

Newstead Town Board Meeting- January 28, 2002

A Regular Meeting was called to order by the Newstead Town Board on Monday, January 28, 2002 at the Newstead Town Hall at 8:00 PM.

Present: Gerald F. Summe – Supervisor
Thomas George – Councilman
David L. Cummings - Councilman
Joan M. Glor – Councilwoman
James Ebersole- Highway Superintendent
Donnal D. Folger – Code Enforcement Officer
Andrew Casolini – Town Engineer
Nathan Neill – Attorney for the Town
Dawn D. Izydorczak – Town Clerk
Kathleen McLeod Lang – Deputy Clerk

Roll Call was taken with all board members present, except Councilman Finger who has a medical excuse.

Highway Superintendent James Ebersole led the pledge to the flag.

Minutes from the previous meeting held on January 14, 2002 were presented for approval. A motion was made by Councilman Cummings, seconded by Councilman George to approve, as presented.

Carried Unanimously

Communications - Clerk presented the following:

A letter from the Town of Clarence accompanied by 2 original Inter-Municipal Agreements to be signed, regarding the year 2002 Van Service Agreement.

An invoice from the Niagara Solid Waste Management Consortium requesting \$600.00 from the Town of Newstead as a contribution to the Consortium's approved 2002 budget.

A letter from Senator Mary Lou Rath accompanied by a copy of the 2002 State of the State report from Governor Pataki.

A letter from Erie County Executive Joel Giambra informing the Town of Newstead that our portion of a \$158,883 Erie County Consortium Community Development Block Grant has been approved for the Rural Transit Service.

A Quarterly Report from BFI of New York for the Town of Newstead was received. A total of 404.04 tons of solid waste and 78.79 tons of recyclable materials were collected from a total of 1,553 residential units between October 1, 2001 – December 31, 2001.

A letter from Niagara Mohawk announcing the proposed rate plan decreases for services being provided through the PSC214 plan which the Town is part of. The Street Lighting Comparison Report attached to the letter shows a proposed decrease in billings to the Town of \$263.49.

A copy of a letter from Wendel Duchscherer to the Erie County Water Authority giving their responses to a memo dated January 11, 2002 regarding Water District #5-Phase II.

A copy of a letter from Wendel Duchscherer to the NYS Department of Health Bureau of Public Water Supply Protection giving their responses to a review comment letter dated January 18, 2002 regarding Water District #5-Phase II.

A copy of a Stipulation filed with the New York State Supreme Court in the matter of the Application of Qwest Communications Corporation vs. the Board of Real Property Services of the State of New York, et al.

A copy of the minutes from the Village of Akron Board meetings held on January 7, 2002 and January 14, 2002.

A motion was made by Councilwoman Glor, seconded by Councilman George to receive and file as presented.

Carried Unanimously

Work Session: Supervisor Summe reported there was no work session held the week of January 21, 2002 due to the retirement party of Carole Borchert.

Privilege of the Floor – Mr. Bob Rausche, 3150 Crittenden Rd., questioned what is currently happening on the horse issue dealing with Ms. Miller on Stage Rd. The Code Enforcement Officer Don Folger reported she is currently in the process of court litigation scheduled for January 30. Mr. Rausche questioned current requirements on side lot lines. Her building is too close to sidelines adjoining Mr. Rausche’s property. He would like to attend the court hearing.

Approval of Bills – Councilwoman Glor reviewed abstract #24 and abstract#1 from 1/14/02 meeting and found them to be in order. She presented Abstracts #25 and #2. Vouchers on Abstract #25 numbered 1184 – 1201 totaling \$384,790.52 and were presented for approval by Councilwoman Glor, seconded by Councilman George. Vouchers on Abstract #2 numbered 31 – 72 totaling \$69,009.88 and were presented for approval by Councilwoman Glor, seconded by Councilman George.

Abstract #25:

General Fund “A” – \$10,899.02, Fund”B” \$0.00, Highway “DA” - \$0.00, Highway Outside Village “DB”\$0.00, Library Projects “HE” \$361,674.27, Capital Project WD#7A “HD” 0.00, Fire Protection “SF” \$0, Refuse “SR” \$4,370.18, Sewer Fund “SS” \$39.55, and Water Districts “SW1 - \$2,437.50,”SW3”-\$5,370.00, “SW5”- \$0.00 totaling \$384,790.52.

Abstract #2:

General Fund “A” – \$7,728.20, Fund”B” \$235.00, Highway “DA” - \$5.04, Highway Outside Village “DB”\$4,560.62, Capital Projects-WD#5 “HC” -\$32,940.63, Library Projects “HE” \$0, Capital Project WD#7A “HD” \$1,000.00, Fire Protection “SF” \$128.65, Refuse “SR” \$13,304.37, Sewer Fund “SS” \$0, and Water Districts “SW1”- \$2.04, “SW5”-\$962.71, “SW6”- \$7.28, Trust and Agency “TA” \$8,135.34, totaling \$69,009.88.

