

Newstead Town Board Meeting- November 13, 2006

A Regular Meeting was called to order by the Newstead Town Board on Monday, November 13, 2006 at 8:00PM at the Newstead Town Hall.

Present: David Cummings- Supervisor
Harold Finger- Councilman
Mark Decker- Councilman
Brian Murray- Councilman
Michael Bassanello- Highway Supt.
Rebecca Baker- Assessor
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 except Councilman George who is delayed in Washington, D.C. on business.

Nathan Neill led the pledge to the flag.

Minutes from the previous regular board meeting held on October 23, 2006 were presented for approval. A motion was made by Councilman Decker, seconded by Councilman Finger to accept as presented. Carried

Communications – The Town Clerk presented the following:

A letter from Justice Court Clerk Sandra Pietrowski requesting an annual incentive raise.

A letter from Justice Court Clerk Sandra Pietrowski requesting permission to attend the 2007 Court Clerk's conference.

The Quarterly Report was received from BFI for July – September 2006. 1,729 residential units were collected from with 81.79 co-mingled recyclables collected and 180.66 tons of solid waste collected.

A third quarter solid waste & recycling report was also received from Waste Management.

A notice of public hearing was received from the Town of Alabama regarding its proposed Local Law No. 3 of 2006 adding "Incentive Zoning" to their code. The public hearing will be held on November 16, 2006 at 7:00pm at the Alabama Town Hall.

A notice of public hearing was received from the Town of Alabama regarding its proposed Local Law No. 4 of 2006 adding "Wind Energy Systems" to their code. The public hearing will be held on November 16, 2006 at 7:15pm at the Alabama Town Hall.

An e-mailed letter was received from resident Rob Kipler regarding his concerns with the heavy volume of truck traffic on Clarence Center Road and Hake Road. He offers 6 possible solutions to the problems at the intersection.

An information packet was received from Trident Insurance on programs available to plan for pandemic flu and risk control measures.

A copy of the Rural Transit Service Newsletter was received with information for November 2006.

The latest installment of the UB Institute Policy Briefs was received. This months issue is on "Poverty: A State of Extremes".

An e-mail was received from The Grant Institute announcing a seminar on professional grant proposal writing to be held December 13-15 from 8:00am-5:00pm at the University of Toronto-Victoria College.

A brochure on wind energy development and its benefits was received from the NYS Legislative Commission on Rural Resources.

A brochure on promoting the training of municipal Planning and Zoning officials was received from the NYS Legislative Commission on Rural Resources.

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

Work Session: The Supervisor reported that at the work sessions held the past two weeks the following issues were discussed: water district #10 issues, Route 5 re-zoning, shared facility project, October storm status, multiple planning & zoning issues, toll barrier issues, 2007 budget, personnel matters, grants, village police contract, plans for the last meeting of the year and the police garage.

Privilege of the Floor –Doug Ceisner of 100 East Ave. stated according to the Town Engineer the ditch on his property at Main Rd. and South Newstead can not be cleaned out due to its wetland status. He questioned when the Town was notified it was a wetland and by whom? He questioned if the antique cars on Kelly Schultz property were legal? CEO John Good responded he is still looking into this matter and they may be grandfathered. Mr. Ceisner questioned whether he would be grandfathered to put back up a billboard on his property on Main Rd. The Code Enforcement Officer responded if a billboard still exists on the property then yes, but if the old one was taken down and he wants to put up a new one then no. Mr. Ceisner also asked if it was legal for a produce seller from Middleport to sell his produce on the Main Rd. during the summer and fall months. Mr. Ceisner questioned if the Zoning Dept. was aware of several unlicensed cars on property on Crittenden Rd. north of the Murder Creek bridge. This may be Village property but John will check into this. He questioned the construction trailer at 5055 Havens Rd and if the property is zoned commercial. Mr. Ceisner would like the Town Board meetings broadcast on the Time Warner Access station and would like to know what the cost would be to the taxpayers and what he needs to do to get this accomplished. Time Warner would not give him the information when he called them and was informed that the request must be made by the municipality. The Supervisor stated he will contact Time Warner for this information and that the Town Board would want to know from the public that it was interested in having the meetings broadcast. The Supervisor suggested that Mr. Ceisner get a petition signed by residents that are interested in the broadcasts and present it to the Board. Mr. Ceisner stated he does not want to ask the people to sign a petition before he knows what the costs of the video feed airing would be. Mr. Ceisner also questioned whether minutes were kept for work sessions. Attorney Neill stated no minutes are kept for work sessions because they are not required. Minutes only need to be kept when Town Board action is taken.

A motion was made by Councilman Decker, seconded by Councilman Finger to approve the budget transfers per a memo from Bookkeeper Kathy Strobele dated 11/13/2006.

Carried

Approval of Bills -Councilman Decker reported that the Abstract from Batch #550 from the October 23, 2006 meeting has been reviewed with the previously UN-audited vouchers and everything was found in order. He presented Abstract Batch #553 & 555. Vouchers on this abstract numbered 1075 – 1080 & 1081-1165, totaling \$227,448.24 and were presented for payment approval by Councilman Decker, seconded by Councilman Finger to approve payment.

