

Newstead Town Board Meeting- August 28, 2006

A Regular Meeting was called to order by the Newstead Town Board on Monday, August 28, 2006 at 8:00PM at the Newstead Town Hall.

Present: David Cummings- Supervisor
Tom George- Councilman
Harold Finger- Councilman
Mark Decker- Councilman
Brian Murray- Councilman
Michael Bassanello- Highway Supt.
Andrew Casolini- Town Engineer
John Good- Code Enforcement Officer
Nathan Neill- Town Attorney
Dawn D. Izydorczak- Town Clerk
Kathleen Lang- Deputy Town Clerk

Roll Call was taken with all board members present.

Councilman Brian Murray led the pledge to the flag.

Minutes from the previous regular board meeting held on August 14, 2006 were presented for approval. A motion was made by Councilman Finger, seconded by Councilman Decker to accept as presented. Carried Unanimously

Communications – The Town Clerk presented the following:

A letter from Northern Erie Sno-Seekers, Inc. requesting use of the West Shore bike path once again for their 2006-2007 snowmobiling season.

An announcement from Natural Resources Conservation Service regarding a regional conference on “Planning a Future for Farms in WNY” to be held November 9, 2006 at Genesee Community College in Batavia.

A copy of an e-mail transmission from Scott Bylewski to Mr. Winters and Mr. Comerford at Erie County regarding the problems revolving around emergency response times and the 911 system.

A listing from Erie County Tax Department of the properties that will be sold for foreclosure on September 27, 2006 at 8:30am at the Erie County Legislature Chambers in Buffalo.

A postcard from the NYS Thruway Authority formally announcing that the DEIS comment period on the Williamsville Toll Barrier project has been extended to Friday, October 6, 2006.

A safety notice from Clow Valve Company informing clients that a replacement program is in place for some of their fire hydrant valves installed during the years 2002 – 2004.

A e-mail transmission from resident Martin Ezzo regarding his concerns over increased truck traffic and dust on Crittenden Rd and their resulting personal property damage to his property.

A notice from the Erie County Department of Health announcing its annual air drops of vaccine baits to distribute the oral rabies vaccine throughout Erie, Niagara and Chautauqua counties beginning on August 28 thru September 1, 2006.

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

Work Session: The Supervisor reported that at the work session held on August 21st the following issues were discussed: water district issues, water tank, Rapids Rd sub-station, shared facilities project, Rt. 5 re-zoning, numerous planning/zoning issues, fire contracts, personnel matters, the toll barrier issue, police services/police garage, Cable company- Channel 8, budget and next scheduled joint village-town meeting.

Privilege of the Floor – William Swader of 6748 Cedar Street questioned the final billings sent out for water district #1 customers and if the billing is going to be pro-rated. He feels it is unfair for those who used less than the minimum usage to be billed the full minimum for 30 days of use. Supervisor Cummings addressed this and stated there is a motioned planned on this which will be moved at the end of the meeting.

Doug Ceisner of 100 East Avenue questioned if the Board had made a decision regarding his refuse charges on his Main Road property. The Supervisor stated yes, the Board has decided it is best to continue with the town's current billing practices and that there are other property owners who currently do not have tenants that are paying the refuse fee for their vacant properties. Mr. Ceisner claimed the house is now being used as a warehouse because it is uninhabitable and the Supervisor responded that does not change the fact that the property is assessed as residential. Mr. Ceisner asked about the status of his request for past ditching information. Highway Supt. Mike Bassanello currently has information dating from 1981- 1994 for him and is continuing to look for more years. Mr. Ceisner also questioned if the man selling crops on Main Road who is from Middleport violates any sign laws or zoning laws. He also questioned if the two boards (town and village) still meet together and if the Village of Akron is going to get smart and finally dissolve the village. Supervisor Cummings replied that the two boards are scheduled to meet on September 18th to discuss issues. Supervisor Cummings also updated Mr. Ceisner on his requests for information from last meeting as follows: There has been a small jet taking off from the airport approximately once a month and it is within the legal use of the airport. Video taping of board meetings and offering them for view on cable is technically "free", however the town would have to absorb the expenses of purchasing the video equipment and all other devices necessary to videotape the meetings. If enough residents are interested in the meetings being broadcast, Mr. Ceisner could start a petition to get signatures and submit the request to the board for approval. The water meter on the hydrant Mr. Ceisner asked about is contracted thru Erie County Water Authority to a drilling company. It is ECWA's valve and theirs to maintain and lease out as they wish.

