

## Newstead Town Board Meeting- May 29, 2007

A Regular Meeting was called to order by the Newstead Town Board on Tuesday, May 29, 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.  
John Good- Code Enforcement Officer  
Nathan Neill- Town Attorney  
Andrew Casolini- Town Engineer  
Dawn D. Izydorczak- Town Clerk  
Kathleen Lang- Deputy Clerk

Roll Call was taken with all board members present.

Councilman Tom George led the pledge to the flag.

Minutes from the previous regular meeting held on May 14, 2007 were presented for approval. A motion was made by Councilman George, seconded by Councilman Finger to approve as presented.  
Carried Unanimously

**Communications** – The Town Clerk presented the following:

A notification from the Erie County DPW, Division of Highways announcing the closing of the Crittenden Road Bridge until all necessary repairs can be made to the bridge.

A brochure from National Fuel Gas entitled “What You Need to Know” on natural gas pipeline safety.

A letter from State Senator Mary Lou Rath thanking the town board for their resolution regarding the proposed sex offender legislation and outlining several other bills she has introduced that address the problem of sex offenders.

An announcement from the US Fish & Wildlife Service of a youth fishing contest to take place Saturday, June 2, 2007 in Hyde Park in Niagara Falls starting at 8:00am and running all day.

A letter from the Akron Celebration Team thanking the town for their past support and announcing the official schedule of the upcoming July 4<sup>th</sup> festivities in the village and town.

A letter from Erie County Department of Environment & Planning advising the town that the term of Kenneth Kohler on the Erie County Environmental Management Council will expire on May 31, 2007. The town may either re-appoint Mr. Kohler or appoint a new member for a two year term.

New brochures were received from the Erie County Department of Environment & Planning on housing rehabilitation, rental rehabilitation, first time home buyer information and utility connections information.

Application and instruction booklets were received from the NYS DEC to apply for the “Aquatic Invasive Species Eradication Grant Program” and the “Terrestrial Invasive Species Eradication Grant Program”. The deadline for applying is June 29, 2007.

A letter from Time Warner Cable updating the town on the new changes to their system in the coming months, including the renegotiation of contracts with 15 stations and/or networks.

An e-mailed letter from Davison Road resident Stan Serwon updating the town board on the latest “near miss” incident at the intersection of Howe & Davison Roads. He is requesting a written update from the town board on the issue of erecting a 4-way stop sign at that intersection.

A letter from the New York State Town Clerk’s Association to Supervisor Cummings informing him that Town Clerk Dawn Izydorczak has achieved the prestigious designation of Registered Municipal Clerk from the association. It takes several years of stringent educational, experience, and participatory standards to achieve this certification.

A letter and draft agreement were received from the Town of Amherst for the Central Fire Alarm System Service contract renewal with the town.

The announcement of public hearings to be held by the special Commission on the Future of the NYS Courts. The hearings are scheduled throughout the state between June 13<sup>th</sup> and September.

A certified resolution was received from the Erie County Legislature, which encourages all levels of government to work cooperatively, as they did during the October Storm, to solve the problems of remaining debris.

A certified resolution was received from the Erie County Legislature, which supports legislative NYS Bill AO1662 and S266 which would restrict where level 3 sex offenders may reside.

A certified resolution was received from the Erie County Legislature, in which they request the Commission on Local Government Efficiency and Competitiveness to analyze and make recommendations on how to better implement the Framework for Regional Growth.

A notice from the Office of the Attorney General announcing a Community Rights forum to be presented by Attorney General Andrew Cuomo on Tuesday, June 12<sup>th</sup> at the Erie Community College City Campus from 6:00pm until 7:30pm.

The first quarter issue of Time Warner Cables “Connected to Our Community” newsletter.

The 2006 Water Quality Report was received from Erie County Water Authority.

The Hearing Calendar Schedule and Sites for the Chemical Test Refusal Program and Zero Tolerance Law was received from the NYS DMV.

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

The Supervisor and Town Board congratulated Town Clerk Dawn Izydorczak on her achievement of attaining the status of Registered Municipal Clerk from the NYS Town Clerk’s Association.

**Work Session:** The Supervisor reported that at the last work session the following issues were discussed: water district #10, codification review, windmills resolution, ADESA sewer update, joint facilities project, grants update, agricultural exemptions for fire districts, planning issues, police agreement with the Village.

**Privilege of the Floor** – Jim Fitzpatrick of 7495 Scotland Road brought up the Buffalo News article that states the Town of Newstead is the next ring of growth and is experiencing the same growth as the Town of Clarence did 10-15 years ago. He feels we should stop comparing our town’s growth to the Town of Clarence’s growth. He stated they are not comparable. He also thanked the Assessor for listing the properties sold since 2004 on the web site and stated after a comparison he did there appears there was only a .04% increase over the 3 year period included.

**Approval of Bills** -Councilman Decker reported that the Abstract from Batch #617 from the May 14, 2007 meeting has been reviewed with the previously UN-audited vouchers and everything was found in order. He presented Abstract Batch #622. Vouchers on this abstract numbered 473-509, totaling \$136,263.15 and were presented for payment approval by Councilman Decker, seconded by Councilman Finger to approve payment.

