

TOWN OF NEWSTEAD DRAINAGE BOARD
MINUTES OF October 16, 2007

Members Present: Don Kreher
Mike Rushok
Bob Wideman

Others: Justin Rooney
Mike Bassanello – Highway Superintendent
Scott Rybarczyk – Town Engineer
Jennifer Heberling – Recording Secretary

Absent: Jim DeYoung
Dan Kowalik (Planning/Zoning training session held in court room)

Meeting called to order at 7:00PM, by Don Kreher.

Doug Ceisner, Main Road & South Newstead – Doug passed a note pad around requesting all members present to sign, which was refused as these minutes provide the record.

He brought an old map that was loaned to him by Mr. Eckerson, showing the culvert that Mr. Ceisner has been saying is there. Mr. Ceisner wants the ditch opened on Main and South Newstead. He complained that people with agricultural exemptions don't pay full taxes on school, town and county and now fire districts.

Mr. Ceisner informed the board that permits for cleaning ditches in the wetlands are not required when the land is used for agricultural purposes. He believes he falls into this category since agricultural property is draining onto his property. Mr. Beck and MGA Research have also been trying to get this ditch opened. Mr. Ceisner stated that the Town is liable to keep this ditch open and the Town has not been doing that.

Mr. Ceisner spoke about the history of the 1 million dollar lawsuit the Town lost due to the diverted water. Mr. Ceisner also presented pictures of his property to the committee.

Don Kreher feels we need written proof from the State saying the Town can clean the ditch. Mike Bassanello talked to the DEC to see if the ditch could be opened. We received a letter from the DEC saying the Town is allowed to do limited clearing with hand-held equipment only and that we were not authorized to use large equipment.

Mr. Ceisner accused the board of hiding information from him and cleaning everyone else's ditch but his.

Mike read the most current letter from the DEC, dated September 11, 2007, to the committee.

Mr. Ceisner is keeping a list of all the ditches that have been cleaned this year. He stated that most of them relate to Kreher's Farm. He also stated that the State has been after the Town for 30 years to get this ditch cleaned out. Mr. Ceisner feels that the Town only takes care of people with certain last names. He is no longer willing to lose anymore money. He just wants to be treated the same as everyone else in the Town.

Mr. Ceisner asked Scott what would happen if he stopped the flow of water onto his property. He stated again to the board that he thinks he should be considered agricultural land because his property drains water from agricultural land.

Bob Wideman informed Mr. Ceisner that if he was a farmer **HE** would be able to clean his own ditch, regardless of wetlands.

Mr. Ceisner wants a letter from the committee stating he is draining water for agricultural property so he can get the ditch cleaned. Without this letter, he will take the Town to court. He is also going to call Erie County Soil & Conservation in East Aurora.

Committee copied the letter from the Army Corps. to Mike Bassanello dated September 11, 2007.

Scott spoke about coordinating drainage issues with the Village. Nathan is in the process of writing a letter outlining how the Town and Village will coordinate drainage projects. Scott wants to have a voice in what goes on with drainage in the Village, since it will eventually impact the Town. The expansion project for Perry's will be coming through this committee.

Discussion on Tony Brandl, 6320 Hake Road – Mike Bassanello spoke to the County and in the spring they will put in a new 3 foot plastic, smooth, culvert pipe.

Discussion on Jerry Szmania, 13356 Stage Road – the highway department shot grades last week. They will clean the ditch in the near future.

Mike Bassanello reported that the highway department has been working on Murder Creek. He is hoping that this week they will finish it to the mouth of Tonawanda Creek.

Minutes from the 09/18/2007 meeting were approved.

The meeting was adjourned at 8:10PM by Don Kreher.
Respectfully submitted,

Jennifer Heberling
Recording Secretary