A motion was made by Councilman Decker, seconded by Councilman Murray to approve budget transfers per a memo dated 8/23/06 from Bookkeeper Kathleen Strobele requesting \$400 transfer from Records Management to Registrar and \$6,000 from Elections to Central Printing & Mailing.
Carried Unanimously

Approval of Bills -Councilman Decker reported that the Abstract from Batch #535 from the August 14, 2006 meeting has been reviewed with the previously UN-audited vouchers and everything was found in order. He presented Abstract Batch #537. Vouchers on this abstract numbered 825-862, totaling \$70,536.06 and were presented for payment approval by Councilman Decker, seconded by Councilman Finger to approve payment.

Abstract Batch #537:
General Fund (A) -\$39,915.38, Fund (B) \$0, Highway (DA) -\$0, Highway: Outside Village (DB) \$6,319.14, Capital Projects: CAP-WD#10 (HI)- \$24,083.99, Highway Garage (HG)- \$0, Drainage (SD)- \$0, Fire Protection (SF) \$0, Refuse (SR) \$0, Sewer Fund (SS) \$24.53, Sewer District #2 (SS02)- \$193.02, 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: \$70,536.06
Carried Unanimously

COMMITTEE AND DEPARTMENT HEAD REPORTS

Highway – They are finishing shoulder repairs and patching. Roadside mowing and ditches will continue to be worked on. The remainder of the town hall parking lot will be completed by this fall.

Assessor – Not present, attending a Planning Board session.

Building Office –the following building report was presented by the Building Administrator Christine Falkowski who is attending the Planning Board session:

Jeffrey Kieffer	6265 Dye	One family home
NOCO Energy Corp.	13613 Main	Sign permit

Matthew Priebe	6032 Crittenden	Roof
Matthew Priebe	6032 Crittenden	Garage awning
Steve Cooper	12416 Rapids	Roof
Harold Frey, Sr.	11187 Stage	Fill permit
Sue Denning	12557 Meahl	Fence
Joan Glor	11850 Stage	One family home
Richard O'Dell	13331 Bloomingdale	Porch awning
Richard O'Dell	13331 Bloomingdale	Roof
John Stein	11986 Main	Roof

The Town Board accepted the Building Report as presented.

Town Clerk- minutes from the Water District #10-phase 2 meeting were distributed. Hunting license sales are steady. We are getting ready for the start of school tax season. The Town of Clarence forwarded a certified copy of their resolution passed last week approving the Davison Road speed limit reduction to 45mph and approval of installation of a 4-way stop sign at Davison and Howe Roads.

Attorney for the Town – Nothing at this time.

COUNCILPERSONS

George- Nothing at this time

Finger- Attended a GIS committee meeting last Tuesday, the presentation of the Secretary of State grant check for the joint facility study, and the meeting of water district #10- phase 2 customers on Wednesday evening.

Decker- Nothing at this time

Murray- Nothing at this time

SUPERVISOR- Attended Water District #10-phase2 meeting, north east Town Supervisor’s meeting in Clarence, Association of Towns meeting on the County Budget and the check presentation by the Secretary of State for grant monies to cover the joint highway facility study.

UNFINISHED BUSINESS

Water District #10- Phase 1A & Phase 1B – they will be having a contractor close out meeting soon.

Phase 2- out to bid for the base bid and alternate bids. The meeting with residents went well. The bid opening is scheduled for September 14th at 11:00am.