Abstract Batch #622:

General Fund (A) -\$24,062.64, Fund (B) \$0, Highway (DA) -\$0, Highway: Outside Village (DB) \$71,568.11, Capital Projects: CAP-WD#10 (HI)- \$25,450.55, Reserve- Roof Repair (HR01)- \$0,

(HL) October Storm- \$2,287.50, Drainage (SD)- \$0, Fire Protection (SF) \$2,000.00 Refuse (SR) \$265.95, Sewer Fund (SS) \$26.48, Sewer District #2 (SS02)- \$95.34, and Water Districts (SW1) \$0, (SW2) \$0 (SW3) \$23.77, (SW4) \$0, (SW5) \$3.40, (SW6) \$0, (SW7) \$10,450.81 (SW7A) \$0 (SW8) \$0 (SW9) \$0, (SW10) \$28.60, Trust & Agency(TA)- \$0 :  
 Total: \$136,263.15 Carried Unanimously

**COMMITTEE AND DEPARTMENT HEAD REPORTS**

**Highway** – Roadsides and mustard seed have been mowed and they will be spraying and chipping roads over the course of this week.

**Assessor** –Not present

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

Terrance Vogt	11865 Meahl	Porch
Mike Borowczyk	13404 Stage	Porch
Kent Ranney	8155 Maple	One Family log home
Bedford's Greenhouse	6820 Cedar	Sign
Bedford's Greenhouse	Main & Rt. 93	Sign
Paul Schoenwetter	13177 Main	Windows & Siding
Mark Priester	13938 Bloomingdale	Remodel
Roger Bratty	11117 Crego	Roof
Rhoda Payne	11468 Hunts Corners	Pole barn

Board accepted the report as presented.

Code Enforcement Officer John Good stated that he will be writing articles for the Akron Bugle related to new state regulations regarding building permits.

**Town Clerk-** a letter from the Deputy Dog Control Officer was presented to Town Board regarding a pistol permit request.

**Attorney for the Town** –Nothing at this time

**COUNCILPERSONS**

**George**-Nothing at this time

**Finger**-He met with the Library Committee on building issues.

**Decker**-Nothing at this time

**Rooney**-The next Recreation Board Meeting is June 4<sup>th</sup>. They will be discussing the Summer Program. He also had 2 residents complain about a jet taking off twice on Memorial Day.

**SUPERVISOR-** The January and February Supervisors Reports are on file with the Town Clerk. He attended the Association of Towns meeting and has minutes to be distributed to the board members. The snowplow contracts are discussed in these minutes as is the topic of regionalism.

Attorney Neill and Councilman George stated they have concerns with what our idea of growth is as compared to the County and State ideas for our growth. Councilman George stated the town board has heard numerous times over the past few weeks how our residents want less control by the state and county. The idea of regionalism seems the opposite of what our residents are saying they want.

**UNFINISHED BUSINESS**

**Water District #10-** Phase 2 & Extensions: Topsoil and seeding are being done in the northern sections. They are still having problems with the directional drill at Murder Creek, which is causing a slow down. The extensions on Hiller and N. Millgrove Roads are 80% complete. They are looking for modifications with Pilon to accommodate the final excavation to address safety issues.

**Route 5 Re-Zoning-** Work Session item

**Shared Public Works Facility Committee-** meeting with Village of Akron on Thursday, May 31<sup>st</sup>.

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

**G.I.S.** – phase 1 work wrapping up. Waiting for results for Phase 2 grant.

**NEW BUSINESS:**

**Windmills SEQRA:**

A motion was made by Councilman Decker, seconded by Councilman George declaring the proposed local law regulating windmills as an Unlisted Action under SEQRA and requesting a coordinated review be conducted. The Town has declared Lead Agency on this project.

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

**Carpet Cleaning:**

A motion was made by Councilman Finger, seconded by Councilman George to accept the bid from K&K Janitorial Service to steam clean and scotchgard the rugs at the town hall for a cost of \$645.00.

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

**Tree-Brush Removal**

A motion was made by Councilman Rooney, seconded by Councilman Finger to accept a bid from Empire Building Diagnostics Inc. in the amount of \$2,200 for removal of trees & brush at town hall.

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

**ECEMC Appointment:**

A motion was made by Councilman Rooney, seconded by Councilman George to reappoint Ken Koehler to another 2 year term on the Erie County Environmental Management Council.

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

**Water District#10:**

A motion was made by Councilman George, seconded by Councilman Decker authorizing the Supervisor to execute the change order with Pilon Construction for an amount not to exceed \$20,000 upon review and approval of the Town Engineer and Town Attorney to extend work on Hiller Road.

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

**Question Period-** Doug Ceisner, 100 East Avenue, questioned if the Public Address system had been fixed. The Supervisor stated yes it has been fixed.

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 8:28 PM.

Carried Unanimously

Respectfully Submitted,  
Dawn D. Izydorczak, Town Clerk