Carried Unanimously

COMMITTEE AND DEPARTMENT HEAD REPORTS

Highway –Superintendent Ebersole received changes from DOT on Dye Rd. speed limit signs. He will need a resolution next meeting. They took delivery on the new CAT High lift. They also are doing preliminary procedures to take cell tower use.

Assessor – Not present

Code Enforcement Officer - The following building permits were presented for the record:

David Cummings – 12353 Clarence Center Road – Pole Barn
Michael Warner- 7759 Fletcher Rd- Chimney & Woodstove
Raymond Sequin – 7589 Greenbush Rd- Front Porch

Don also reported: There is a new law passed requiring marking of all buildings that use trussed roofs and trussed floors. The listing will be complied by his office and will be on file with Amherst Alarm. His office is researching architectural specifications held by other municipalities.

Councilman George questioned the Law allowing number of junk cars on a property in the town of Newstead. He looked it up and was changed in 1997.

Town Clerk – She reported that each Board member was given a copy of the 2001 Town Clerk’s Annual Report showing receipts for 2001 of \$164,273.45 and disbursements of \$164,273.45. She announced the appointment of Sandra Pietrowski to the position of 2nd Deputy Town Clerk for the year 2002 on an as needed basis. She also announced that a new e-mail address has been set up for the Town Clerk’s office. Anyone interested in corresponding with the Town Clerk can do so by e-mail at newsteadclerk@yahoo.com.

Attorney for the Town –nothing at this time

COUNCILPERSONS

George –nothing at this time

Cummings –He attended the Solid Waste meeting and web site information will be covered under old business.

Glor –She attended meeting with Supervisor and Councilman Cummings with BFI representative Joe Scaffidi. A new calendar is to be set for holiday collection and a refuse/recycling list is to be distributed to town residents in their 2002 tax bill.

Finger-Not present

SUPERVISOR –He would like to thank everyone for attending the retirement dinner for Retired Town Clerk Carole Borchert and a special thanks to Dawn and Kathy for their help in making it a special night for Carole.

He attended meetings this week with Association of Towns, NEST, BFI representative, Becky and Dawn on new phone system for town hall. They will bring in vendors for new phone system and get bids.

UNFINISHED BUSINESS

Water District #5 –Town Engineer Casolini reported a resolution is needed to authorize the Supervisor to set dates for public bid of Water District No. 5 –Phase II Distribution system Construction Project. Erie County Water Authority and Department of Health letter responses were sent. The storage tank matters still need to be addressed. The certification letter needed for Ag & Markets will be worked on with Town Attorney.

Library Project –Councilman George reported roof going up, glazing is going in and request for Work Session time on Feb.4, to meet with project manager. Everything is going well.

Comprehensive Master Plan Update- reported by Supervisor Summe that it will cost approximately \$600 for a power point presentation to be given at a public hearing. He would like to discuss with other Councilman.

AOL/Time Warner-Attorney faxed another letter to advise what the town’s position is with an explanation that a ten-year term is too long.

Christian Airmen Re-Zoning- nothing at this time but Councilman George would like to discuss during work session after regular meeting.

Facility Study-Councilwoman Glor reports in process of reviewing plans and findings with Councilman George and will report once complete.

Toll Barrier-Nothing new at this time.

Soil Removal at Ivy Ridge-A revised site plan, SEQR, drainage, etc. needs to be done which will take several months. A motion was made by Councilman George, seconded by Councilwoman Glor to remove from agenda until further action is needed.

Carried Unanimously

Walser Soil Removal-Code Enforcement Officer Folger drafted request to Mr. Walser's attorney, which he must sign. There are more piles of soil at that site.

Web Site-Councilman Cummings reported he was in touch with county and working with them, they are going to begin designing the web site and once running, corrections and changes will be made. When complete, it will become official once Board approves.

Other- nothing

NEW BUSINESS

Insurance Proposal- The following resolution was moved by Councilman Cummings, seconded by Councilman George to authorize Supervisor to complete necessary application and make payment to Trident Insurance Services.

(Resolution Attached) 4 Ayes 0 Nayes Carried Unanimously

Other- Water District No.5- Phase II Water Distribution System Construction Project. The following resolution was moved by Councilwoman Glor, seconded by Councilman Cummings to authorize Supervisor to publicly advertise for bids on construction WD#5-Phase II

(Resolution Attached) 4 Ayes 0 Nayes Carried Unanimously

Inter-Municipal Agreement- a motion was made by Councilwoman Glor, seconded by Councilman George to authorize the Supervisor to sign the Inter- Municipal Agreement for 2002 Van Service with Clarence.

Carried Unanimously

Niagara Solid Waste Management Consortium- a motion was made by Councilman George, seconded by Councilwoman Glor to authorize the Supervisor to make payment to Consortium of \$600.

Carried Unanimously

Question Period –No one spoke.

There being no further business to come before the board a motion was made by Councilwoman Glor, seconded by Councilman Cummings to adjourn at 8:47 PM. Work Session to continue.

Carried Unanimously

Respectfully Submitted,

Dawn D. Izydorczak
Town Clerk