

## Newstead Town Board Meeting- June 9, 2008

A Public Hearing was called to order by the Newstead Town Board on Monday, June 9, 2008 at 7:55pm at the Newstead Town Hall.

Present: David Cummings– Supervisor  
Harold Finger- Councilman  
Justin Rooney- Councilman  
Cheryl Esposito- Councilwoman  
Mike Bassanello- Highway Supt.  
Rebecca Baker- Assessor  
John Good- Code Enforcement Officer  
Scott Rybarczyk- Town Engineer  
Nathan Neill- Town Attorney  
Dawn D. Izydorczak- Town Clerk  
Kathleen Lang- Deputy Clerk

Roll Call was taken with all board members present except Councilman George who is out of town.

The Supervisor called the Public Hearing to order on a Special Use Permit application for 12690 Main Rd to operate a used auto sales business.

The Clerk read the proof of publication.

The Supervisor read the list of eleven stipulations that must be met as set by the Planning Board for approval.

Comments: No comments received

The Board is waiting for the 30-day comment period to conclude to see if they receive any comments from Erie County. They will not act on this tonight but it should be approved at next meeting pending any comments.

There being no more comments, a motion was made by Councilman Finger, seconded by Councilman Rooney to close the public hearing at 8:00pm.

The Supervisor called the Regular Meeting to order with the same members present as above at 8:00pm.

Assessor Rebecca Baker led the pledge to the flag.

Minutes from the previous regular meeting held on May 27, 2008 were presented for approval. A motion was made by Councilman Finger, seconded by Councilman Rooney to approve as presented.  
Carried

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

A letter from Time Warner Cable listing the current stations they are under negotiations with for continuation of service, as well as other programming changes.

A letter from Bouvier Partnership, LLP member Chris Trapp who represents the Village of Alden regarding the Villages exploration for other municipalities that would be interested in jointly hiring national counsel to negotiate their Time Warner Franchise Agreement renewals.

A letter from Governor Patersons office thanking the Town Board for their resolution pertaining to amendments of the condominium laws.

The May 2008 Operations Report from Amherst Central Alarm office reporting 44 calls for Akron Fire Co. and 25 calls for Newstead Fire Co.

A letter from resident Norma Bluhm expressing her opposition to the Buell Street location being proposed for construction of the Joint Highway Facility.

The 16<sup>th</sup> Annual ReLeaf Conference will be held July 24 – July 26, 2008 at Cornell University in Ithaca, NY.

A letter from Governor David Paterson along with a copy of the final Report of the NYS Commission on Local Government Efficiency & Competitiveness.

A letter from Craig Bucki of Phillips Lytle, LLP along with a copy of the study “Regionalism Revisited: The Effort to Streamline Governance in Buffalo & Erie County, New York”.

A motion was made by Councilman Rooney, seconded by Councilwoman Esposito to receive and file correspondence as presented. Carried

**Work Session:** The Supervisor reported that at the last work session held the following issues were discussed: a joint meeting of all Town and Villages Boards was held on the Benderson project, water district issues, joint facility project, grants, planning issues, denio building basement project, bike path update, Holland resolution on joint purchasing power, personnel issues, as well as other necessary issues.

**Privilege of the Floor** – Peter Henley of Indian Falls Road stated he is looking for updated numbers on the Joint Highway Facility project. The Supervisor stated that the new numbers are not in yet. Peter has run some analysis numbers of his own which he will submit to the boards.

**Approval of Bills** -Councilwoman Esposito reported that the Abstracts from Batches #717 & 718 from the May 27, 2008 meeting have been reviewed with the previously UN-audited vouchers and everything was found in order. She presented Abstract Batch #721. Vouchers on this abstract numbered 522-593 totaling \$138,410.78 and were presented by Councilwoman Esposito, seconded by Councilman Finger to approve payment as follows:

Abstract Batch #721:

General Fund (A) -\$32,687.47 General Fund- Outside Village (B) \$1,430.43 Highway (DA) -\$0, Capital Projects: CAP-WD#10-phase 3 (HI)- \$3,002.50 Murder Creek Stabilization (HM) - \$0, Highway: Outside Village (DB) \$26,930.77 Drainage (SD)- \$957.09, Fire Protection (SF) \$28,336.48 Refuse (SR) \$28,410.01 Sewer Fund (SS) \$0, Sewer District #2 (SS02)- \$0, and Water Districts (SW1) \$40.20, (SW2) \$88.44, (SW3) \$112.56, (SW4) \$112.56, (SW5) \$2,420.04 (SW6) \$305.52, (SW7) \$10,701.93 (SW7A) \$48.24, (SW8) \$32.16, (SW9) \$88.44, (SW10) \$2,705.94 Trust & Agency(TA)- \$0,  
Total: \$138,410.78 Carried

## **COMMITTEE AND DEPARTMENT HEAD REPORTS**

**Highway** – He attended Highway School in Ithaca last Monday, Tuesday, Wednesday and enjoyed many interesting classes. They have started bar patching this week.

