

Newstead Town Board Meeting- October 13, 2008

A Public Hearing was called to order by the Newstead Town Board on Monday, October 13, 2008 at 7:40pm at the Newstead Town Hall.

Present: David Cummings– Supervisor
Tom George- Councilman
Harold Finger- Councilman
Justin Rooney- Councilman
Cheryl Esposito- Councilwoman
Nathan Neill- Town Attorney
Mike Bassanello- Highway Supt.
Scott Rybarczyk- Town Engineer
Christine Falkowski-Director of Planning & Building
John Good- Code Enforcement Officer
Dawn D. Izydorczak- Town Clerk
Kathleen Lang- Deputy Clerk

Roll Call was taken with all board members present.

The Supervisor called the public hearing to order on the proposed site plan for NOCO Energy Corp at 13613 Main Rd to replace an 18,000 gallon propane tank with a new 30,000 gallon tank.

The Clerk read the proof of publication.

The Supervisor questioned if any written comments were received. The Clerk responded no, none were received by her. He explained the process to date on this project.

Comments: Dan Kowalik, 105 Main Street, requested a meeting with Disaster Coordinators and Akron Fire Co. prior to approval of this proposed site plan. He has serious concerns with some of the aspects of this project, specifically requesting a fire suppression system be installed as recommended under NFPA-58 guidelines.

Fred Pask, 102 Golden Pond Estates, lives in the area of the project that would most be affected if an incident occurred and questioned if a fire safety analysis has been conducted on this project. He also asked if there has been a seismic study completed on this site. He requested that more than the minimal guidelines be followed under NFPA-58 on the project. Mr. Pask questioned the sprinkler systems to be installed.

Roy Bauer, 13504 Main Road, also lives in the area of the project and has the same concerns as the Akron Fire Company representatives present, being a fellow member of the Newstead Fire Company he sees the potential hazards of the project.

CEO Good stated that they are following NFPA-58 and the minimum code requirements have been met.

The Supervisor stated no action will be taken until a meeting with fire companies and Disaster Coordinators can be scheduled.

There being no further comments a motion was made by Councilman Finger, seconded by Councilman George to close the public hearing on the NOCO project at 7:56pm.

Carried Unanimously

The Supervisor called the public hearing to order at 7:56pm on the proceedings under Local Law No 4 of 2002 for an unsafe building located at 13136 Steiner Rd owned by Carol Rowe.

The Clerk read the proof of publication.

The supervisor explained that on December 18th, 2007 the house was 90% burned down.

Comments: no one spoke

Code Enforcement Officer John Good stated that the owner reportedly has contracted to sell the property. This lien action would extend to any prospective purchasers/owners of the property. There is a 30-day time limit on the action.

There being no further comments a motion was made by Councilman Finger, seconded by Councilman George to close the public hearing on the unsafe building at 8:04pm.

A regular meeting of the Town board was called to order at 8:04pm with the same members present as listed above.

Highway Superintendent Mike Bassanello led the pledge to the flag.

Minutes from the previous regular meeting held on September 22, 2008 were presented for approval. A motion was made by Councilman Finger, seconded by Councilwoman Esposito to approve as presented. Carried Unanimously

Communications – The Town Clerk presented the following:

A letter of resignation was received from Recreation employee Terri Bierasinski effective October 8, 2008.

An application and instruction booklet was received from the NYS DEC to apply for funding from the Terrestrial Invasive Species Eradication Grant Program.

A letter was received from the Northern Erie Sno-Seekers Club requesting use of the West Shore bike path sections for their 2008-09 snowmobiling season.

The Quarterly Report for July 1 – September 30, 2008 was received from Allied Waste reporting 1,809+/- residential units collected for with 466.83+/- tons of solid waste and 81.31+/- tons of recyclable materials collected.

A letter was received from the Akron Lions Club requesting use of the Town Park shelter on April 24th -26th, 2009, May 1st – 3rd, 2009, May 8th-10th, 2009, May 15th-17th, 2009, May 22nd-24th, 2009, and May 29th -31st, 2009.

A letter was received from the NYS Office of Homeland Security informing the town that our jurisdiction was not chosen by DHS for funding thru their grant program for the 2008 grant cycle.

A copy of “Connections” 2008 annual report from Buffalo State College was received.

A letter from Time Warner Cable announcing the 49 channel providers they are currently under negotiations with for service.

An invitation from Town of Clarence Supervisor Scott Bylewski to celebrate the addition of 101.96 Acres of permanently protected farmland to their township on October 17th at 1:00pm. See Clerk for details.

An invitation to a legislative briefing with National Fuel Gas on October 16th at 8; 00am.

A letter was received from LIN Television Corp. updating the town on its negotiations with Time Warner Cable for service to local residents.

A notice of a spaghetti dinner benefit to be held for the Gregg family on October 25, 2008 at the Rapids Fire Hall.

An invitation to attend the Erie County Department of Senior Services Public Hearing on November 7, 2008 at 1:00pm at the Amherst Senior Center. The hearing will look for input on several senior services programs.