Water Tank- The tank is now operational flowing and taking in water. They are working with pressures right now.

Route 5 Re-Zoning- this is currently with the Planning Board who is having a special session on it tonight to address final issues.

Shared Public Works Facility Committee- The grant award was received and this will be discussed at the September 18th joint town/village meeting. One more meeting will be scheduled then for final comments.

NYS Toll Barrier- October 6, 2006 extension for final comments by the town will be enough time to compile a final draft which should be ready within two weeks.

Water Fill Station- Rapids Road- is operational and awaiting sign-off by the ECWA and the shelter installation by the highway department.

NEW BUSINESS:

Eldred- Site Plan Approval:

A motion was made by Councilman Decker, seconded by Councilman Finger issuing a negative declaration on the site plan proposal for 13656 Main Road for a 768 sq. ft. storage shed and approving the site plan dated 8/8/06.

(Resolution Attached) Cummings-Aye, George-Aye, Finger-Aye, Decker-Aye, Murray-Aye
Carried Unanimously

Public Hearing- Special Use Permit:

A motion was made by Councilman Murray, seconded by Councilman George approving the calling of a public hearing for a special use permit request at 11720 Main Road to operate a used auto sales business. The hearing shall be held September 11, 2006 at 7:50pm at the Newstead Town Hall and the notice shall be published in the Akron Bugle.

(Resolution Attached) Cummings-Aye, George- Aye, Finger- Aye, Decker- Aye, Murray- Aye
Carried Unanimously

GIS Grant Vendor:

A motion was made by Councilman Finger, seconded by Councilman Murray approving the recommendation made by the GIS grant committee to hire CRA Infrastructure & Engineering to perform the implementation of the GIS grant project work at a cost of \$23,800 and directing the town attorney to prepare a draft inter-municipal agreement with the Village of Akron for sharing of GIS information.

(Resolution Attached) Cummings- Aye, George- Aye, Finger- Aye, Decker- Aye, Murray- Aye
Carried Unanimously

Municipal Financial Services contract:

A motion was made by Councilman George, seconded by Councilman Decker authorizing the Supervisor to execute an agreement with Municipal Solutions, Inc. to provide financial services to the town as contained in their proposal dated August 16, 2006.

(Resolution Attached) Cummings- Aye, George- Aye, Finger- Aye, Decker- Aye, Murray- Aye
Carried Unanimously

Election Polling Place Agreement:

A motion was made by Councilman Finger, seconded by Councilman Decker authorizing the Supervisor to sign the contract for Lease of the Town Hall by Erie County Board of Elections for the Primary Election and November Election Days.

(Resolution Attached) Cummings- Aye, George- Aye, Finger-Aye, Decker- Aye, Murray- Aye
Carried Unanimously

Water District #1 Billings Approval:

A motion was made by Councilman George, seconded by Councilman Finger authorizing the Town Clerk to pro-rate the final billings for Water District #1 customer's based on a rate of \$7.20/1m gallons used for bills less than the minimum of usage per the proposal submitted.

Cummings- Aye George- Aye Finger-Aye Decker- Aye Murray- Aye
Carried Unanimously

Court Department Training Requests:

A motion was made by Councilman Murray, seconded by Councilman Decker authorizing Justice Freeman and Court Clerk Sandy Pietrowski to attend a court training seminar for the NYS Court Clerk's and NYS Justice training from October 8 – 11, 2006.

Cummings- Aye George- Aye Finger-Aye Decker- Aye Murray- Aye
Carried Unanimously

The Supervisor announced there will be no work session next week due to the holiday and the September 11th work session will start early. Executive session on personnel issues will be held after the meeting tonight.

Question Period- No one spoke

There being no further business to come before the board a motion was made by Councilman Finger, seconded by Councilman Decker to adjourn the meeting at 8:38 PM.

Carried Unanimously

Respectfully Submitted,
Dawn D. Izydorcak, Town Clerk