

Newstead Town Board Meeting- September 25, 2006

A Public Hearing was called to order by the Newstead Town Board on Monday, September 25, 2006 at 7:50PM at the Newstead Town Hall.

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

The Supervisor called the public hearing to order on the proposed Fire Contracts for Newstead Fire Co. and Akron Fire Co at 7:50 PM. The committee, consisting of Supervisor Cummings and Councilman Murray, met with the fire companies several times over the last couple months. Everyone involved feels this is a fair contract. The negotiations for the next four year contract will begin in March 2009.

The Clerk read the proof of publication.

Comments: John Wideman, President of Newstead Fire Company, thanked the entire Town Board for recognizing the needs of the fire service in our community and for providing for those needs.

No one else spoke

There being no further comments, Councilman George made a motion to close the public hearing at 7:56 PM on the proposed fire contracts. Seconded by Councilman Finger.

Carried Unanimously

A regular meeting of the Newstead Town Board was called to order at 8:00pm with all members present as above.

Roll Call was taken with all board members present.

Peter Henley led the pledge to the flag.

Minutes from the previous regular board meeting held on September 11, 2006 and the joint Town/Village Board meeting on September 18, 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 notice from the Town of Alabama announcing a public hearing to be held at their town hall on Monday, September 25, 2006 at 7:30pm regarding the proposed Local Law No. 3 of 2006 amending the Zoning Law to include Incentive Zoning.

A notice from the Town of Alabama announcing a public hearing to be held at their town hall on Monday, September 25, 2006 at 7:45pm regarding the proposed Local Law No. 4 of 2006 amending the Zoning Law to include Wind Energy Systems.

A catalog from Concord Nurseries offering discounts and State and Federal Funds for Tree Planting Projects to municipalities.

An offer from Sprint to government employees for discounts on cellular phone service.

A notification from Akron Fire Chief Keith Hawes announcing another session of NIMS training available on October 9, 2006 from 6:00-10:00pm at the Akron Fire Hall.

A memo from Rural Transit Advisory Board announcing an opening for a Southtowns Volunteer Coordinator to oversee the Concord, Holland, Sardinia and Orchard Park areas. Anyone interested should call 472-6065.

An announcement from the University of Buffalo announcing a seminar on LUCA and the 2010 Census in October.

A letter from Akron Central School Interagency Coordinator Robert Lauffenburger seeking information about any homeless children in our community.

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

Work Session: The Supervisor reported that at the work session held last week the following issues were discussed: Budget sessions were held, water district #10 issues, Community Block Grants, substation water service, Route 5 re-zoning, shared facility project, planning & zoning issues, toll barrier issues, personnel matters, village police contract and the joint village/town meeting.

Privilege of the Floor – No one spoke

Approval of Bills -Councilman Decker reported that the Abstract from Batch #540 from the September 11, 2006 meeting has been reviewed with the previously UN-audited vouchers and everything was found in order. He presented Abstract Batch #543 & 544. Vouchers on this abstract numbered 924-960, totaling \$49,880.76 and were presented for payment approval by Councilman Decker, seconded by Councilman Finger to approve payment.

Abstract Batch #543 & 544:

General Fund (A) -\$28,665.43, Fund (B) \$513.35, Highway (DA) -\$0, Highway: Outside Village (DB) \$3,575.86, Capital Projects: CAP-WD#10 (HI)- \$72.76, Highway Garage (HG)- \$0, Drainage (SD)- \$748.06, Fire Protection (SF) \$0, Refuse (SR) \$0, Sewer Fund (SS) \$28.60, Sewer District #2 (SS02)- \$1,427.82, and Water Districts (SW1) \$11.13, (SW2) \$0, (SW3) \$4.45, (SW4) \$0, (SW5) \$12,810.18, (SW6) \$0, (SW7) \$0, (SW7A) \$606.93, (SW8) \$0, (SW9) \$1,416.19, (SW10) \$0, Trust & Agency(TA)- \$0 Total: \$49,880.76

Carried Unanimously

COMMITTEE AND DEPARTMENT HEAD REPORTS

Highway –White Goods pick up began this morning and will continue through the week until complete.

Assessor – The revaluation project is progressing on schedule and land tables have been developed. She will begin road work over the next two weeks.

The Supervisor thanked Assessor Becky Baker and Bookkeeper Kathy Strobele for their extra work on the water tank and water districts for the budget over the past week.

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

Dan Garbacz	6720 Utley	Shed
Justin Domres	7429 Sandhill	One family home
Eric Ridge	11422 Hiller	One family home
Antonio Gullo	13154 Stage	Pipe permit
Mark Cianfrini	13273 Martin	pole barn

The Town Board accepted the Building Report as presented.

Town Clerk- School tax bills are coming in at a good pace. Dawn & Christine will be attending the Census seminar in October.

Attorney for the Town –Nothing at this time

COUNCILPERSONS

George- Nothing at this time

Finger- He has met with contractors for the Town Hall roof and a landscaper for work on town properties. He also attended the drainage meeting and met with legion members who have requested for a sign to be placed at Ledge Lawn cemetery.

Decker- Nothing at this time

Murray- He attended the Drainage meeting on Tuesday where several residents were present with issues. The Highway Superintendent brought them up to date on ditch and roadway mowing projects and discussed the purchase of more equipment for next years projects.

