

Newstead Town Board Meeting- December 10, 2007

A Public Hearing was called to order by the Newstead Town Board on Monday, December 10, 2007 at 7:40PM 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.
Rebecca Baker- Assessor
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.

The Supervisor called the public hearing to order on the proposed senior exemption level increases.

The Clerk read the proof of publication.

The Supervisor stated that a previous public hearing was held a couple months ago and the feedback from that hearing was that the increase was not enough. The Board discussed this further and also discussed with the Village Board and the Akron Central School and they decided to increase the exemption levels by \$6,500.

Comments: James Fitzpatrick of 7495 Scotland Road stated he thinks the town should get to where the County level is at (\$24,500). He ran some numbers based on current levels and it appears there will only be 35-40 seniors able to take advantage of this increase. He feels the town needs to continue to look at the exemption levels on an annual basis and we need to look at the effects on the rest of the taxpayers too.

Don Snell of 3 Shepard Avenue stated he has been asking for an increase for a while and hopes this passes tonight but agrees with Mr. Fitzpatrick that he would like a review every year.

There being no further comments, a motion was made by Councilman George, seconded by Councilman Finger to close the public hearing on the senior exemption levels at 7:52pm.

The Supervisor called the public hearing to order on the proposed Right to Farm Law, Local Law No. 5 of 2007 at 7:52 PM

The Clerk read the proof of publication.

The Supervisor stated that they adopted the Erie County Right to Farm Law previously. The Farm Bureau requested that the town adopt a law with more "meat" to it. The board has met with several parties to develop this law including members of the farm community.

Comments: Tom Heberling of 12760 Koepsel Road questioned what the law states. He just heard about the hearing and would like to know what it is proposing. He did not have a chance to review the law before the meeting.

Supervisor Cummings read the law for those present.

Jackie Rotundo of 5814 Barnum Road questioned whether new people moving into this area from the city who fall into the "Sunday Farmers" category are covered under this law.

Town Attorney Neill stated as long as they are following good, acceptable agricultural practices they are covered under the law.

There being no further comments, a motion was made by Councilman Finger, seconded by Councilman Decker to close the public hearing on the Right to Farm Law at 8:03PM.

A regular meeting of the Newstead Town Board was called to order at 8:03pm with the same members present as listed above.

Kathy Lang led the pledge to the flag.

Minutes from the previous regular meeting held on November 26, 2007 were presented for approval. A motion was made by Councilman Finger, seconded by Councilman Decker to approve as presented. Carried Unanimously

Communications – The Town Clerk presented the following:

An announcement from the NYS Comptrollers office of the annual newly elected officials training tele-conference to be held at 6:30pm on Thursday, December 13, 2007 at the Erie County CCE in East Aurora. For details see the Town Clerk.

The NYS Department of Public Service has started their annual winter awareness campaign. Posters and materials on saving costs are available in the information center at the Town Clerk's office.

The November 2007 Amherst Central Alarm report was received reporting 41 calls for Akron Fire Co. and 18 calls for Newstead Fire Co.

The Erie County Water Authority has notified the town of the increase in fire hydrants in District #10 from 275 to 335 due to the extensions project.

The Erie County Water Authority has provided the town with the new 2008 Tariff amendments effective January 1, 2008.

The Erie County Water Authority has notified the town that the annual back flow prevention tests are due on the 2 devices located at 5691 Cummings Road. The Water Supt. has been notified.

A letter was received from NYS Office of Parks, Recreation and Historic Preservation informing the town that its grant application submitted for the Town Park Master Plan project has not been selected for funding in 2008.

The Northern Erie Sno-Seekers submitted a written request to erect a monument along the bike path in memory of Ron Dawydko.

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

Work Session: The Supervisor reported that no work session was held last week.

