

Newstead Town Board Meeting- May 12, 2003

A Public Hearing was called to order by the Newstead Town Board on Monday, May 12, 2003 at the Newstead Town Hall at 7:45 PM.

Present: Gerald F. Summe- Supervisor
Joan M. Glor- Councilwoman
Thomas George- Councilman
David Cummings- Councilman
Harold L. Finger- Councilman
Fred Pask- Assessor-not present
Christine Falkowski- Building Administrator-not present
James Ebersole- Highway Superintendent
Andrew Casolini- Town Engineer
Nathan Neill- Town Attorney-not present
Dawn Izydorczak-Town Clerk
Kathleen McLeod Lang- Deputy Clerk

Roll Call was taken with all board members present.

Supervisor Summe called the public hearing to order at 7:45 PM for comments on Local Law No. 2 of the Year 2003 proposing a moratorium on Special Use Permits for Used Car Sales businesses.

The Clerk read the Proof of Publication. Correspondence received from Erie County Division of Planning with no recommendation.

Comments:

Michael Shields, 12690 Main Road, applied long ago for a permit but paperwork was delayed by handicapped conditions and parking requirements. He applied at the same time that another dealer did and he was denied while that dealer received his permit. He would like to be reviewed again because he was not informed of a cut off date and feels that he brings vital business to the community.

Tom Blair, 11720 Main Road, he lives next to Mr. Belotta and been a licensed dealer for 18 years. Questioned why he was never informed of change in the law. The Supervisor explained the changes in the law and reasons for them. If he were going to continue a business, a variance would be needed to extend zone C-2 deeper on his property.

Doug Ceisner, 100 East Avenue, questioned the reasoning for the moratorium. He feels if a person pays their taxes, they should be allowed to run a business and make a living in this town.

A motion was made by Councilman George, seconded by Councilman Cummings to close the public hearing at 8:05 PM.

A Regular Meeting was called to order by the Newstead Town Board on Monday, May 12, 2003 at the Newstead Town Hall at 8:05 PM.

Jim Ebersole led the pledge to the flag.

Minutes from the previous regular board meeting held on April 28, 2003 were presented for approval. A motion was made by Councilman Cummings, seconded by Councilman Finger to approve as presented.

Carried Unanimously

Communications – The Clerk presented the following:

A letter from Erie County Department of Environment & Planning advertising their Electronics and Air Conditioner Recycling Day scheduled for Saturday, May 17, 2003 from 9:00 am – 2:00 PM at Erie Community College- North Campus.

A quarterly report from BFI detailing their refuse and recycling pick-up between January 1 – March 31, 2003.

A letter from NYS DEC announcing May 4 – 10, 2003 as Water Week in New York State.

A letter from NYS Division of Criminal Justice Service regarding the status of Court Constable Edwin M. Piazza.

A letter from Erie County Department of Emergency Services with a proposed resolution for acceptance of the Draft All-Hazard Mitigation Plan to meet the Federal Mandates of November 2004.

A copy of the Preliminary and Final Notice of Intent for the Whiting Door Sanitary Sewer Forcemain was received from Wendel Duchscherer.

A certified resolution from the Town of Evans regarding utility company rate increases and changes in the utility assessments.

A New York State Fire Training Certificate of Completion-Fire Police Training for Aaron Tandy of Akron Fire Company.

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

Work Session: Supervisor Summe reported that work session was held on May 5, 2003 and the following issues were discussed: LOSAP election update, the Senior Center project, WD#5- Phase 3 & 4, Water District #10, Lateral Restriction Policy, Sewer District issues, Recreation, Industrial Water Rates for WD#1, Emergency Services resolution, letter of support on double dipping legislation, the Airport Rezoning as well as other issues.

Privilege of the Floor – Doug Ceisner, 100 East Avenue, received a letter from County Line Stone in regards to testing of the local wells. He questioned how long this would be done? The Supervisor stated as long as the mining permit is enforced they would have to test the wells. It must be done semi-annual as long as they operate the mine.

Approval of Bills -Councilwoman Glor reported that she had reviewed the Abstract from Batch #135 & 136 from the 4/28/03 meeting with the previously UN-audited vouchers and found everything in order. She presented Abstract Batch #141 & 142. Vouchers on Abstract Batch 141 & 142 numbered 1801-1803,1804-1863 totaling \$120,901.57 and were presented for payment approval by Councilwoman Glor, seconded by Councilman Cummings to approve payment.

Abstract Batch 141 & 142:

General Fund "A" -\$58,635.93, Fund "B" \$44.84, Highway "DA" -\$0, Highway: Outside Village (DB) \$5,764.06, Capital Projects- WD#5-Phase II (HC) \$0, Capital Projects- Library Project (HE) \$7,729.63, WD#7 (HD)- \$254.82, Senior Center (HF)- \$17,070.00, Fire Protection (SF) \$5,276.04, Refuse (SR) \$19,638.15, Sewer Fund (SS) \$2,223.91, and Water Districts (SW1) \$0, (SW2) \$80.42, (SW3) \$150.00, (SW4) \$102.40, (SW5) \$2,482.47, (SW6) \$397.98, (SW7) \$431.53, (SW7A) \$0, (SW8) \$29.26, (SW9) \$590.10, Trust & Agency (TA) \$0, Totaling \$120,901.57

Carried Unanimously

COMMITTEE AND DEPARTMENT HEAD REPORTS

Highway –Spring tire drop-off cost \$1,478.00. He believes that some non-residents are dumping tires and asked for police enforcement. They are continuing to pick up white metal until Wednesday of this week then clean up and painting of trucks will begin. They are behind 3 weeks due to weather. He had stopped at Tom Blair's house with Town Engineer Andrew Casolini to look at water problems and drainage. Mr. Hickey put to rest at the Maple Lawn Cemetery last week.

