

Newstead Town Board Meeting- February 24, 2003

A Public Hearing was called to order by the Newstead Town Board on Monday, February 24, 2003 at the Newstead Town Hall at 7:30 PM.

Present: Gerald F. Summe -Supervisor
Thomas George- Councilman
David Cummings- Councilman
Joan M. Glor- Councilwoman
Harold L. Finger- Councilman
Fred Pask- Assessor
Christine Falkowski- Building Administrator
Rebecca Baker- Zoning Officer
Nathan Neill- Town Attorney
Andrew Casolini- Town Engineer
Dawn D. Izydorczak- Town Clerk
Kathleen McLeod Lang- Deputy Clerk

Roll Call was taken with all board members present.

Supervisor Summe called the public hearing on the unsafe building on property located at 12739 Main Rd at 7:30pm. He explained the issues regarding this property. Zoning Officer Rebecca Baker provided a report and presented evidence.

He opened the floor for comments:

Doug Ceisner, 100 East Avenue, apologized for the mess and his 2 brother's actions. He has prices to clean up the property. Mr. Ceisner was disappointed that no attempt was made to contact him on this matter. The Supervisor explained every attempt was made to notify the legal owner of record, Greg Ceisner, as required by law. Town Attorney Neill stated he spoke with Greg Ceisner and e-mailed him several times. Greg claims he is being appointed executor but Doug stated he will not be executor and he would be handling this. Attorney Neill stated a good faith effort must be commenced within 30 days to clean up the property. Doug Ceisner requested to be sent copies of all future mailings regarding the property.

Glenn Joachimiak, Akron Fire Chief stated the Akron Fire Co. used the building for fire training prior to it being demolished. It was also requested that they burn it but there were problems with the location being too close to power and cable lines to do any burning.

A motion was made by Councilman Cummings, seconded by Councilwoman Glor to close the public hearing at 7:40P.M.

Supervisor Summe called the public hearing on the Fire and Emergency Services Contracts to order at 7:50pm. He explained the issues regarding the contracts.

He opened the floor for comments: No one spoke

A motion was made by Councilman Finger, seconded by Councilman Cummings to close the public hearing at 7:53P.M.

Supervisor Summe called the regular meeting of the Newstead Town Board to order at 8:00pm with the same members present as above.

Sheriff Pat Flynn led the pledge to the flag.

Minutes from the previous regular board meeting held on February 10, 2003 were presented for approval. A motion was made by Councilwoman Glor, seconded by Councilman Finger to approve as presented.

Carried Unanimously

Communications -Clerk presented the following:

A letter from Volgenau & Bosse, LLP notifying the Town that a Summary Judgement of Dismissal has been issued for the Borton lawsuit.

The Sampling Report for Water Districts #1 and 3 dated February 5, 2003 was received from the Village of Akron. All samples were at acceptable levels.

Applications were received from the Erie County Soil and Water Conservation Dept. for the annual Tree & Shrub seedling program. Applications are available at the Town Clerk's office. Orders must be in by March 28, 2003. Pick up of the orders will be on April 26, 2003 at the Erie County Fairgrounds in Hamburg.

A fax from the Erie County Sheriffs office reporting the January calls for Newstead - 78.

A memo from the Erie County Comptroller's Office, along with their remittance of the town's share of 75% of surplus monies collected in 2002 on the dog tax fund.

A fax from the Town of Amherst Supervisor, accompanied by a resolution for consideration by the town board, regarding a Town Business Manager Local Law.

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

Carried Unanimously

Work Session: Supervisor Summe reported that no work session was held on February 17, 2003 due to the majority of the board attended the Association of Towns Conference.

Privilege of the Floor –

Doug Ceisner, 100 East Avenue, stated the intersection of Main and Buell St desperately needs a regular traffic light. Supervisor agrees and unofficially it is a go. The hardware is already installed with the State DOT saying the transition should be made in the spring. Mr. Ceisner has recognized several other properties deteriorating, such as the old Anderson-Ervolino house to the east and 1.6 miles west the old Babcock barn. He feels that these properties also need attention by the Code Enforcement Officer.

Erie County Sheriff Sgt. Flynn was present and discussed the Buffalo City merge of police agencies with no time line set in place.

A motion was made by Councilwoman Glor, seconded by Councilman Cummings to approve budget transfers and amendments for the 2002 year-end as requested by Kathy Strobele, Secretary to the Supervisor.

Carried Unanimously

Approval of Bills -Councilwoman Glor reported that she had reviewed the Abstract from Batch #115 from the 2/10/03 meeting with the previously UN-audited vouchers and found everything in order. She presented Abstract Batch #120 & 121. Vouchers on Abstract Batch 120 & 121 numbered 1528-1565 totaling \$171,088.42 and were presented for payment approval by Councilwoman Glor, seconded by Councilman Finger to approve payment.

