

Newstead Town Board Meeting- February 26, 2007

A Regular Meeting was called to order by the Newstead Town Board on Monday, February 26, 2007 at 8:00PM at the Newstead Town Hall.

Present: David Cummings- Supervisor
Tom George- Councilman
Harold Finger- Councilman
Mark Decker- Councilman
Justin Rooney- Councilman
Mike Bassanello- Highway Supt.
Andrew Casolini- Town Engineer
Nathan Neill- Town Attorney
Dawn D. Izydorczak- Town Clerk
Kathleen Lang- Deputy Clerk

Roll Call was taken with all board members present.

Kathleen M. Lang led the pledge to the flag.

Minutes from the previous regular meeting held on February 12, 2007 were presented for approval with corrections on Special Use Permit that was granted and the potential of the Assessor scheduling a meeting for residential property owners. A motion was made by Councilman Finger, seconded by Councilman George to approve with corrections.

Carried Unanimously

Communications – The Town Clerk presented the following:

A letter from Akron Little League Football, Inc. expressing interest in the development of the town park fields to include upgrades to the football field areas and requesting use of those areas of the park for the fall football practices and game season.

A certified copy of a resolution passed by the Town of Concord opposing revision of 19 NYCRR Part 1203, which the town feels imposes an unfunded mandate on the town to come into compliance with the minimum standards for Administration and Enforcement of the Uniform Code.

A notice of public hearing was received from the Village of Akron regarding amendments to the future land map of the Comprehensive Plan and text of the Comprehensive Plan in the southwest area of the village. The hearing will be held on March 5th at 7:30pm at the Village Hall

A report was received from the League of Woman Voters of Buffalo/Niagara entitled “At Taxpayers Expense: How Government Policies Encourage Sprawl in Erie and Niagara Counties”.

An e-mail was received from Stan Serwon of Davison Road requesting an update on the 4-way stop sign issue at Davison and Howe Roads. His e-mail was forwarded to Mike Asklar at Erie County.

A certified copy of a resolution passed by the Town of Sardinia supporting the proposed New York State legislation (A12114-Assembly & S4124-Senate) strengthening the law and increasing penalties to those who perpetrate a computer crime against a child.

A letter from Dewberry announcing they are working on updating the National Flood Insurance Program maps dated May 4, 1992 and requesting the town's assistance in providing the most up to date information on flood plain properties. This request was forwarded to Wendel by the CEO.

The Time Warner Newsletter was received for the fourth quarter of 2006.

A letter from the NYS Comptrollers Office of the Retirement System was received announcing changes in the World Trade Center Presumption Law and how those changes could affect town employees.

A letter from Erie County Personnel Office approving the creation of a Clerk PT (non-competitive) position for the Town of Newstead, which must be approved by the Board.

The 2006 Annual Report was received from the Akron Fire Co. including summary reports and budget reports.

A letter from Akron PTA announcing Community Readers Week at Akron Elementary. The program will run from March 19 to March 23. Anyone interested in taking time to read to a class should contact Elaine Baker in the Reading Department at the school.

A letter from Time Warner Cable announcing their new rates for service, which will take effect on April 1, 2007.

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

Work Session: The Supervisor reported that no work session was held last week.

Privilege of the Floor – No one spoke

Approval of Bills -Councilman Decker reported that the Abstract from Batch #589 & 590 from the February 12, 2007 meeting has been reviewed with the previously UN-audited vouchers and everything was found in order. He presented Abstract Batch #595. Vouchers on this abstract numbered 96 - 125, totaling \$112,673.77 and were presented for payment approval by Councilman Decker, seconded by Councilman Finger to approve payment.

Abstract Batch #595:

General Fund (A) -\$10,415.71, Fund (B) \$379.00, Highway (DA) -\$0, Highway: Outside Village (DB) \$17,094.39, Capital Projects: CAP-WD#10 (HI)- \$0, Reserve- Roof Repair (HR01)- \$0, (HL) October Storm-\$ 0, Drainage (SD)- \$0, Fire Protection (SF) \$0, Refuse (SR) \$0, Sewer Fund (SS) \$675.88, Sewer District #2 (SS02)- \$89.21, and Water Districts (SW1) \$0, (SW2) \$8,200.00, (SW3) \$9.79, (SW4) \$5,250.00, (SW5) \$9.79, (SW6) \$70,550.00, (SW7) \$0, (SW7A) \$0, (SW8) \$0, (SW9) \$0, (SW10) \$0, Trust & Agency(TA)- \$0 Total: \$112,673.77 Carried Unanimously

COMMITTEE AND DEPARTMENT HEAD REPORTS

Highway – He attended the New York City conference by the Association of Towns last week where the Town of Newstead was mentioned in two seminars; once in a seminar by Wendel Duchscherer on the Senior Center and again at a G.I.S. seminar.

The tire drop off will be on April 28th this year from 9:00am – 12:00pm. The spring white goods pick-up will begin on May 7th and the fall pick-up will begin on September 24th.

The Supervisor commended the highway crews for their hard work on snow removal the past few weeks.

Assessor –Not present

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

John Suckow	7081 Maple	Pole barn
Dorothy Keller	11536 Meahl	Roof
Dan Keeton	5731 Barnum	Porch
77 Construction	13311 Main	Demolition
Ken Kohler	5771 Barnum	Demolition
Eulenberg	6358 Hake	Roof
Eulenberg	6378 Hake	Roof

Board accepted the report as presented.

