

Newstead Town Board Meeting- November 24, 2008

A Public Hearing was called to order by the Newstead Town Board on Monday, November 24, 2008 at 7:50 pm at the Newstead Town Hall.

Present: David Cummings– Supervisor
Tom George- Councilman
Harold Finger- Councilman
Cheryl Esposito- Councilwoman
Nathan Neill- Town Attorney
Mike Bassanello- Highway Supt.
Scott Rybarczyk- Town Engineer
John Good- Code Enforcement Officer
Kathleen Lang- Deputy Clerk

Roll Call was taken with all board members present except Councilman Rooney who was sick.

The Supervisor called the public hearing to order on the proposed expansion of the Newstead Self Storage/Green Kangaroo located at 13399 Main Rd. He stated that the Planning Board has recommended approval of this expansion. No public comments were received.

The Deputy Town Clerk read the proof of publication.

Comments: Douglas Klotzbach from K2 Architecture, who represents the applicant, explained it was an upgrade and clean up on existing gravel but doubled the size of the storage area. He explained the name Green Kangaroo is for marketing purposes. Newstead Code Enforcement Officer John Good explained that the current zoning law restricted the expansion. The new Local Law on Self Storage allows the expansion.

There being no further comments a motion was made by Councilman Finger, seconded by Councilwoman Esposito to close the public hearing at 7:55pm.

Carried

A regular meeting of the Town board was called to order at 8:00pm with the same members present as listed above, except that John Good left the courtroom to attend the Planning Board meeting.

Councilman George led the pledge to the flag.

Minutes from the previous regular meeting held on November 10, 2008 were presented for approval. A motion was made by Councilman Finger, seconded by Councilman George to approve as presented.

Carried

Communications – The Deputy Town Clerk presented the following:

A letter from Akron Central School confirming the Town's use of the auditorium for a public information meeting on the Joint Highway Facility on December 4, 2008.

Certified resolutions from the Town of Brant and the Town of Marilla regarding their support for continued funding of the Cornell Cooperative Extension and Erie County Soil & Water through Erie County.

A letter from the NYS DEC acknowledging receipt of the Town Board's resolution regarding their support of funding for the Cornell Cooperative Extension and Erie County Soil & Water.

A packet of materials was received from NYS Department of Public Service for their winter season "Heat Smart NY" campaign.

A packet of materials was received from "Food For All" with information on Food Stamps.

The New York State Revolving Fund Newsletter was received.

A letter from Senator Mary Lou Rath thanking the Board for their resolution on the Registrar of Vital Statistics proposed changes and giving an update on the legislation.

Newstead Town Assessor Rebecca Baker received a Recertification Certificate for successfully completing ethics training from the NYS Board for Real Property Tax Administration.

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

Work Session: The Supervisor reported that at the work session held last week the following issues were discussed: the Board met with representatives of Krehers Poultry Farm and Northern Erie Sno-Seekers, water district issues, joint facility issues, grant submissions, planning issues, zoning policy, Sno-Seekers resolution, Erie County park ice rink, petty cash request at Senior Center, assessment issues, personnel issues, as well as other necessary issues.

Privilege of the Floor – Peter Henley, Indian Falls Road, questioned the Public Information meeting on December 4th and if specific questions about the Joint Facility will be answered. Councilman George stated that all questions will be answered and encouraged comment cards to be filled out.

Budget Transfers: A motion was made by Councilman Finger, seconded by Councilman George to approve the budget transfers outlined in a memo from Bookkeeper Colleen Salmon dated 11/24/08. Carried

Approval of Bills -Councilwoman Esposito reported that the Abstracts from Batches #763 & 764 from the November 10, 2008 meeting have been reviewed with the previously UN-audited vouchers and everything was found in order. She presented Abstract Batch #768, 769 & 770. Vouchers on these abstracts numbered 1182- 1220 totaling \$98,703.67 and were presented by Councilwoman Esposito, seconded by Councilman Finger to approve payment as follows:

Abstract Batch #768, 769 & 770:

General Fund (A) -\$63,895.76, General Fund- Outside Village (B) \$6,924.00, Highway (DA) -\$0, Capital Projects: CAP-WD#10-phase 2 (HI)- \$0, Murder Creek Stabilization (HM) - \$2,500.00, Highway: Outside Village (DB) \$24,413.18, Drainage (SD)- \$0, Fire Protection (SF) \$0, Refuse (SR) \$0, Sewer Fund (SS) \$548.00, Sewer District #2 (SS02)- \$76.15, and Water Districts (SW1) \$2.37, (SW2) \$5.21, (SW3) \$6.62, (SW4) \$6.62, (SW5) \$142.80, (SW6) \$17.97, (SW7) \$25.06, (SW7A) \$2.84, (SW8) \$1.90, (SW9) \$5.21, (SW10) \$129.98, Trust & Agency(TA)- \$0, Total: \$98,703.67 Carried

COMMITTEE AND DEPARTMENT HEAD REPORTS

Highway – Nothing at this time

Assessor – no report presented

Building Office –the building report was submitted by the Manager of Planning & Building:

Duwayne Grabenstatter	12447 Hunts Corners	Permit renewal
Nova Schlager	11258 Clarence Center	Permit renewal
Dennis Berghorn	11041 Miland	Wood stove
Scott Chaffee	5792 Buell	Room conversion
Barbara Stanley	8191 Fletcher	One family home replacement
Barbara Stanley	8191 Fletcher	Floodplain development
Lyn Longwell	11448 Rapids	Porch repair
Syed Gilani	13870 Main	Garage conversion

The Town Board accepted the report as presented.

Deputy Town Clerk- Reminder that the Town Hall will be closed this week Thursday and Friday, November 27th and 28th for the Thanksgiving holiday. Dawn hosted the Erie County Town Clerk’s

meeting here at The Famous Dukes Bar & Grill at Ivy Ridge on November 18th. At that meeting she was nominated and elected President of the Erie County Town Clerk's Association for 2009-2010. Also, a reminder that the annual Town Safety Meeting will be held on December 1st. The Supervisor congratulated Dawn on her election to President of Erie County Town Clerk's Association.

Attorney for the Town –Nothing at this time

COUNCILPERSONS

George-Nothing at this time

Finger- Nothing at this time

Rooney-Absent

Esposito-Nothing at this time

SUPERVISOR- the October Supervisors Report is on file with the Town Clerk. He has attended the Northtowns Supervisor's Meeting and the Erie County Supervisors Meeting. At the Association of Towns Meeting, he was elected a Director for the year 2009. The Supervisor has spoken to Erie County Park Commissioner on the Akron Falls Skating Rink. They will make every effort to have the rink open every day 10am-8pm.

UNFINISHED BUSINESS

Water District #10- Phase 3 – The close out will be presented tonight, and Milherst Construction did an excellent job on this project.

Phase 4/Consolidation-The grant process is in the second phase.

Shared Public Works Facility Committee- They met this evening to prepare for December 4th Open House Public Meeting to be held in the High School Cafeteria instead of the auditorium. A resolution will be presented tonight for proposed purchase contract and or purchase option for the Village and Town to purchase the real property at 12831 Clarence Center Road for another option. .

GIS Grant- all equipment purchases have been made, and we are waiting for shipments to come in.

Murder Creek Mitigation Grant-Nothing new at this time

NEW BUSINESS:

Local Law #4 of 2008- SEQRA Determination:

A motion was made by Councilman George, seconded by Councilman Finger issuing a Declaration of Non-Significance of Local Law under SEQRA regarding the proposed Local Law #4 of 2008 entitled "Self Storage Law of the Town of Newstead" and authorizing the Supervisor to complete and execute the EAF forms.

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

Adoption of Local Law #4 of 2008:

A motion was made by Councilman George, seconded by Councilman Finger authorizing the adoption of the proposed Local Law #4 of 2008, Self Storage Law of the Town of Newstead.

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

Public Hearing- Site Plan- Krehers Office Building:

A motion was made by Councilwoman Esposito, seconded by Councilman Finger authorizing the calling of a public hearing on December 8, 2008 at 7:50pm to hear comments on the proposed site plan for construction of a new office building at 5411 Davison Rd by Krehers Poultry Farm.

