

Newstead Town Board Meeting- May 22, 2006

A Regular Meeting was called to order by the Newstead Town Board on Monday, May 22, 2006 at the Newstead Town Hall at 8:00PM.

Present: David Cummings- Supervisor
Tom George- Councilman
Harold Finger- Councilman
Mark Decker- Councilman
Brian Murray- Councilman
Michael Bassanello- Highway Supt.
Andrew Casolini- Town Engineer
Christine Falkowski- Building Administrator
Nathan Neill- Town Attorney
Dawn Izydorczak- Town Clerk

Roll Call was taken with all board members present.

Andrew Casolini led the pledge to the flag.

Minutes from the previous regular board meeting held on May 8, 2006 were presented for approval. A motion was made by Councilman Decker, seconded by Councilman Murray to accept as presented. Carried Unanimously

Communications – The Town Clerk presented the following:

A certified resolution from the Town of Hamburg rescinding their previous resolution passed on May 1, 2006 calling for a boycott of Exxon Mobil gas stations.

A memo from New York State Senator Mary Lou Rath announcing a meeting on the NYS Thruway Toll-barrier issue to be held at Erie Community College- North Campus on Wednesday, May 24, 2006 at 6:30pm. The findings of the study and plans for moving the barrier will be discussed.

The Town of Clarence announced a public hearing on Wednesday, May 24, 2006 at 7:50pm to hear comments regarding a proposed group home for people with developmental disabilities to be located at 10966 Keller Rd.

The Town of Alabama announced a public hearing notice on Monday, June 12, 2006 at 7:00pm to hear comments regarding the extension for a 4-month period to the previously enacted 1-year moratorium on Wind Energy Conversion Systems within the Town of Alabama.

A certified resolution from the Town of Wales adopted May 9, 2006 opposing the Erie County Legislature's 4-year Plan for Erie County.

The 2005 Water Quality Report was received from the Erie County Water Authority.

The monthly Water Testing Report was received for Water Districts #1 & #3 from Mid-State Environmental Labs with all levels within acceptable ranges.

A letter from the NYS Department of State was received acknowledging receipt and filing of Local Laws No. 1 and No. 2 of 2006 on May 5, 2006.

A letter from Erie County Dept. of Environment & Planning regarding the procedures for purchase of refuse collection totes thru a Memorandum of Understanding with the County and its vendor.

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

Work Session: Supervisor Cummings reported that at the work session held on May 15th the following issues were discussed: the board met with the Auditors to review last years budget, water district #10 issues- all phases, district #1 switch over to ECWA, water service at Rapids Rd, Rt. 5 rezoning, shared facilities project, NYS police garage, personnel matters, planning/zoning changes, fire contracts and resolutions.

Privilege of the Floor – Doug Ceisner, 100 East Avenue, questioned the \$80 million dollar toll-barrier and what benefits it brings to Newstead except noise and pollution. He stated it should be in Pembroke at the exit interchange. He feels this decision is set in stone. The Town Board reiterated their opposition to the toll-barrier being located in the Town of Newstead just as they did back in 2001. Once they attend the meeting on Wednesday they will know more. Mr. Ceisner referenced his property at Main Rd and South Newstead and stated the Army Corp of Engineers is out of it now. He is going to court with the NYSDEC on the 20th. He is losing money everyday the ditch is not opened up. He questioned when Mick Beck was out, how long the ditch has been there and if the town can find out. The Supervisor will look at his records. Mr. Ceisner then referenced his Main Rd apartment building and stated he has 3 units for tenants. He questioned why he has to pay 3 units for refuse if the apartments are empty. He also questioned how many units other multiple dwelling parcels pay for. He complained about signs located at Main & Crittenden and a sign at Antique World for wood and asked if they had permits. The Supervisor stated those issues are handled by the Code Enforcement Officer and Doug should see him. CEO John Good was present and told Mr. Ceisner he would check into his concerns. Mr. Ceisner then asked the board for an update on his request to look at Vivian Wheat's residence where water is coming out of the curb box. Andrew stated they have been out to check it and he is taking care of this.

Steven Bedford, 6820 Cedar Street, stated he uses ¼ to 1/5 of the total water usage in water district #1 and feels he is being overcharged and in the meantime he is lowering the costs for everyone else in the district. The Supervisor informed him changes have been made to the contracts and a new meeting is scheduled with the residents of that district.

A motion was made by Councilman Decker, seconded by Councilman George to approve the budget transfers per a memo from Bookkeeper Kathy Strobele as follows: \$9,000 from SD8540.400 to SD8540.200 and \$21,245.38 from A1990.400 to A5010.200.

Carried Unanimously

Approval of Bills -Councilman Decker reported that the Abstracts from Batches #507 from the May 8, 2006 meeting have been reviewed with the previously UN-audited vouchers and everything was found in order. He presented Abstract Batch #511 & 512. Vouchers on these abstracts numbered #458 and 459 - 504, totaling \$51,133.25 and were presented for payment approval by Councilman Decker, seconded by Councilman George to approve payment.