Privilege of the Floor – Peter Wegrzyn of 12153 Rapids Road questioned the appeal process for Code Enforcement Officer John Goods decision on his complaint about a outdoor stove at 12120 Rapids Road. The Supervisor stated that the Town Board does not interfere with his decisions unless there is an error in his procedure. Mr. Wegrzyn stated there is an appeal process for the owner of the furnace but there is no appeal process for the person filing the complaint. He questioned the distance measured by Mr. Good at 700+ feet. He measured a distance of 386' with a survey laser. Mr. Good's measurement was based on G.I.S. information. Mr. Wegrzyn also stated the wind direction in Mr. Goods report was Northeasterly but prevailing winds in this area are west to east. He feels Mr. Goods decision was unfairly presented with bias. He also questioned the weather conditions in the report. He feels the report presented to the Town Board was inaccurately presented, especially since no home visit from CEO Good was made. The length of the stack is 5' and no 6' extension has been put on the stack. A Sheriff Deputy who visited during a complaint and the CEO both did smell wood burning odors on property. The law states this has to be addressed. Mr. Wegrzyn gives the board members permission to walk his property. When this happens his house fills with smoke and it penetrates the walls, which causes coughing, head aches and his wife has developed a pulmonary condition. Mr. Good has refused to stop in on an open invitation. It is not just a little smell in the house. It is offensive and remains for days. It is affecting his and his wife's health. He's lived here 23 years and never had problems. Neighbor did not need a permit to install the furnace. He feels he's being ignored by Mr. Good who will not give him a cell phone number to call when problems happen. He commended the Board on addressing this issue with a law.

The Supervisor instructed Code Enforcement Officer John Good to look at this complaint again.

Approval of Bills -Councilman Decker reported that the Abstract from Batch #663 from the November 26, 2007 meeting has been reviewed with the previously UN-audited vouchers and everything was found in order. He presented Abstract Batch #665 & 669. Vouchers on these abstracts numbered 1186 & 1206-1256, totaling \$67,570.72 and were presented for payment approval by Councilman Decker, seconded by Councilman Finger to approve payment.

Abstract Batch #665 & 669:

General Fund (A) -\$20,081.19, Fund (B) \$496.87, Highway (DA) -\$0, Capital Projects: CAP-WD#10-ph2 (HI)- \$0, (HL) October Storm- \$0, Highway: Outside Village (DB) \$1,324.32, Drainage (SD)- \$0, Fire Protection (SF) \$6,767.95, Refuse (SR) \$22,433.72, Sewer Fund (SS) \$6,154.24, Sewer District #2 (SS02)- \$156.00, and Water Districts (SW1) \$40.20, (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) \$6,482.15, Trust & Agency(TA)- \$0 :Total: \$67,570.72
Carried Unanimously

COMMITTEE AND DEPARTMENT HEAD REPORTS

Highway –He stated that Saturday the Sno-Seekers group put barrels out on the bike path getting it ready for snowmobile season.

Assessor –Nothing under Assessment. As Network Administrator she stated there is now a Legal Notice folder available on the town web page for residents to check for future Public Hearings.

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

Sandra Sanger	12569 Brucker	Windows, Siding, Roof
Golden Pond Estates	Lot 238	Manufactured Home

The Town Board accepted the Building Report as presented.

Town Clerk- School tax collection is complete for Clarence. Akron will be finalized by Wednesday. Dog Control Officers November 2007 report was presented..

Attorney for the Town – Nothing at this time

COUNCILPERSONS

George- Nothing at this time

Finger-Nothing at this time

Decker- Nothing at this time

Rooney- Nothing at this time

SUPERVISOR- He attended a meeting with some of the senior citizens and an Associations of Towns meeting where the sales tax distribution was discussed. He thanked Becky Baker for posting the 2008 Town Budget on the web site. He also explained that the Town was denied the parks grant it applied for. There were 335 applications submitted for this grant for a total of \$85 million requested, yet the pool of grant money available was only \$22 million to be granted.

UNFINISHED BUSINESS

Water District #10- Phase 2 & Extensions-The work on phase 2 and the extensions are completed. Sewer District#1-ADESA is working on the fence and generator placement is set for the beginning of 2008.

Shared Public Works Facility Committee- There is a meeting scheduled for December 20th at 7PM. The final report has been received and copy is available for review with the Town Clerk at the Town Hall. They are submitting a grant and it will be mailed this week.

