attorney.

There being no further business to come before the board a motion was made by Councilman Finger, seconded by Councilman Murray to adjourn the meeting at 8:48 PM.

Carried

Respectfully Submitted,
Dawn D. Izydorczak, Town Clerk