Abstract Batch #511 & 512:

General Fund (A) -\$13,937.79, Fund (B) \$1,597.27, Highway (DA) -\$0, Highway: Outside Village (DB) \$5,226.78, Capital Projects: CAP-WD#10 (HI)- \$0, Highway Garage (HG)- \$0, Drainage (SD)- \$0, Fire Protection (SF) \$3,721.18, Refuse (SR) \$20,957.78, Sewer Fund (SS) \$25.91, Sewer District #2 (SS02)- \$84.77, and Water Districts (SW1) \$0, (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) \$1,947.69, Trust & Agency(TA)- \$0 Total: \$51,133.25 Carried Unanimously

COMMITTEE AND DEPARTMENT HEAD REPORTS

Highway – they are finishing mowing roadsides, Gary Baehr has completed his probation period and has been removed from probation at full-time status. Two pick-up trucks are currently open for bid to purchase. Ads have been run in the papers and the bid opening will be June 5th at 11:00am.

Assessor – Not present

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

David Chesna	4427 S. Newstead	Roof
Frank Falkowski	12455 Hunts Corners	Deck
Ron Epstein	7403 Berghorn	One family home
Laurie Brunea & Harold Towne	12585 Brucker	Garage
Daniel Andrusz	12067 Nice	Deck & roof replacement
Howard & Jean Rew	6789 Cedar	A.G. Pool
Kathy & Owen Tober	5145 Crittenden	One family home

The Town Board accepted and approved the Building Report as presented. Councilman George questioned how value of new build construction is determined on the application.

Town Clerk- Mrs. Cora Heukrath of 11664 Rapids Road presented the town with a framed 1909 map of the Village of Akron for display at the town hall as well as a 1909 map book of all Erie County towns at that time. Bookkeeper Kathy Strobele and Town Clerk Dawn Izydorczak have completed ISO 100, 200, 700, and 800 for the NIMS training. Deputy Clerk Kathy Lang and Assessor Becky Baker have completed ISO 100 and 700. Anyone completing any of the courses please provide a copy of your certificates once they are received to the Town Clerk for filing. All boxes have been returned from Lincoln Archives and the town’s account with them has been closed.

Attorney for the Town – Nothing at this time.

COUNCILPERSONS

George- Nothing at this time

Finger- Nothing at this time

Decker- Nothing at this time

Murray- Reported at the Drainage Committee meeting last week there were no residents present. They reviewed structure of plans for this year and how to move forward on projects. Attended the Recreation Board meeting tonight where they reviewed the proposed summer recreation program.

SUPERVISOR- Reported he had a couple meetings with the Mayor on the police services issue, met with Recreation Board also tonight and due to auditors recommendations, the Town Board is asking for better reporting from the Recreation Board and Director in the form of summer and winter semi-annual reports. The Auditors meeting went well with the Town in very good fiscal shape at the end of 2005. The April Supervisor’s Report is on file with the Town Clerk and open for review.

UNFINISHED BUSINESS

Water District #10- Phase 1A & Phase 1B – restoration wrapping up in the north this week, then crews rotating down to the south with a 2-3 week completion time expected there.

Phase 2- DWSRF funding issues are currently being addressed.

Water District #1 changeover- a meeting will be scheduled in the next couple weeks with the residents in that district again to explain any changes.

Water Tank- painting is continuing inside and outside of the tank. The pedestal will be brush blasted.

Route 5 Zoning- considerable time was spent on this issue at last weeks work session to finalize the format.

Shared Public Works Facility Committee- Andrew met with the Highway Superintendent and the Village DPW Superintendent to go over site selection process. Draft designs are being reviewed. A meeting will be held in a couple weeks to finalize this for June.

Fire Contracts- A new formula for payment is being worked on to better facilitate the towns payments to the fire companies.

Farm Bureau- Supervisor met with Hans Mobius of the Farm Bureau who has presented a resolution asking towns to support the revisions proposed fro the right-to-farm law.

Other: None

NEW BUSINESS:

Sales Tax Revenue Reform:

A motion was made by Councilman George, seconded by Councilman Finger issuing support for the proposed reform to the 1977 distribution agreements for sales tax within Erie County and agreeing to negotiate a new more equitable sales tax distribution agreement.

(Resolution Attached) Ayes- 5 Nays-0 Absent- 0 Carried Unanimously

Job Application Approval:

A motion was made by Councilman Decker, seconded by Councilman Murray approving the proposed job application for employment with the Town of Newstead with the addition of "Position Applying For" line and adopting its use from this date forward.

(Resolution Attached) Ayes- 5 Nays-0 Absent- 0 Carried Unanimously

No work session will be held next week due to the holiday. The next work session will be on June 5th and the next meeting will be on June 12th.

The majority of the Town Board will be in attendance at the Toll-barrier meeting at ECC- North campus on Wednesday, May 24th.

Question Period- Doug Ceisner, 100 East Avenue, questioned whether the Ditching Committee meetings are open to the public and if information from their meetings is open for review by the public. Councilman Decker responded yes, the meetings are open and are held on the 3rd Tuesday of every month at 7:00pm and the records they have are open for review.

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 8:35 PM.

Carried Unanimously

Respectfully Submitted,
Dawn D. Izydorcak, Town Clerk