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

Codification- Dawn reported we should receive within next two weeks. A review for errors will be done and then a public hearing called and a vote on adoption.

NEW BUSINESS:

Site Plan Approval- 12264 Main Rd:

A motion was made by Councilman Decker, seconded by Councilman Finger approving the site plan dated 9/11/07 for a 1,200 sq. ft. addition and an 875 sq. ft. addition to the building located at 12264 Main Rd owned by Buffalo Drilling subject to the terms set forth in the resolution.

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

Cummings Rd Sub-division Amendment:

A motion was made by Councilman Finger, seconded by Councilman Rooney approving the amended site plan dated 10/12/07 amending the original proposed sub-division from 7- one acre lots to 7-lots with three of those lots now being 5+ acre lots.

(Resolution Attached) Cummings-Aye, George-Aye, Finger-Aye, Decker-No, Rooney-Aye
Carried

Prior to the vote Code Enforcement Officer John Good commented that this change is due to Erie County Health Department requirements and they did not respond back to the review on the original project.

Site Plan Approval- 13523 Main Rd:

A motion was made by Councilman Rooney, seconded by Councilman George approving the site plan dated 10/07 and received 11/9/07 for an automobile service center to be located at 13523 Main Rd owned by Doug Lewis subject to the terms set forth in the resolution.

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

5475 Barnum Rd- Zoning Map Amendment:

A motion was made by Councilman George, seconded by Councilman Rooney approving the amendment of the official Zoning Map of the Town of Newstead for the property located at 5475 Barnum Rd with the C-2 zoning approved in 1973 to cover only a 200' x 200' area including the structures, and not the entire 7.24 acre parcel.

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

Senior Exemption Levels Increase:

A motion was made by Councilman Rooney, seconded by Councilman George authorizing the proposed \$6,500 increases to each of the senior exemption level rates for the 2009 tax year, with the ranges starting at \$21,500 income level to a maximum \$27,200 income level.

Supervisor Cummings commented that the Seniors need help because on fixed income.

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

Prior to the vote Councilman George commented that we still have to raise the same amount of taxation so this amount does get picked up by others. The Supervisor agreed and also stated that the town needs to assist those with fixed incomes.

Newly Elected Officials Training:

A motion was made by Councilman George, seconded by Councilman Finger approving the attendance of newly elected officials Justin Rooney and Cheryl Esposito to the training seminar in East Aurora at a cost of \$15 per person and mileage and David Cummings, Supervisor to the training seminar in Rochester in January.

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

Swearing in of Officials:

The Supervisor announced the schedule for the swearing in ceremony of newly elected officials to be held on Thursday, January 3, 2008 at 7:00PM and to be followed by a Work Session.

Organizational Meeting for 2008:

A motion was made by Councilman Finger, seconded by Councilman Rooney approving the scheduling of the 2008 Organizational Meeting to be held on Monday, January 7, 2008 at 7:15pm. Cummings-Aye, George-Aye, Finger-Aye, Decker-Aye, Rooney-Aye Carried Unanimously

Supervisor Cummings gave a synopsis of FEMA grant the town and village are applying for to assist in the stabilization of the bank along Murder Creek and that they will be notifying residents in the affected area of the possibility of stabilization work to occur.

Pre-Disaster Mitigation Grant Application:

A motion was made by Councilman Finger, seconded by Councilman Rooney authorizing the town grant writer to complete an application and the Supervisor to sign said application with the Village Mayor for a joint Pre-Disaster Mitigation Grant thru FEMA for a stabilization project along Murder Creek in the Village of Akron. The Town also agrees to set aside \$200,000 in reserves specifically for the stabilization project constituting a 25% match on a maximum cost of \$800,000.

(Resolution Attached) Cummings-Aye, George-Abstain, Finger-Aye, Decker-No, Rooney-Aye Carried

The Supervisor announced the last regular Town Board meeting will be held on Thursday, December 27 at 7:15 PM to pay bills and conduct any other end of the year business necessary.

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 8:52 PM.

Carried Unanimously

Respectfully Submitted,
Dawn D. Izydorzak, Town Clerk