Abstract Batch #553 & 555:

General Fund (A) -\$45,340.20, Fund (B) \$404.86, Highway (DA) -\$0, Highway: Outside Village (DB) \$19,960.02, Capital Projects: CAP-WD#10 (HI)- \$117,749.67, Reserve- Roof Repair (HR01)- \$2,000.00, (HL) October Storm- \$6,250.95, Drainage (SD)- \$0, Fire Protection (SF) \$5,373.52, Refuse (SR) \$22,001.42, Sewer Fund (SS) \$0, Sewer District #2 (SS02)- \$371.15, and Water Districts (SW1) \$40.20, (SW2) \$88.44, (SW3) \$112.56, (SW4) \$112.56, (SW5) \$2,420.04, (SW6)

\$305.52, (SW7) \$426.12, (SW7A) \$48.24, (SW8) \$32.16, (SW9) \$88.44, (SW10) \$4,322.17, Trust & Agency(TA)- \$0 Total: \$227,448.24 Carried

COMMITTEE AND DEPARTMENT HEAD REPORTS

Highway –He attended a training session at EOC with FEMA on tree cutting for trees on the Right of Way. There will be new crews assigned to our area for brush pick-up this week. He would like to thank Newstead Fire Company and the Village of Akron for providing storage space for some of the towns equipment.

Assessor –Her road work is progressing. The STAR rebate check applications have pretty much stopped at this point. The mobile home parks seemed to be the biggest problem areas.

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

Sylvia Grant	13419 Bloomingdale	Pole barn
Glen Judd	7845 Greenbush	Shed/lean-to
Kelly Schultz	10522 Stage	Excavation
Peter Schenk	13881 Knapp	Pole barn
Salvatore Militello	12275 Meahl	Entry overhang
Scott Henningham	5559 Barnum	Addition
William Leiker, Jr.	7431 Cedar	Garage
David Coulter	11738 Clarence Center	Shed
Don Schultz	6827 Cedar	Roof

The Town Board accepted the Building Report as presented.

Town Clerk- Nothing to report

Attorney for the Town –Nothing at this time

COUNCILPERSONS

George-Not present

Finger-Nothing at this time

Decker-Nothing at this time

Murray-Nothing at this time

SUPERVISOR-The September Supervisor Report is on file with Town Clerk.

UNFINISHED BUSINESS

Water District #10- Phase 1A & Phase 1B – Mr. Casolini was not present. The Supervisor reported the insulated pipe has been ordered for the Murder Creek crossings. The delivery date is expected to be at Thanksgiving and installation will continue after the holiday.

Phase 2- Maple Road has been completed with installation of piping. The Brucker Road shut off will be installed this week and then they will continue on with pipe installation.

Route 5 Re-Zoning-It is still at Planning Board for comments

Shared Public Works Facility Committee- We are hoping to schedule a meeting soon with new members in place.

NYS Toll Barrier- Waiting for response

October Storm- They have met with FEMA and SEMO several times over past 3 weeks and paper work is in progress. The cleaning of streams work needs to be addressed for the future and the application to FEMA for future funding for further work is also being discussed.

NEW BUSINESS:

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 December 11, 2006 at 7:50pm to hear comments on proposed Local Law No. 3 of 2006 entitled "Local Law Providing for Administration and Enforcement of the New York State Uniform Fire Prevention and Building Code of the Town of Newstead".

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

Local Law No. 4 of 2006-Public Hearing:

A motion was made by Councilman Finger, seconded by Councilman Decker approving the calling of a public hearing on December 11, 2006 at 7:40pm to hear comments on proposed Local Law No. 4 of 2006 entitled "Amendment to the Code of the Town of Newstead Placing a Six Month Moratorium on Windmills within the Town".

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

Faith Fellowship Site Plan Approval:

A motion was made by Councilman Murray, seconded by Councilman Decker approving the proposed site plan for Faith Fellowship Church located at 11478 Main Road for a carport addition and sign relocation.

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

CDBG Funds- Rural Transit Van:

A motion was made by Supervisor Cummings, seconded by Councilman Decker authorizing the Supervisor to sign the grant application for Erie County Community Development Block Grant funds for 2007 to continue service to the Rural Transit Van Service and ranking the project #1.

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

Adoption of 2007 Budget:

A motion was made by Councilman Finger, seconded by Councilman Murray approving the 2007 Budget as presented and adopting said budget with no amendments.

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

Court Clerk Incentive Raise:

A motion was made by Councilman Murray, seconded by Councilman Finger approving the request of Court Clerk Sandy Pietrowski for an incentive raise. Said raise shall be in the amount of \$1.30 per hour and take effect the next payroll period.

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

Water District #10- Reduction of Retainage:

A motion was made by Supervisor Cummings, seconded by Councilman Decker approving the reduction of retainage on the Water District #10 project to \$10,000 for continued landscape maintenance and authorizing payment to Sergi Construction in the amount of \$115,854.00.

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

Inter-municipal Agreement on GIS Information:

A motion was made by Councilman Finger, seconded by Councilman Murray approving the Inter-municipal agreement between the Town and the Village of Akron relative to the NYS Archives GIS Grant information that will be shared between the town and the village and authorizing the Supervisor and Town Clerk to sign the agreement.

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

Wendel Pay Request- WD #10:

A motion was made by Councilman Murray, seconded by Councilman Decker approving the pay request by Wendel Duchscherer dated November 6, 2006 for the Water District #10- phase 2 project as follows: Bidding Services (base bid & 3 alt.) \$ 10,500, bidding services (not in contract) \$7,500, construction administration services \$49,500, and on a time & expense basis: construction observation services \$105,000, baseline stake-out services \$4,000 and record drawing services \$8,000.

Cummings-Aye, George-Absent, Finger-Aye, Decker-Aye, Murray-Aye

Carried

Annual Town Applications Ad:

A motion was made by Supervisor Cummings, seconded by Councilman Finger, authorizing the Town Clerk to place the annual ad for town applications in the Akron Bugle and Pennysaver.

Cummings-Aye, George-Absent, Finger-Aye, Decker-Aye, Murray-Aye

Carried

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 Murray to adjourn the meeting at 8:45 PM.

Carried

Respectfully Submitted,
Dawn D. Izydorczak, Town Clerk