Town Clerk- Nothing to report

Attorney for the Town – Nothing at this time

COUNCILPERSONS

George- Nothing at this time

Finger-He attended the Drainage Committee meeting last Tuesday and he would like work session time on March 5th to discuss Senior Center issues. He also would like to have work session time with Highway Superintendent Bassanello regarding the grounds care for all town properties for the spring and summer months.

Decker-The minutes from the Drainage Committee meeting will be out soon.

Rooney-Nothing at this time

SUPERVISOR-He attended the New York City Association of Towns conference last week and picked up several materials for other departments. The Town Code Enforcement Officer will be covering for the Village Code Enforcement Officer for the foreseeable future. The dates for the Planning/Zoning training session with the Village will be set this week. The Town of Marilla may be included as well. The Grant Writers agenda has been passed out to all board members and will be reviewed by the board for next work session.

UNFINISHED BUSINESS

Water District #10- Phase 1A & Phase 1B –The Tennessee Pipeline segments are complete and waiting for testing with Sergi Construction.

Phase 2-The alternative 3 extension work is scheduled to begin March 11. The bids for the extension were opened on February 22nd and evaluations of the bids will be done this week. A pre-construction meeting will be held this week with Pilon Construction, who appears to be the low bidder. We are down to 6 remaining services to discuss.

Route 5 Re-Zoning- They are ready to discuss at next Mondays work session

Shared Public Works Facility Committee- The report should be out this week. The concept documents are ready to be reviewed next week.

NYS Toll Barrier- waiting for a response from NYS Thruway Authority.

G.I.S. – phase 1 work continuing. Waiting to hear on approval for Phase 2 grant.

Andrew Casolini stated he needs time to discuss the Leisurewood Lift Station and the next steps in the process on this project with the Board. He found parts of the original contracts. They found a National Grid meter on the pole, which seems to indicate National Grid owns the pole.

NEW BUSINESS:

Computer Sex Crimes Legislation Support:

A motion was made by Councilman Decker, seconded by Councilman Finger issuing a statement of support for the proposed legislation increasing the penalties for adult computer sex crimes against children and authorizing the Clerk to send out certified resolutions to state & local officials.

(Resolution Attached) Cummings-Aye, George-Aye, Finger-Aye, Decker-Aye, Rooney-Aye

Carried Unanimously

Public Hearing- Local Law No. 1 of 2007:

A motion was made by Councilman Rooney, seconded by Councilman George authorizing the calling of a public hearing for Local Law No. 1 of 2007 entitled “Amendment to the Code of the Town of Newstead to Increase Number of Members of the Planning Board to Seven Members”, which will be held April 9, 2007 at 7:50pm at the Town Hall.

(Resolution Attached) Cummings-Aye, George-Aye, Finger-Aye, Decker-Aye, Rooney-Aye

Carried Unanimously

Site Plan & Special Use Permit Approval: Tabled for further review

Mr. Dan Tronolone, attorney for Mr. Thomas Blair, requested permission to address the board. He stated that this project was originally approved by the Planning Board and then the final plan was denied by the Town Board due to setbacks requirements. The Zoning Board then approved a variance be granted on the property. The plan submitted tonight is the work of several people's comments and input, including the Code Enforcement Officer, the Planning Board, the Zoning Board and the Town Board. Mr. Tronolone stated it appears that on the plan there is a violation created on the East Line of the property. They would like to slide everything to the east to solve the violation. The original measurement was 60 feet. Mr. Tronolone stated that it appears that by changing that measurement to 83 feet, instead of 60 feet, would solve the violation issue. They would like to resolve these issues as soon as possible.

The Supervisor told Mr. Tronolone that the Town Board only received the new plan tonight and has not had proper time to review the changes made. They will discuss the new plan at the next work session and could potentially make a final decision at the March 12th meeting.

Adoption of Court Clerk PT Position:

A motion was made by Councilman Finger, seconded by Councilman Rooney approving the creation of a Clerk PT (non-competitive) position for the Court in accordance with Erie County Personnel Department standards and appointed Brian Wittlinger to that position for the remainder of 2007. Cummings-Aye, George-Aye, Finger-Aye, Decker-Aye, Rooney-Aye

Carried Unanimously

2007 Nutrition Contract for Seniors

A motion was made by Councilman Finger, seconded by Councilman George to authorize the Supervisor to sign the 2007 Nutrition Contract with Erie County Senior Services. The program is operated through the Newstead Senior Center.

Cummings-Aye, George-Aye, Finger-Aye, Decker-Aye, Rooney-Aye

Carried Unanimously

Question Period- Sheriff Patrick Flynn was recognized by the Supervisor. Sheriff Flynn stated he brings greetings from Sheriff Howard. He announced a Citizen's Police Academy training session starting March 21st and running on Wednesday evenings from 6:30 – 9:30pm for 10 weeks. The Task Force continues to work on the bike path murder cases and encourages citizens to continue to report any information they might have that would help the case.

Mr. Tronolone asked the board for an answer that if they make the changes discussed this evening on the survey, will that suffice for the Town Board to approve this project.

Councilman George stated that there will be an entire week before the next board meeting for Mr. Blair to address any of the boards concerns after the work session discussion next week. Attorney Neill and/or the Supervisor will contact Mr. Tronolone after the work session next week with any changes the Town Board feels are necessary prior to final approval of the project.

Executive session of the board will be held after the meeting to discuss human resource issues.

The Board exited executive session.

There being no further business to come before the board a motion was made by Councilman George, seconded by Councilman Finger to adjourn the meeting at 9:10 PM.

Carried Unanimously

Respectfully Submitted,
Dawn D. Izydorczak, Town Clerk