SUPERVISOR- Nothing at this time

UNFINISHED BUSINESS

Water District #10- Phase 1A & Phase 1B –The final punch list items with Sergi Contractors are in the process. They came to an agreement with Erie County Water Authority regarding going over the Tennessee Pipeline areas.

Phase 2-There were 11 contractors bidding on this phase and it was a tight bid. They had a pre-award meeting after which a recommendation for awarding of the bid was made to the town board.

The water station: They have received comments back from ECWA and wrapping up building issues on the shelter, which has been spear headed thru the Newstead Highway Department.

Route 5 Re-Zoning-They are waiting for recommendations within the next few weeks from the Newstead Planning Board.

Shared Public Works Facility Committee-There was a joint meeting with a presentation by Wendel last Monday. Councilman George thanked Town Engineer Andrew Casolini for an excellent presentation. There will be a meeting tentatively next Thursday to go over points made in the presentation. They hope to finalize their recommendations soon.

NYS Toll Barrier- There are some preliminary documents from the attorneys which will be gone over at next weeks work session. This is an important meeting and hopefully all will attend.

NEW BUSINESS:

Proposed Budget for 2007: The Supervisor read his 2007 Budget Message

Award Bid- Water District #10-Phase2:

A motion was made by Councilman George, seconded by Councilman Murray awarding the bid package for Water District #10-Phase 2 to Milherst Construction for the base bid and Alternate #3 at a combined price of \$1,315,270.17, subject to receipt of \$84,935.00 in grant monies to be turned over to the Town of Newstead by Rattles to Reading Child Care, Inc. which they received from NYS Office of Children and Family Services.

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

Incentive Raise Request:

A motion was made by Councilman Finger, seconded by Councilman Decker approving a \$.65 incentive raise for employee Jennifer Heberling effective October 4, 2006.

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

Site Plan Approval- Blair Property:

A motion was made by Supervisor Cummings, seconded by Councilman Decker approving the site plan and special use permit request for a used auto sales business at 11720 Main Road by Thomas Blair in accordance with the provisions set forth in the resolution.

Board Comments:

Councilman George stated he has really looked at the project and he is troubled by the fact of recommending a variance on the overlay zone especially when a moratorium was placed on these types of projects for the interim. He also stated the project presents conflicts with the Comprehensive Master Plan in regards to Route 5 and Route 93 access management issues and set back zones.

Given the concerns with the project non-conformance with the Route 5 overlay zone and the conflicts with the Comprehensive Master Plan he cannot in good conscience support it.

Councilman Finger voiced the same concerns as Councilman George regarding the conflict with the Comprehensive Master Plan and the Route 5 Overlay Zone.

Councilman Murray voiced his concerns about the set back zone and would like to review other parts of the property where the setbacks could have been met for this project.

Councilman Decker stated he was reluctant to second this motion, but wanted to get the Board’s concerns on record and submit the resolution to a vote. He shares the same concerns as his fellow Councilmen.

Supervisor Cummings stated the Planning Board has worked hard since June on this project. He stated the Councilmen have some very valid concerns on the project but he also supports the resolution based on the Planning Board’s approval and Code Enforcement Officers approval.

(Resolution Attached) Cummings-Aye, George-No, Finger-No, Decker-No, Murray-No
Defeated by a 4 to 1 vote

The Supervisor and Town Attorney stated this plan can be resubmitted to the Planning Board with a new site location.

Site Plan Approval- Dog House Bar & Restaurant:

This was tabled for more discussion.

Public Hearing- CDBG projects:

A motion was made by Councilman Murray, seconded by Councilman George approving the calling of a public hearing for public input on the 2007 Erie County Community Development Grant project funds on October 9, 2006 at 7:55pm at the Newstead Town Hall and authorizing publication in the Akron Bugle of such notice.

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

Approval- Fire Contracts:

A motion was made by Councilman Finger, seconded by Councilman Murray approving the proposed Akron Fire Company and Newstead Fire Company fire protection contracts to be valid thru December of 2009.

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

Northern Erie Sno-Seekers Approval- Bike Path:

A motion was made by Councilman Murray, seconded by Councilman George approving the requested use of sections of the bike path by Northern Erie Sno-Seekers for their winter snowmobiling trails system per the requirements set forth in the resolution.

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

Public Hearing: WD#10- Phase 2- Bond Issue:

A motion was made by Councilman George, seconded by Councilman Finger approving the calling of a public hearing on the proposed bond issue for the Water District #10- Phase 2 construction to be held October 9, 2006 at 7:25pm at the Newstead Town Hall and authorizing the notice to be published in the Akron Bugle.

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

WD#10 Capital Construction & Improvement Reserve:

A motion was made by Councilman George, seconded by Councilman Murray authorizing the establishment of a capital construction and improvement reserve fund within Water District #10 and the transfer of \$439,250 into said reserve fund.

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

Approval- WD#10 Highway Work Permit:

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 the Water District #10 project.

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

Question Period- Justin Rooney of 32 Bloomingdale Ave questioned the criteria that the Planning Board and Town Board used in determining their decision to approve or not approve the Blair project.

Supervisor Cummings explained that the Town Board has final approval on projects such as this. It is an interpretation by the Town Board guided under the laws of the town and determined by what direction the board feels they need to go within those laws. The Town Board member's views may vary from those of the Planning Board member's. The Planning Board is only a recommending board and they do not have approval powers.

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 8:46 PM.

Carried Unanimously

Respectfully Submitted,
Dawn D. Izydorczak, Town Clerk