A notice from the Erie County Legislature that the annual 20-day inclusion period of viable agricultural land into the ag district of Erie County will run from November 1st – November 30th of 2008. The applications are available with the Town Clerk.

A copy of a letter from Erie County Dept of Public Works to the NYS DOT forwarding the towns request for a traffic study on Dorsch Road for speed reduction.

A copy of two resolutions passed by the Akron Village Board relative to their support of the application for 2009 competitive grant funds for the Murder Creek Mitigation project.

A copy of the Recreation Departments draft of a Strategic Plan for 2008-2010.

A letter from the New York State Emergency Management Office advising the town that the Letter of Intent submitted on the Murder Creek Pre-Disaster Mitigation project has been received and has been deemed eligible for consideration.

A letter from the Department of State notifying the town that Local Law #3 of 2008 has been received and filed on September 29, 2008.

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

The Board accepts Terri Bierasinski's resignation with regrets. She served the Town very well over the last few years.

Work Session: The Supervisor reported that at the work sessions held the last two weeks the following issues were discussed: water district issues, joint facility issues, potential grant submissions, murder creek mitigation project, planning issues, 2009 budget, personnel issues, as well as other necessary issues. The Joint meeting with Village addressed several issues.

Privilege of the Floor – No one spoke

Budget Transfers: A motion was made by Councilwoman Esposito, seconded by Councilman Finger to approve the budget transfers outlined in a memo from Bookkeeper Colleen Salmon dated 10/13/08. Carried Unanimously

Approval of Bills -Councilwoman Esposito reported that the Abstracts from Batches #750 & 751 from the September 22, 2008 meeting have been reviewed with the previously UN-audited vouchers and everything was found in order. She presented Abstract Batch #755 & 758. Vouchers on this abstract numbered 1009- 1072 totaling \$87,870.86 and were presented by Councilwoman Esposito, seconded by Councilman Finger to approve payment as follows:

Abstract Batch #755 & 758:

General Fund (A) -\$30,191.28, General Fund- Outside Village (B) \$934.20, Highway (DA) -\$0, Capital Projects: CAP-WD#10-phase 2 (HI)- \$64.19, Murder Creek Stabilization (HM) - \$0, Highway: Outside Village (DB) \$14,798.60, Drainage (SD)- \$0, Fire Protection (SF) \$4,255.84, Refuse (SR) \$26,921.41, Sewer Fund (SS) \$3,145.45, Sewer District #2 (SS02)- \$148.51, and Water Districts (SW1) \$43.23, (SW2) \$88.44, (SW3) \$124.17, (SW4) \$112.56, (SW5) \$2,900.40, (SW6) \$325.10, (SW7) \$426.12, (SW7A) \$48.24, (SW8) \$32.16, (SW9) \$88.44, (SW10) \$3,222.52, Trust & Agency(TA)- \$0,
Total: \$87,870.86 Carried Unanimously

COMMITTEE AND DEPARTMENT HEAD REPORTS

Highway – They are getting ready for winter, mixing sand and salt and preparing the trucks. They are still roadside mowing and ditching as well.

Assessor – no report

Building Office –the building report was presented by Director of Planning & Building Christine Falkowski:

Rustin Murray	12569 Clarence Center	Siding
Keith Partridge	12898 Swift Mills	Addition
Dan Keeton	5731 Barnum	Deck
David Gustafson	13046 Carney	A.G. Pool
Thomas George	11494 Meahl	Permit Renewal
Dan Klein	13450 Main	Roof
Ronald Bartsch	13831 Bloomingdale	Foundation repair
Doug Bain	6380 Hake	Driveway markers
Lindsey Douglass/Jessie Blair	5605 Cummings	Permit amended garage addition
Daniel Pawlick	11899 Rapids	Lean-to

The Town Board accepted the report as presented.

Town Clerk- We are down to the last two days of school tax collection.

Attorney for the Town – Nothing at this time but did note the anniversary of the October Storm in 2006.

COUNCILPERSONS

George- Nothing at this time

Finger- Thanked Mike and the highway crews for winterizing the Town Park pavilion. He is continuing to work on fire inspection issues brought up by the CEO.

Rooney- He attended the Recreation Board meeting last week and thanked Dan Roland for his input and documentation which he feels will be good for the program in long run.

Esposito- Nothing at this time

SUPERVISOR- September Supervisor's Report is on file with the Town Clerk. He attended the Rec Board meeting, the Erie County Association of Towns meeting in West Seneca, a Supervisors Conference in Elma, and a Supervisors meeting at Erie Community College.

UNFINISHED BUSINESS

Water District #10- Phase 3 – There are 3 driveway restorations and seeding on roadside to complete.

Phase 4/Consolidation-The USDA grant is completed and submitted with the response usually in a few weeks.

Shared Public Works Facility Committee- There is a lot of work to be completed in the next two months and the public meeting to be scheduled.

GIS- a meeting was held to decide on the equipment purchases to be made thru the grant.

Mitigation- The grant writer met with Supervisor and Carl today with project studies and paper work on going.