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

Zoning Policy Adoption:

A motion was made by Councilman George, seconded by Councilwoman Esposito authorizing the adoption of the proposed Town of Newstead Zoning Policy as presented.

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

Northern Erie Sno-Seekers- Bike Path Use Renewal:

A motion was made by Councilman Finger, seconded by Councilman George authorizing the Northern Erie Sno-Seekers Snowmobile Club to use areas of the Newstead Bike Path subject to the terms set forth in the resolution.

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

Public Hearing- Local Law #5 of 2008:

A motion was made by Councilwoman Esposito, seconded by Councilman Finger approving the calling of a public hearing on December 8, 2008 at 7:50pm to hear comments on the proposed Local Law #5 of 2008 entitled "Cold War Veterans Law of the Town of Newstead".

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

Purchase Offer Authorization:

A motion was made by Councilman George, seconded by Councilman Finger authorizing the issuance of a purchase offer by the Town of Newstead on property located at 12831 Clarence Center Rd, which purchase contract and or purchase option is subject to approval by the Town Board as to the purchase price and such other provisions as may be connected therewith upon advice of counsel for the Village and Town.

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

Budget Amendment for GIS Grant Funds:

A motion was made by Councilman Finger, seconded by Councilwoman Esposito authorizing the amendment of the 2008 Budget to adjust for the receipt of grant funding from NYS Department of Education for a GIS grant and additional revenues of \$26,181.00 (which represents the grant awarded to the Town) in the following Town Accounts:

Increase Appropriations:

A1680.110	GIS- Personal Services under Grant	\$ 3,665.00
A1680.410	GIS- Contractual Services under Grant	\$22,516.00

Increase Revenues:

A2770	Unclassified Revenues	\$26,181.00
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(Resolution Attached) Cummings-Aye, George-Aye, Finger-Aye, Rooney -Absent, Esposito-Aye Carried

WD#10- phase 3 Change Order #1:

A motion was made by Supervisor Cummings, seconded by Councilman Finger authorizing the presented Change Order #1 on the Water District #10-phase 3 water project as submitted by Milherst Construction for additional work performed on North Millgrove Road in the amount of \$1,059.00

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

WD#10- phase 3 Final Close Out:

A motion was made by Supervisor Cummings, seconded by Councilman George authorizing the full contract payment and release of all retained monies under the final pay request submitted by Milherst Construction for work performed on Water District #10-phase 3, with the performance bond and payment bond to remain in effect for a 2 year period from 11/24/08 and issuing a final close out of the project.

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

Approval of Services Proposal - Wendel:

A motion was made by Councilman George, seconded by Councilman Finger authorizing the proposal for engineering services by Wendel Duchscherer not to exceed the amount of \$ 9,000.00 for review of the Joint Facility Informational Meeting of which the Town will be responsible for half and the Village will pay the other half.

Cummings-Aye, George-Aye, Finger-Aye, Rooney -Absent, Esposito-Aye

Carried

Board of Assessment Review Appointment:

A motion was made by Councilwoman Esposito, seconded by Councilman Finger authorizing the re-appointment of Patti (Young) Szlapak to the Board of Assessment Review for another term.

Cummings-Aye, George-Aye, Finger-Aye, Rooney -Absent, Esposito-Aye

Carried

Grant Application for Town of Newstead for Recreation Trails Program

A motion was made by Councilman Finger, seconded by Councilman George authorizing the Town Grant Writer to complete a grant application and the Supervisor to sign the Grant Application for funds from the New York State Office of Parks, Recreation and Historic Preservation in accordance with the provisions of the Recreation Trails program, in an amount not to exceed \$200,000.

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

Carried

Question Period- No one spoke

There will be no work session on December 1st. The Safety Dinner will be held on that date.

The Town Board went into Executive Session to discuss Highway Contract and personnel issues.

There being no further business to come before the Board, a motion was made by Councilman Finger, seconded by Councilman George to adjourn the meeting at 9:00 PM.

Carried

Respectfully Submitted,
Kathleen McLeod Lang, Deputy Town Clerk