Abstract Batch 120 & 121:

General Fund "A" -\$51,757.74, Fund "B" \$147.00, Highway "DA" -\$0.00, Highway: Outside Village (DB) \$7,694.20 Capital Projects- WD#5-Phase II (HC) \$250.00 Capital Projects- Library Project (HE) \$0.00, Fire Protection (SF) \$0.00, Refuse (SR) \$19,182.66, Sewer Fund (SS) \$19.32, and Water Districts (SW1) \$1,556.75, (SW2) \$9,000.00, (SW3) \$18.75, (SW4) \$7,800.00, (SW5) \$0.00, (SW6) \$73,662.00, (SW7) \$0.00, (SW8) \$0.00, (SW9) \$0.00, Trust & Agency (TA) \$0.00, totaling \$171,088.42.

Carried Unanimously

COMMITTEE AND DEPARTMENT HEAD REPORTS

Highway –Superintendent Ebersole out of town but Councilman Cummings stated very tough winter on their budget but doing ok with supplies so far.

Assessor – Information regarding Erie County exemption changes was provided to the board members. Rebecca Baker stated the need for WD5 phases to be consolidated for the next budget and prior to May 1st. The level of assessment classes was valuable at the conference.

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

Lederhouse/Yousey	6972 Draper Rd	Pole Barn Garage
Brian Maynard	11541 Stage Rd	Sunroom
Michael Young	11131 Hunts Corners	Fence

Zoning Officer Rebecca Baker presented a zoning report.

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

Christine also reported: The new software for the Building Department is in and they will have training this Thursday.

Town Clerk- Presented the January 2003 Dog Control Officers Report. County/Town tax bills have been mailed and are already coming in at a steady pace. Missed attending Association of Towns Conference due to illness. Was able to receive credit back on all expenses so no cost was incurred.

Attorney for the Town- the Council for next borrowing should be addressed tonight.

COUNCILPERSONS

George –Nothing at this time

Cummings – He attended the Association of Towns meeting in NYC and brought back lots of information for everyone. Ditching committee met and made plans for this year.

Glor- Met with Senior Center Architect and came to a consensus on design for the Senior Center.

Finger-Open House was held on February 23, upstairs in Denio Library for Hearts and Hands: Faith in Acton. Was well attended. He would like to address the signage issues. New library has snow issues on roof which he is not convinced that proposed solution will work with the screening in a 4 feet area.

SUPERVISOR –The Year end- December 2002 report is on file with the Town Clerk. The Associations of Towns sessions very beneficial. There will be a presentation of the Master Plan by Drew Reilly on March 17 in Work Session.

Thank Councilman Finger for all his hard work on the Denio Library project and all the volunteers and workers.

UNFINISHED BUSINESS

Water District #5- Phase 3 & 4: Sergi continues service on Phase 3 and starting Phase 4 next week.

Water District #10 Survey- Work Session discussion

Christian Airmen Re-Zoning –Work Session discussion and presentation

LOSAP Proposals- public hearing held earlier. Resolution passed as follows:

Fire Company Contracts-

A motion was made by Councilman Cummings, seconded by Councilwoman Glor authorizing the Supervisor to sign the new Fire and Emergency Services Contract for the term of 2003 – 2005.

(Resolution Attached) Ayes- 5 Nay-0 Carried Unanimously

Senior Center-Schedule remaining phrases for design and cost proposals.

Sewer Project- Village of Akron should be passing tonight in their meeting. Wire grade needs to be worked out. SEQRA and district formation next step.

Other-none

NEW BUSINESS

CDBG Project Agreement-

A motion was made by Councilman Finger, seconded by Councilman Cummings authorizing the Supervisor to sign the agreement with Community Development Block Grants for the proposed projects for 2003.

(Resolution Attached) Ayes- 5 Nay-0 Carried Unanimously

NYS Wireless Surcharge Distribution-

A motion was made by Councilwoman Glor, seconded by Councilman Finger authorizing the Supervisor to sign the NYS Wireless Surcharge applications to gain reimbursement of these fees to the County and Town levels.

(Resolution Attached) Ayes- 5 Nay-0 Carried Unanimously

Board of Assessment Review Appointment-

A motion was made by Councilman George, seconded by Councilman Cummings authorizing the appointment of Neal B. Kreher to the Board of Assessment Review for the balance of a 5-year term from 2003 – September 30, 2007.

(Resolution Attached) Ayes- 5 Nay-0 Carried Unanimously

Other:

Bonding Issue-Service Agreement:

A motion was made by Councilman Cummings, second by Councilman George authorizing Richard D. Alessi and Hodson Russ et al as bonding counsel for April borrowing.

(Resolution Attached) Ayes-5 Nay-0 Carried Unanimously

Unsafe Building Resolution:

A motion was made by Councilman Cummings, second by Councilwoman Glor directing the Town Attorney to proceed with required notifications of 30 days commencement period concerning the property located at 12739 Main Road.

(Resolution Attached) Ayes-5 Nay-0 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 Finger to adjourn at 8:44PM

Work session will continue after the meeting.

Carried Unanimously

Respectfully Submitted,

Dawn D. Izydorczak, Town Clerk