NEW BUSINESS:

Preliminary Budget 2009- Public Hearing:

A motion was made by Councilman Rooney, seconded by Councilman George approving the calling of a public hearing on the Tentative Budget for 2009 on October 27, 2008 at 7:45pm at the Town Hall to hear public comments on the budget.

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

October 5th, 2008 the Assessor's List of Exemptions will be submitted.

Lead Agency-Local Law #4 of 2008- "Self Storage Law":

A motion was made by Councilwoman Esposito, seconded by Councilman Finger determining that he proposed law is a Type I action under SEQRA and declaring lead agency on the environmental review and directing the building department, in conjunction with the Town Engineers, to send out the required notice to all interested agencies.

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

Public Hearing- Local Law #4 of 2008- "Self Storage Law":

A motion was made by Councilwoman Esposito, seconded by Councilman George approving the calling of a public hearing on the proposed Local Law #4 of 2008 entitled "Self Storage Law of the Town of Newstead" to be held at the Town Hall on November 10, 2008 at 7:45pm.

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

LOSAP Update:

A motion was made by Councilman Finger, seconded by Councilman Rooney issuing approval for the Supervisor to sign any necessary paperwork for the 2008 update to the LOSAP program.
(Resolution Attached) Cummings-Aye, George-Aye, Finger-Aye, Rooney -Aye, Esposito-Aye
Carried Unanimously

CDBG Grant Application Authorization:

A motion was made by Councilman Rooney, seconded by Councilman George authorizing the Supervisor to sign and submit the 2009 grant application to apply for CDBG grant funding for town projects as follows: Replace Handicapped Doors at Senior Center, Rural Van Service, and Joint Sidewalk Project with Village of Akron.
(Resolution Attached) Cummings-Aye, George-Aye, Finger-Aye, Rooney -Aye, Esposito-Aye
Carried Unanimously

NEST Support Request & Coordinator Funding:

A motion was made by Councilman George, seconded by Councilman Finger requesting the Erie County Executive to continue to support and assist the mandatory requirements of the Solid Waste Management Plan and convert the position of Recycling Coordinator to a County-line position until grant funding is reinstated.
(Resolution Attached) Cummings-Aye, George-Aye, Finger-Aye, Rooney -Aye, Esposito-Aye
Carried Unanimously

APEX Consultants Contract Approval:

A motion was made by Councilman Finger, seconded by Councilman Rooney authorizing the Supervisor to sign the contract with Apex Consultants for preliminary engineering design for the Murder Creek Mitigation project in an amount not to exceed \$2,500.00, such cost to be shared equally between the Village of Akron and the Town.
(Resolution Attached) Cummings-Aye, George-Aye, Finger-Aye, Rooney -Aye, Esposito-Aye
Carried Unanimously

Budget Adjustment:

A motion was made by Councilwoman Esposito, seconded by Councilman George approving an adjustment to the Building Department budget to reflect a change in wages for the Director of Planning & Building, Christine Falkowski, to a pay rate of \$21.15 per hour.
(Resolution Attached) Cummings-Aye, George-Aye, Finger-Aye, Rooney -Aye, Esposito-Aye
Carried Unanimously

Mitigation Grant for 2009:

A motion was made by Councilman George, seconded by Councilman Finger to authorize the Town Grant Writer to complete a grant application and the Supervisor to sign a joint Pre-Disaster Mitigation Grant Application for 2009 together with the Village to FEMA for purpose of stabilizing the bank of Murder Creek within the Village of Akron.
(Resolution Attached) Cummings-Aye, George-Aye, Finger-Aye, Rooney-Aye, Esposito-Aye
Carried Unanimously

Lions Club use of Town Park 2009:

A motion was made by Councilman Rooney, seconded by Councilman George approving the Lions Club request to use the Town Park pavilion for the last weekend in April 2009 and each consecutive weekend thru May 2009.
Cummings-Aye, George-Aye, Finger-Aye, Rooney-Aye, Esposito-Aye Carried Unanimously

Training Requests:

A motion was made by Councilman George, seconded by Councilman Finger approving the training requests for Planning Board Member John Potera to attend a Planning Board training session and for CEO John Good to attend 2 seminars for continuing education training.
Cummings-Aye, George-Aye, Finger-Aye, Rooney-Aye, Esposito-Aye Carried Unanimously

Lateral Restriction Hardship Application- 13408 Martin Rd:

A motion was made by Councilman Rooney, seconded by Councilman Finger to deny approval of the application for water hardship for property located at 13408 Martin Rd due to lack of appropriate documentation.

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

Highway Truck Bid Acceptance:

A motion was made by Councilman Finger, seconded by Councilman Rooney, to accept the bid submitted by County Line Stone in the amount of \$20,610 for the purchase of an old highway truck at the bid opening on September 25, 2008.

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

Question Period- No one spoke

There being no further business to come before the board a motion was made by Councilman Finger, seconded by Councilwoman Esposito to adjourn the meeting at 8:45 PM.

Carried Unanimously

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