**Assessor** –They completed 21 grievance day sessions and the findings will be mailed by the end of the week. We have received 2002, 2004 and 2008 pictometry data from Erie County mapping today and the information is available for those interested. This will be used on the Murder Creek Grant.

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

Gary D. Rosenberg	12087 McNeeley	roof
Kelly Schultz Antique World	11163 Main	pavilion
Michael & Cheryl Keller	7287 Sandhill	shed
Ross Rumfola III	11541 Miland	patio roof
Gary D. Syroczyński	13468 Dorsch	shed
Kevin Schultz	6849 Cedar	roof
Rick Anastasi	11298 Main	single family home
David B. Hill	4758 Crittenden	roof
Cherith M. Tatara	4898 Schutt	permit renewal
Don Kreher	13212 Main	roof
Don Kreher	13212 Main	barn roof

The Town Board accepted the report as presented.

**Town Clerk-** Presented Dog Control Officers reports for April and May. Dawn received a call this week from Sheriff Sergeant Dunn requesting maps and information on the Akron-Newstead portions of the bike path. They are hoping to have bike patrols on the path this summer and if the town has any special requests we should let him know.

**Attorney for the Town** –He stated they are getting close to submitting the inter-municipal agreement draft on the Joint Facility project.

### **COUNCILPERSONS**

**George**-not present

**Finger**-He stated that the Denio renovation is moving along and has possibly 2 more weeks until completion. There was work done on the Newstead Library and interviews were held last week for the Senior Assistant position.

**Rooney**- Nothing at this time

**Esposito**-Nothing at this time

**SUPERVISOR**- He handled some of the preliminary process for the Senior Assistant interviews and initial discussions on Recreation issues. He had several conversations with Sen. Schumer's office on the Mitigation Project appeal work.

### **UNFINISHED BUSINESS**

**Water District #10**- Phase 3 – Nothing new  
Phase 1 and 2- Nothing new

**Shared Public Works Facility Committee**- Nothing new

### **NEW BUSINESS:**

#### **Approval: Lead Agency- Akron Airport Apron Reconstruction:**

A motion was made by Councilwoman Esposito, seconded by Councilman Rooney issuing a Declaration of Lead Agency status on the proposed 127,000 sq. ft. terminal area apron reconstruction at the Akron Airport and authorizing the building department to conduct a coordinated review under SEQR.

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

#### **Support of General Municipal Law Section 239-N amendments:**

A motion was made by Councilman Finger, seconded by Councilman Rooney issuing support for suggested revisions to General Municipal Law Section 239-N giving municipality's greater flexibility to enter into agreements for joint purchasing power on goods, equipment and services.

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

#### **Water District #10- Phase 3 Bid Award:**

A motion was made by Councilman Rooney, seconded by Councilman Finger approving the award of the bid for the Water District #10- Phase 3 waterline construction project to Milherst Construction with a base bid of \$179,051.00 and an Alternate #1 bid of \$134,159.00 for a total of \$313,210.00 and authorizing the Supervisor to execute the appropriate agreements and contracts subject to Town Attorneys review.

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

The Supervisor reported substantial completion for the project is scheduled for the end of September.

**Budget Amendment- Junior Tennis Foundation Grant:**

A motion was made by Councilman Finger, seconded by Councilwoman Esposito approving the amendment of 2008 adopted budget to reflect a \$350.00 grant received from the Junior Tennis Foundation for the summer recreation program. Increase Appropriations A7310.4 \$350.00; Increase Revenues A2770 \$350.00

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

**Senior Services Assistant Position:**

A motion was made by Councilman Finger, seconded by Councilwoman Esposito approving the appointment of Debra Fetterman to the position of Senior Services Assistant to the Director of Senior Services to a term ending December 31, 2008 and subject to annual renewal at a rate of \$8.50 per hour and subject to a reference check.

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

**Traffic Study for Barnum Road:**

A motion was made by Councilman Rooney, seconded by Councilman Finger approving sending a request to Erie County Highway for a traffic study to be done on Barnum Road based on a petition submitted by Joe Rotundo and neighbors in October 2007. This was delayed until appropriate time of year for the study.

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

The Supervisor received a call today which he referred to the Town Attorney regarding Wahl Road and it is qualified abandonment. It is still a Town owned road, but is no longer maintained by the Town. This was clarified for one of the owners of property in that area.

Negotiations are set to begin on a new contract for the Highway union members.

Work session scheduled for June 30<sup>th</sup> will be cancelled.

**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 Rooney to adjourn the meeting at 8:32 PM.

Carried

Respectfully Submitted,  
Dawn D. Izydorzak, RMC, Town Clerk