Assessor –working

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

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|----------------------|--------------------|-----------------------|
| Don Geddes | 4566 Crittenden | Roof |
| Richard Abraham | 6767 Cedar | Garage Addition |
| Pamela & Brian Domon | 5271 Crittenden | A/G Pool |
| Timothy Kidder | 13129 Dorsch | A/G Pool |
| Paul Casillo | 11223 Hiller | Garage Addition |
| Robert Swader | 4795 Schutt | Shed |
| David Grisanti | 13571 Stage | Shed |
| Todd Poodry | 7389 Scotland | Barn Addition/Lean-To |
| Stephen Holovics | 5317 Crittenden | Roof & Siding |
| Frank Pietrowski | 7671 Moore | Single Family Home |
| Tim Knop | 12850 Stage | Addition |
| Country Meadows | Lot #41 | Manufactured Home |
| Anthony Pingitore | 4954 S. Newstead | Addition |
| Dolores Kolo | 12706 Main | Addition |
| Rustin Murray | 12569 Clarence Ctr | Pole Barn |
| Brian Chadsey | 5951 Cummings | Roof |
| Jason Dunn | 6328 Hake | Gazebo |
| Jason Dunn | 6328 Hake | Roof |
| Raymond Pionessa | 12949 Carney | Deck |
| Uni-Mart #0525 | 12999 Main | Sign Permit Renewal |
| Golden Pond Estates | 13415 Main | Sign Permit Renewal |
| Braun's | 11891 Main | Sign Permit |

Zoning Officer Rebecca Baker's zoning report was presented.

A motion was made by Councilman Cummings, seconded by Councilwoman Glor to accept and approve the building & zoning reports as presented.

Carried Unanimously

Town Clerk- NYS Town Clerk's Conference provided a lot of new vital information for the office. New postage machine has been ordered. It could take approximately 2-3 weeks to come in. New networked copier should be in within 2 weeks. New phone systems are in and functioning quite well. Each Councilman and the highway department should have a new listing of voice mail box numbers for office staff. New project of cleaning out the Denio basement should begin within next two weeks.

Attorney for the Town- attending a meeting

COUNCILPERSONS

George –nothing at this time

Cummings –nothing at this time, request work session time to discuss cemetery issues.

Glor – BFI's report was received with figures of 387.23+/- tons for 1,653+/- Town of Newstead residence, which is down from last year.

Finger – Heating at the Denio fixed and spoke with Newstead Fire Company in regards to building issues.

SUPERVISOR –Thanked John and Linda Heineke for donations of another 23 tree's for Town Park on Buell St. He met with Niagara Mohawk at the Newstead Fire Hall on parking and lighting issues.

UNFINISHED BUSINESS

Water District #5- Phase 3 & 4: Restoration continuing

Water District #10 Survey- E-mailed report and brought sketches for work session.

Christian Airmen Re-Zoning –draft delivered to all concerned parties. He met with citizens group tonight and waiting comments from airport board

Senior Center- Bids opened at 11AM Thursday, May 15, Spec packets have been distributed by Wendel.

Sewer Project- Meeting with Village Thursday. Working on final siting of pump station and sharing cost issues with Whiting's.

Other-Town drainage issues for work session

NEW BUSINESS

Support for Collateral Source Bill:

A motion was made by Councilwoman Glor, seconded by Councilman Finger supporting the Collateral Source Bill (S.622/A.3483) and endorsing its passage by the NYS Legislature. (Resolution Attached) Ayes-5 Nay- 0 Carried Unanimously

All-Hazard Mitigation Plan Authorization-

A motion was made by Councilman Finger, seconded by Councilwoman Glor authorizing the Erie County Department of Emergency Services to complete the All-Hazard Mitigation Plan on behalf of the Town of Newstead and to apply the necessary funds from NYS Emergency Management Office to complete the plan to meet the November 2004 Federal Mandate. (Resolution Attached) Ayes-5 Nay-0 Carried Unanimously

Postage Machine Purchase-

A motion was made by Councilwoman Glor, seconded by Councilman Cummings approving a budget transfer of \$2,000.00 requested by the Town Clerk and authorizing the purchase of a new postage machine from Advanced Business Machines of Williamsville, NY. Ayes-5 Nays-0 Carried Unanimously

Roof Repairs- Highway Department-

A motion was made by Councilman Finger, seconded by Councilman Cummings approving the expenditure of \$7,450.00 for roof repairs on the Highway garage by Chirlen & Dylag Construction_. Ayes-5 Nays- 0 Carried Unanimously

Other: nothing

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 Finger to adjourn the meeting at 8:37 PM

Carried Unanimously

Respectfully Submitted,

Dawn D. Izydorczak, Town Clerk