

## Newstead Town Board Meeting- March 11, 2002

A Public Hearing was called to order by the Newstead Town Board on Monday, March 11, 2002 at the Newstead Town Hall at 8:00 PM.

**Present:** Gerald F. Summe – Supervisor  
Thomas George – Councilman  
David L. Cummings - Councilman  
Harold L. Finger- Councilman  
James Ebersole- Highway Superintendent  
Drew Reilly – Town Engineer  
Nathan Neill – Attorney for the Town  
Kathleen McLeod Lang – Deputy Clerk

Roll Call was taken with all board members present except Councilwoman Glor who is on vacation.

Supervisor Summe stated that this hearing was called to hear anyone speaking for or against the new franchise agreement between AOL Time Warner and the Town of Newstead, providing cable services to residents of the Town of Newstead.

The Deputy Clerk read the proof of publication as it appeared in the Bugle on March 7, 2002.

The Supervisor opened the hearing to the floor.

Town Attorney said there were no other changes, but he had met with them on additional services including Road Runner to the school, library, Town Hall and will check on service at highway garage

There being no one else who spoke, a motion was made by Councilman George, seconded by Councilman Finger to close the hearing at 8:10 PM.

Carried Unanimously

A Regular meeting of the Newstead Town Board was called to order on Monday, March 11, 2002 at 8:10 PM, with all of the above still present.

Bob Kowalik led the pledge to the flag.

Minutes from the previous meeting held on February 25, 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 New York Public Interest Research Group Fund, Inc. stating that they will be in our area conducting door-to-door outreach during the periods from May 1<sup>st</sup> through August 31<sup>st</sup>. They have requested a letter of confirmation of receipt of this letter and ask for our support of these activities.

A letter from Sheriff Patrick Gallivan announcing a local government liaison program, which will enable the Sheriff's Department to maintain regular contact with local governments regarding public safety issues as well as other related matters. Sheriff Gallivan has appointed Chief Patrick Flynn as Newstead's designated liaison. Chief Flynn will monitor town issues and proceedings, as well as attending Board meetings as necessary in an effort to best serve the public safety needs of the citizens of Newstead.

A letter from Erie County Legislator Mike Razenhofer regarding a resolution he sponsored which was passed by the Erie County Legislature on February 7, 2002 regarding the proposed move of the Williamsville Toll Barrier east along Interstate 90. The resolution calls upon the Thruway Authority and the NYS DOT to find a more creative way to address the air, traffic and

noise pollution problems occurring in Williamsville, and puts the Erie County Legislature on record in opposition to simply shifting the problem from one community to another. He also stated that he is adamantly opposed to the NYS Thruway Authority's plan to transfer the existing problems in Williamsville to neighboring communities.

A copy of a letter from Time Warner Communications to the NYS Public Service Commission regarding additions to their channel line-ups. The YES Network will be added to the analog CPST tier, CNBC World, Great American Country and Lifetime Real Women will be added to the digital service tier and ShowTime and HBO are soon to be offered in high definition. All of these services will be added with no change in the subscriber rates.

A fax transmission from Amherst Fire Control reporting the total calls responded to in February by Akron Fire Co- 58 and Newstead Fire Co- 37.

A letter from Alden Town Clerk Dorothy Bycina advising Supervisor Gerald Summe and Town Clerk Dawn Izydorczak that their request for use of Alden's portable stage for the Akron/Newstead July 4<sup>th</sup> celebration has been approved by the Alden Town Board.

A letter from Vincent N. Lagattuta of Papa Vinnie's advising the Town of Newstead that he is applying for a summer liquor license through the NYS Liquor Authority for the premises located at 13278 Carney Road.

A Certified Copy of a Resolution recently adopted by the Erie County Legislature requesting President Bush to declare Erie County a major disaster area in light of the snow emergency that occurred in Western New York from December 24, 2001 through December 28, 2001, thus entitling the county and its municipalities affected by the storm, to reimbursements for damages incurred and already identified, as well as any damages still to be discovered once winter has ended.

An announcement from Western New York Earth Day regarding events scheduled for Earth Day 2002. On Friday, April 26<sup>th</sup> Anton Nelessen will speak on "Creating a More Livable Western New York" at 7:30pm in Rockwell Hall at Buffalo State College. Admission is \$5.00. For more information call 847-5490.

A copy of the minutes from the regularly scheduled Village of Akron Board meeting held on February 25 2002, including the minutes of a special joint meeting between the Akron Village Board and the Newstead Town Board held that same evening.

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

Carried Unanimously

**Work Session:** Supervisor Summe reported that a work session was held on March 4, 2002 and the following was discussed: AOL Time Warner franchise agreement, airport re-zoning issues, the radio tower, Water District 5- Phase II, the Senior Coordinator position, Assessor's grievance day, the highway department secretarial issues, alternates for the Planning & Zoning Boards.

