

Newstead Town Board Meeting- August 14, 2006

A Regular Meeting was called to order by the Newstead Town Board on Monday, August 14, 2006 at 8:00PM at the Newstead Town Hall.

Present: David Cummings- Supervisor
Harold Finger- Councilman
Mark Decker- Councilman
Brian Murray- Councilman
Michael Bassanello- Highway Supt.
Andrew Casolini- Town Engineer
Christine Falkowski- Building Administrator
John Good- Code Enforcement Officer
Nathan Neill- Town Attorney
Dawn D. Izydorczak- Town Clerk
Kathleen Lang- Deputy Town Clerk

Roll Call was taken with all board members present except Councilman George who is on vacation.

Town Bookkeeper Kathy Strobele led the pledge to the flag.

Minutes from the previous regular board meeting held on July 24, 2006 were presented for approval. A motion was made by Councilman Finger, seconded by Councilman Murray to accept as presented.
Carried

Communications – The Town Clerk presented the following:

A notification from the State Board of Real Property Services stating the town's equalization rate for the 2006 Assessment Roll is 95%.

A certified resolution from the Town of Eden stating their support of the termination of the County's 1977 Sales Tax Revenue Distribution Agreement.

A letter from resident Mary Valentine requesting the installation of a handicapped door release system to be installed at the town hall entry doors to ensure easy access to the town hall by handicapped individuals on their own.

The 2005 Annual Report was received from Erie County Water Authority.

The July operations report was received from Amherst Central Alarm office reporting 69 calls for Akron Fire co. and 39 calls for Newstead Fire Co.

A letter from Nancy Smith and Karen Thomas regarding their involvement with the Senior Citizens travel plans and the recent decisions that have been made by the Board regarding the senior travel program.

A letter from Time Warner Cable announcing their take over of the Adelpia Communications Corp. assets effective July 31, 2006.

A copy of the transcripts taken at the July 11, 2006 New York State Thruway Authority hearing were received from Attorney Steven Ricca.

A letter from the Erie County Industrial Development Agency was received informing the town that Time Warner Cable, Inc. has filed an application to receive assistance in acquiring the personal property assets of Adelpia Communications Corp. A public hearing is scheduled on September 8, 2006 at 9:00am at the ECIDA office at 275 Oak Street in Buffalo on the matter.

A letter from Erie County Water Authority announcing its revised Standard Specifications and Details for use in all direct service and leased management projects.

A F.O.I.L. request was received from residents Eddie & Gwendolyn Hoover.

A Notice of Public Hearing was received from the Town of Alden on proposed Local Law No. 1 of 2006 regarding amendments to their Zoning Law.

A letter from National Grid announcing its “10,000 trees....and growing!” program for municipalities that are planting trees within the areas of power lines.

The quarterly report for April – June 2006 was received from BFI reporting 1,729+/- residential units collected from and 276.57+/- tons of solid waste collected and 84.84 tons of co-mingled recyclables collected.

A letter from Akron Central School Athletic Director Leslie Stauss requesting use of two of the town park fields for their fall soccer team practices from September 1, 2006 thru October 20, 2006. The school will take responsibility for the maintenance of the fields while they are using them.

A letter informing the town of the status of the planned updates to the Senior Services van dispatch system.

A letter of opposition was received regarding the NYS Thruway toll barrier relocation issue from resident James Mandolene.

A letter of opposition regarding the NYS Thruway toll barrier relocation issue from resident James Mandolene and Theresa Mandolene.

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

Work Session: The Supervisor reported that at the work session held on July 31st and August 7th the following issues were discussed: water district issues, shared facilities project, Rt. 5 re-zoning, numerous planning/zoning issues, fire contracts, personnel matters, the toll barrier issue, police services/police garage, scrubs on town property and grants.

Privilege of the Floor – Karen Scheitheir, 12 Buell Street, expressed her concerns over 911 calls being reverted to Buffalo. She called this morning to report an accident in front of her house and it took 10 minutes to revert the call to Akron Police and Akron Fire Co. In the past when she has called they have even hung up on her. She questioned why Buffalo is involved at all instead of Amherst Alarm.

Councilman Murray responded that the new facility opened and funded under Homeland Security is to blame. They are creating problems and delays all over the area. The local fire companies are tracking each call logged and time responses to file a complaint with the company. He thanked her for her concern and will continue to monitor this problem.

Doug Ceisner, 100 East Avenue, stated there are no occupants in his Main Rd. apartments and he is now using them for storage. He claims the CEO told him the refuse cost issue is up to the board to decide to change his charges. He is still requesting a list of the ditches installed and/or cleaned in the town over the past 20 years. He is working with his neighbor Mr. Fryling to remove materials and items that are on his property. Victor Lorenzo on Crittenden Rd. has many cars and Mr. Ceisner wanted to know if this location is on the building department’s violation list. He questioned the potential for jets landing and taking off at Akron Airport. Are they allowed to now? The Town Attorney Nathan Neill stated that we can not prohibit this activity and that yes, there are small jets that are using the airport now. Mr. Ceisner also questioned the possibility of cable public access broadcasting of the Town Board meetings on TV. He questioned the Eddie and Gwendolyn Hoover lawsuit against the town and if the Code Enforcement Officer was personally named in the suit. Nathan responded the town is a 3rd party defendant brought in by the Contractor and the Building Inspector was not personally involved. Councilman Decker asked Highway Supt. Mike Bassanello to get Mr. Ceisner copies of the ditching information he requested and he said he would. Mr. Ceisner stated he would be happy with that.

