

A Public Hearing was called to order by the Newstead Town Board on Monday, April 9, 2001 at the Newstead Town Hall at 7:30 PM.

Present: Donald Holmes – Supervisor  
Gerald Summe – Councilman  
Thomas George - Councilman  
David L. Cummings – Councilman  
Joan M. Glor – Councilwoman  
Fred Pask -Assessor  
Andrew Casolini – Town Engineer  
Carole D. Borchert – Town Clerk  
Kathleen McLeod Lang- Deputy Clerk

Roll Call was taken with all board members present.

Supervisor Holmes stated this hearing was called to hear anyone speaking for or against proposed “Local Law No. 1 of Year 2001” entitled “Rezoning of Real Property and Zoning Map Amendment.” The proposed Local Law is to amend the zoning classifications of a parcel of land located at the intersection of Scotland Road and Indian Falls Road.

Clerk read Proof of Publication as it appeared in the Akron Bugle.

Hearing was opened to the floor.

Nathan Witkowski, 380 Akron Road, stated he would like to keep the area rural and agricultural, rather than see light industrial and creating more traffic.

Richard Raykowski, 13801 Indian Falls Road, hoping that the drainage ditches will remain open and that the speed limit will be enforced. He also thanked Mr. Henley for keeping him informed with all the updates.

Jean Henley, 125 Briarhurst Rd, Williamsville, NY, stated she has been in business in Newstead for 30 years and plans to be here for many more years. This will bring a real asset to the community. She is very proud of her family noting that this project will enhance the community. Her son and family live in Newstead and attend the Akron School.

Peter Henley, 5191 South Newstead Rd, agrees on country living and green space, which will be maintained, with the project. The Newstead Town Board has worked with him for 2 years to make this a positive asset to the area.

Will Griffin, 384 Knapp Rd, stated that the Henley’s are good people working together.

Russ Berth, Grand Island, an employee of the Henley’s for 4 years, stated that they run a class one operation, with integrity and honesty, and are highly respected in the business.

Councilman Summe questioned Peter Henley on the total number, per the license at the Day Care. Peter Henley answered 75.

Laverne Wickham, 15 Crittenden, is in favor of the project being the land is not being used for anything else.

There being no one else to speak, a motion was made by Councilman Summe, seconded by Councilman Cummings to close the hearing at 7:45 PM.

Carried Unanimously

The Regular Meeting of Newstead Town Board was called to order at 8:00 PM.

Present: Same as above

Pledge to the Flag was led by Councilwoman Glor.

Minutes from the previous meeting held on March 26, 2001 were presented for approval. A motion was made by Councilman Cummings, seconded by Councilman Summe to approve, as presented.

Carried Unanimously

Communications - Town Clerk presented the following:

A letter from Akron Central School District Superintendent Ronald G. DeCarli thanking the Town of Newstead for the \$2,000 check for youth at risk programming.

A letter from Kreher's Poultry Farms announcing transitioning crop growing to certify organic farming practices. They would like to be notified if any herbicides or other pesticides along roadways/ditches/ pipelines/marker posts/electric lines,etc. so they can notify spray persons to skip the area adjacent to the certified organic crop land.

A letter from the Akron Celebration Committee requesting permission for Newstead and Wolcottsville Fire Companies to use the town park facility on Buell and Skyline Drive to host a Fireman's Competition as part of the Fourth of July celebration.

A notice of Bid Opening on April 4, 2001 for 1-1999 Dodge Truck 4x4, having received bids from from Besroi Construction Corps and Brucker Farms.

A letter from James B. Ebersole, Highway Superintendent, accepting the high bid for the Dodge Ram 2500 4x4 pickup truck of \$17,512.00 from Brucker Farms, pending approval from the Town Board.

A letter from NYS Department of Environmental Conservation with a notice of Public Scoping Meeting on May 2, 2001 at Newstead Fire Hall for quarry proposed expansion at County Line Stone Company, Inc.

The monthly report for March 2001 from Erie County Sheriff deputies with complaints handled in the Village of Akron totaling 63 and 67 in the Town of Newstead, outside the Village.

A letter from EC Controller Nancy Naples with information on pooling of cash balances for investment purposes and a survey to complete on same.

The March 2001 Town of Amherst-Central Fire Alarm Operations Report with Akron's total alarms being 41 and Newstead's totaling 18.

A letter from Erin M. Crotty, Commissioner of Department of Environmental Conservation, with a copy of draft Amendment No.1 to the FFY 2001 Intended Use Plan for the CWSRF for Water Pollution Control Projects.

A cancellation notice from CNA Surety for Pine Hill Materials, Corp.for oversize/overweight truck use of Siehl Road.

A notice of Public Hearing from ECIDA for 2001 Strippit, Inc. Project at Newstead Town Hall, May 2, 2001 at 9AM.

A letter from Time Warner Communications with a copy of the Communications Social Contract Progress Report for 2000.

A letter from EC Department of Environment and Planning Utility Connection Program and how the county can help.

A letter from EC Department of Environment and Planning Coordinator Thomas J. Dearing with housing brochures for the Town of Newstead.

A copy of a letter from Wendel Duchscherer to KJR Construction Co. with a notice to commence waterline construction work on March 30, 2001 in accordance to contract.

A letter from County Executive Joel Giambra with information with county wide on-line Geographic Information System (GIS) located on Web page at ERIE.GOV.

A notice of Tentative Special Franchise assessments hearing date of May 2, 2001 in Albany, NY.

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

Carried Unanimously

Supervisor Holmes reported that work session items discussed were with Don and Fred on complaints of office operation, also with Don on drainage and sub-division, Water District #5 issues, Town Park Sewer, AOL/Time Warner Franchise, response to Senior Citizens, McDonald's site plan, GIS books for school, Farmland exemption from Fire Protection charge, Akron Jaycees contract for 2000, Senior Income Limits, and informal rezoning reference.