**Privilege of the Floor** – No one spoke.

**Approval of Bills** – In Councilwoman Glor's absence, Councilman George reported that she had reviewed abstract #4 from 2/25/02 meeting and found them to be in order with the previously un-audited vouchers. He presented Abstract #5. Vouchers on Abstract #5 numbered 169 – 217 totaling \$55,518.20 and were presented for approval by Councilman George, seconded by Councilman Cummings.

Abstract #5:

General Fund "A" – \$15,560.21, Fund"B" \$24.16, Highway "DA" - \$0.00, Highway Outside

Village "DB" \$11,240.50, Capital Projects-WD#5 "HC" \$0.00, Library Projects "HE" \$7,398.83, Fire Protection "SF" \$6,153.44, Refuse "SR" \$13,202.85, Sewer Fund "SS" \$0.00, and Water Districts "SW1"- \$0.00, "SW2"- \$0.00, "SW4" - \$102.40, "SW5"- \$1,016.65, "SW6"- \$277.93, "SW7"- \$431.53, "SW8"- \$29.25, "SW9"- \$80.45, Trust & Agency "TA"- \$0.00, totaling \$55,518.20.

Carried Unanimously

## **COMMITTEE AND DEPARTMENT HEAD REPORTS**

Highway –Superintendent Ebersole announced that more branches were down with the high winds over the weekend and he had borrowed a chipper from Clarence today to start picking up brush, but had problems with the equipment. They will begin again as soon as winter is over. Councilman George recommends setting a time frame for pick up of brush. Jim will be out of town until Saturday, with Bob Kleperak in charge and also March 25-April 2.

Assessor –Not present

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

Five Corners Business Park, LLC – 13760 Indian Falls Road – office/heavy equipment facility-construction company  
Tim Knop- 12850 Stage Rd- Kitchen addition  
Kotanzky/Zimmerman – 11253 Crego Rd- One Family Home  
Leisurewood- 5720 Cummings Rd- 2 Fuel Tanks

Don was not present

Town Clerk – County/Town taxes continue to be collected at a good rate. The two weeks of Saturday hours were very beneficial to residents. Many chose to take advantage of the extra hours. Regular collection ends this Friday, March 15<sup>th</sup>. The February 2002 Dog Control Officers report was presented with a message read about delinquent dog licenses for 2001. They are current with 2 outstanding in December. He issued 10 tickets for delinquent licenses. The season has started for wildlife coming out of hibernation. Mr. DeYoung does not handle nuisance control. He can answer questions, but does not have the proper equipment to deal with this problem.

Attorney for the Town –He announced there are still a few easements that need to be signed for Water District # 5. He is also working on the draft for Alden-Newstead Water District at Siehl and Lesswing Road.

## **COUNCILPERSONS**

George –Nothing at this time

Cummings –He met with Supervisor, Highway Superintendent, and Councilman Finger about on going issues at the Highway.

Glor – absent

Finger-He met with Supervisor, Highway Superintendent, and Councilman Cummings about on going issues at the Highway. He also talked with Dog Control Officer DeYoung on the nuisance control problem.

SUPERVISOR –He has received from NYS AG & Markets the WD#5-Phase II confirmation. The Pre-Bid meeting for Water District 5 is at the Town Hall Wednesday, March 13, 2002 at 10:00AM with bids due by March 21, 2002. He also received an Erie County Sales Tax check for \$44,047.00 for the month of February.

### **UNFINISHED BUSINESS**

Water District #5 –Engineer Drew Reilly, again announced the Pre-Bid meeting at the Town Hall on the March 13.

Library Project –Councilman George met with the Village and wants to work jointly on the parking lot issue behind the Village Hall. They have reconfigured some parking space in front of the Village Hall and library. We will assist in repaving of the new lot. The Library construction is on going and looking great.

Comprehensive Master Plan Update-A notice of Public Hearing on March 25, 2002 at 7 PM with all boards encouraged to attend this meeting.

AOL/Time Warner-The following resolution was moved by Councilman George, seconded by Councilman Finger to approve the proposed cable franchise agreement with Time Warner and authorize Supervisor Summe to sign the agreement, contingent on Town Attorney Nathan Neil successfully adding a free cable connection at the Newstead Highway Garage to the terms of the agreement.

(Resolution Attached)            Ayes- 3            Nays 1            Carried Unanimously

Christian Airmen Re-Zoning-There is an updated proposal with lighting included.

Facility Study- copies of the Draft Facility Study will be discussed at the Work Session meeting on March 18<sup>th</sup>.

Toll Barrier- Nothing new.

Radio Tower-Town Attorney and the Supervisor have discussed a study on radio tower feasibility for town communications and it is expected by the end of the week.

Web Site-The site should be ready by this week for the board members to review.

Other- Nothing

### **NEW BUSINESS**

Comprehensive Master Plan- A Resolution to set a Public Hearing for the Comprehensive Master Plan was moved by Councilman Cummings, seconded by Councilman George. The hearing shall be held on March 25, 2002 at 7:00 pm at the Newstead Town Hall.

(Resolution Attached)            Ayes- 4            Nays-0            Carried Unanimously