Approval of Bills -Councilman Decker reported that the Abstract from Batch #530 from the July 24, 2006 meeting has been reviewed with the previously UN-audited vouchers and everything was found in order. He presented Abstract Batch #535. Vouchers on this abstract numbered 745-824, totaling \$331,777.31 and were presented for payment approval by Councilman Decker, seconded by Councilman Finger to approve payment.

Abstract Batch #535:

General Fund (A) -\$51,971.64, Fund (B) \$3,102.52, Highway (DA) -\$0, Highway: Outside Village (DB) \$116,769.00, Capital Projects: CAP-WD#10 (HI)- \$23,408.94, Highway Garage (HG)- \$0, Drainage (SD)- \$0, Fire Protection (SF) \$109,489.67, Refuse (SR) \$21,093.92, Sewer Fund (SS) \$0, Sewer District #2 (SS02)- \$0, and Water Districts (SW1) \$10.59, (SW2) \$93.12, (SW3) \$123.73, (SW4) \$113.73, (SW5) \$2,466.70, (SW6) \$311.37, (SW7) \$434.30, (SW7A) \$49.40, (SW8) \$32.75, (SW9) \$93.12, (SW10) \$2,212.81, Trust & Agency(TA)- \$0 Total: \$331,777.31

Carried

COMMITTEE AND DEPARTMENT HEAD REPORTS

Highway –They are installing 7 new culverts on Martin Rd. and beginning the mowing of ditches throughout the town. Mike stated he would get the ditching information for Mr. Ceisner.

Assessor –Not present

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

Bill O'Donnell	12869 Clarence Ctr	Roof
Brian Criswell	11470 Tonawanda Crk	Porch cover
Amanda Olfield	6600 Dye	Roof
Newstead Fire Co.	7247 Sandhill	Demolition
Chad Crofford	7421 Cedar	a.g. pool
Faith Fellowship Church	11478 Main	Addition
Carl Metzger	12250 Nice	Deck
Rick Meahl	13570 Carney	Addition
Frank Powell	13100 Stage	i.g. pool
Tom Swiatowy	12843 Brucker	Roof
Leisurewood Campground	5720 Cummings	ROW Access
Rusty Roehling	12491 McNeeley	Fill permit

The Town Board accepted the Building Report as presented.

Town Clerk- The Wood family from 10995 Keller Road presented the town with a framed lithograph of “Newstead Abbey” in Nottingham, England. The Wood family is originally from England and wished to present their new Newstead community with a piece of work from their old Newstead community. The lithograph is on display in the main hallway at town hall. The clerk also announced that the town hall passed its annual fire system inspection and that NYS DEC conservation license sales started today. The July 2006 Dog Control Officers monthly report was presented. He will be reporting on the dog enumeration update sometime this month.

Attorney for the Town –Nothing at this time

COUNCILPERSONS

George-Not present

Finger-Nothing at this time

Decker-Nothing at this time

Murray-He attended the GIS committee meetings last week for presentations. The Drainage Committee meeting for this month is cancelled as there is no action to be taken.

SUPERVISOR- He met with Hearts and Hands coordinator and discussed the contract renewal. He also met with the Auditors and the Senior Citizens group on budget issues. He met with the Akron Mayor on Police Services issues and the fire companies and Councilman Murray on the fire contracts. They had a 3 hour meeting with the Thruway Authority and announced an extension has been granted until October 6, 2006 for the open comment period.

UNFINISHED BUSINESS

Water District #10- Phase 1A & Phase 1B –

The mustard weed is still a problem and they are urging residents to continue to mow to keep it under control for now until the problem can be resolved.

Phase 2- A Public Information Meeting for approximately 80 residents will be held August 23 at the Newstead Senior Center. Letters will be going out to those residents this week.

Water Tank-The water testing and filling is continuing and the tank should be on-line this week. The water-fill station should be on-line within a few days after testing.

Route 5 Re-Zoning-Councilman George met with department heads to go over comments and the Planning Board is scheduled to meet on this issue August 28, 2006

Shared Public Works Facility Committee-The comments on the draft report are coming in and if anyone has questions they should contact Andrew.

Fire Contracts- The Supervisor and Councilman Murray met with both companies and they are reviewing the proposals.

NYS Toll Barrier- The comment period has been extended to October 6th and the attorney is getting the town comment packet together.

2007 Budget-Information sheets have been handed in to the bookkeeper. The Supervisor and Kathy Strobele will start meeting on this to go over the numbers and set the preliminary budget.

NEW BUSINESS:

Assessment Challenge- NOCO:

A motion was made by Councilman Decker, seconded by Councilman Finger approving the authorization to Ronald Bennett to obtain an appraisal on behalf of the town on the NOCO properties in assessment challenge litigation at a cost not to exceed \$3,500.00.

(Resolution Attached) Cummings-Aye, George-Absent, Finger-Aye, Decker-Aye, Murray-Aye
Carried

Right to Farm Law:

A motion was made by Councilman Murray, seconded by Councilman Decker endorsing the Right to Farm law adopted by the state and county and agreeing to support the continuation and expansion of agriculture in the Town of Newstead.

(Resolution Attached) Cummings-Aye, George-Absent, Finger-Aye, Decker-Aye, Murray-Aye
Carried

GIS Grant Vendor:

A motion was made by Councilman Finger, seconded by Councilman Decker approving the recommendation made by the GIS grant committee to hire CRA Infrastructure & Engineering to perform the implementation of the GIS grant project work at a cost of \$23,800 and directing the town attorney to prepare a draft inter-municipal agreement with the Village of Akron for sharing of GIS information.

(Resolution Attached) Cummings-Aye, George-Absent, Finger-Nay, Decker-Aye, Murray-Nay
Tabled for full Board vote

LOSAP Agreement- Supervisor Authorization:

A motion was made by Councilman Decker, seconded by Councilman Murray authorizing the Supervisor to act on behalf of the LOSAP plan for the Akron and Newstead Fire Companies. (Resolution Attached) Cummings-Aye, George-Absent, Finger-Aye, Decker-Aye, Murray-Aye
Carried

P & A Administrative Services renewal:

A motion was made by Councilman Decker, seconded by Councilman Murray authorizing the Supervisor to execute the annual agreement with P & A Administrative Services to continue providing group insurance benefits to the town. (Resolution Attached) Cummings-Aye, George-Absent, Finger-Aye, Decker-Aye, Murray-Aye
Carried

General Code Automation:

A motion was made by Councilman Finger, seconded by Councilman Murray authorizing the Supervisor to sign the contract for automation of the Town Code by General code in the amount of \$11,575.00. (Resolution Attached) Cummings-Aye George-Absent Finger-Aye Decker-Aye Murray-Aye
Carried

CEO Training Approval:

A motion was made by Councilman Decker, seconded by Councilman Murray authorizing the CEO to attend training seminars in August, September, and November 2006. Cummings-Aye George-Absent Finger-Aye Decker-Aye Murray-Aye
Carried

Lead Agency- 11720 Main Rd:

A motion was made by Councilman Murray, seconded by Councilman Decker issuing a declaration of Lead Agency on the proposed site plan at 11720 Main Rd for a used auto sales special use permit and authorizing the building department to conduct a coordinated review. (Resolution Attached) Cummings-Aye, George-Absent, Finger-Aye, Decker-Aye, Murray-Aye
Carried

WD #10- Phase 2 Bid Authorization:

A motion was made by Councilman Murray , seconded by Councilman Decker authorizing the Supervisor to set the date for public bids acceptance for the Water District #10 phase 2 project. (Resolution Attached) Cummings-Aye, George-Absent, Finger-Aye, Decker-Aye, Murray-Aye
Carried

WD #10- Tschachtli Easement:

A motion was made by Councilman Murray, seconded by Councilman Finger authorizing the proposed modifications to the Water District #10- phase 2 easement for the Jonathan Tschachtli property and authorizing the Supervisor to make the payment request. (Resolution Attached) Cummings-Aye, George-Absent, Finger-Aye, Decker-Aye, Murray-Aye
Carried

Amendment of 2006 Budget:

A motion was made by Councilman Finger, seconded by Councilman Murray authorizing the amendment of the 2006 budget to reflect an increase in appropriations for the highway budget in the amount of \$85,000 and an increase in appropriations in records management of \$22,586.00 due to grant incomes, as well as the corresponding increase in estimated revenues. (Resolution Attached) Cummings-Aye, George-Absent, Finger-Aye, Decker-Aye, Murray-Aye
Carried

ACS Usage of Town Park for Soccer

A motion was made by Councilman Murray, seconded by Councilman Finger approving use of 2 Town Park fields by Akron Central School subject to no conflicts with Akron Soccer League from September 1-Oct 2006. Cummings-Aye George-Absent Finger-Aye Decker-Aye Murray-Aye
Carried

The Supervisor addressed the memo from Kathy Strobele and Becky Baker requesting permission to combine several of the town parcels together. The request has been given to Andrew to work on with Kathy & Becky. The board felt this was an excellent idea.

Question Period- Mrs. Eldred of 13656 Main Rd. questioned why her site plan for the construction of a storage building was not approved tonight. She was told if she paid the fee by Friday it would be added to the agenda. Building Administrator Christine Falkowski stated Erie County has a 30 day comment period that needs to be left open before approval by the Board.

Doug Ceisner, 100 East Avenue, questioned the backflow meter on the hydrant at Main and Crittenden Roads. Town Engineer Casolini addressed this issue stating that ECWA issues those meters out by permit. Jim Akin will be asked to check into this matter. Mr. Ceisner also asked to see if Victor Lorenzo was on the Junk Car list tonight before he leaves. Christine will check.

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 8:54 PM.

Carried

Respectfully Submitted,
Dawn D. Izydorczak, Town Clerk