Privilege of the Floor – Marsha Casillo, 11223 Hiller Rd., has a concern with the proposed Williamsville Toll Barrier being moved to the Town of Newstead, specifically milepost 410 area, near Hiller, Billo, and North Millgrove Roads. She questioned the Supervisor on the Town's position. He stated the Town sees no benefit to the residents or the town.

Councilman Summe stated in the Comprehensive Master Plan that even in 10-15 years from now, still not seeing any benefit to the residents of the Town of Newstead. He will share with her the report prepared by the Town's Conservation Advisory Council, discussing this propose toll plaza. She wants help from the Town Board for the fight against this project.

Diane McMullen, 4283 Roxbury Drive, Williamsville, has just purchased 6 acres on North Millgrove and this is the area of question, which concerns her.

Patricia Ahl, 4265 Billo Road, feels her house is in the way of the proposed toll barrier and would have to be moved, which is of great concern.

John Glim, 11486 Hiller Road, questioned about zoning of wet lands and requesting maps from Don Folger and Army Corp of Engineer.

Ken Stevenson, 11175 Hiller Road, has concerns with property values decreasing as he came from an area where a new exit was built and it caused much congestion and disruption. He is very much against this project.

Carl Reinecke, 4337 Billo Road, requesting guidance from Town Board on fight against this project.

Barb McCumber, 4277 Billo Road, has a concern also with the wildlife that is now living in the area, where will they go.

Approval of Bills – Councilwoman Glor reviewed Abstract #6 of the audited vouchers totaling \$159,091.03 noting voucher #150 for \$4868.87 was paid, #151 was voided.

She presented the following vouchers numbered 230 through 284 on Abstract #7 as follows: General Fund "A" – \$159,478.43, Fund "B" \$3,339.35, Highway "DA" - \$14.64, Highway Outside Village "DB" \$60,389.41, Capital Projects-\$0, "HC"0 , Library Projects "HE" \$4,313.65, Fire Protection "SF" \$2,011.08, Refuse "SR" \$142.35, Sewer Fund "SS" \$1,109.50, Water Districts "SW#1" - \$18.75, "SW#2" \$76.63, "SW#3" \$18.75, "SW#4" \$97.52, "SW#5" \$2,281.38, "SW#6" \$264.71, "SW#7" \$369.20, "WD7A" \$2,636.86, "SW#8" \$27.86, "SW#9" \$9,279.64 totaling \$245,869.71. A motion was made by Councilwoman Glor, seconded by Councilman Summe to approve, as presented.

Carried Unanimously

#### COMMITTEE AND DEPARTMENT HEAD REPORTS

Highway – Highway Superintendent stated that Summer Hours will be in effect Monday April 16, 2001 with new hours of 6:30 AM to 5 PM, Monday – Thursdays. The Tire Drop-off as advertised will be held on April 28<sup>th</sup> at the Highway Garage from 9 AM-1 PM, White Metal Pick-up will be Monday and Tuesday, May 7 & 8 suggesting items be placed to the road on Sunday evening. Creek is rising on Burdick Road with signs posted. He also stated that there are NO herbicides used in our Town operation.

Assessor – Still awaiting information from Special Counsel on assessment hearing date. Informal hearings still going smoothly. Review notices will be giving end of month.

Code Enforcement Officer – Mr. Folger was not present, but the following building permits were presented for the record:

Golden Pond Estates	13415 Main	Manufactured Home
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Thomas James	5950 Crittenden	Shed
Jim Gangloff	4313 S.Newstead	One Family Home
Anthony Cinotti	12296 Nice	Attached Garage
Mark Catalano	6967 Draper	Pole Barn &(lean to)
John Wideman	11417 Hunts Corners	Pole Barn
Marshall Buell	5962 Crittenden	Shed
Doug Lang	11255 Howe	I G Pool
Thomas Baker	12547 Rapids	AG Pool
Carolyn Bicheler	11672 Nice	Rear Deck
Howard Schaefer	11610 Meahl	80 loads Fill

Town Clerk – She read the March Dog Control Officers Report and NYS Ag & Markets DCO – Shelter Compliance Report with an excellent rating.

Attorney for the Town – On vacation

#### COUNCILPERSONS

Summe – He will be planting 50 Ash and Locust Trees with the help of the Lions Club the end of the month at the Buell Street Park. Master Plan Meeting scheduled for Tuesday, April 24, 2001.

George – He would like to outline Master Plan Study at the next work session.

Cummings – He is meeting with Dog Control Officer DeYoung to place an ad in the paper about Animal Control other than dogs and the numbers to call for assistance.

Glor- She reported that she would be auditing the Town Court's records for 2000 and report back at next meeting.

SUPERVISOR –Nothing at this time, except the meeting on May 2, 2001 on the County Line Stone expansion to be held at the Newstead Fire Hall.

#### UNFINISHED BUSINESS

Water District #5 – Andrew Casolini reported that his survey crews are out mapping and continues to answer phone calls on the project.

The following resolution was moved by Councilwoman Glor, seconded by Councilman Cummings authorizing Panamerican Consultants, Inc. to conduct a phase 1A archaeological survey and a phase 1B investigation with Wendel Duchscherer to oversee the work.

(Resolution Attached)

Carried Unanimously

Library Project - Councilman George reported that the contracts are out and they are working on bonds and insurance, modification costs in 2 weeks with a groundbreaking to be announced shortly. Fund Raising Committee brochures to be distributed in the Village and Town soon.

Rezoning for Scotland Road – No action tonight, reviewing DEC information.

Wastewater Update – Andrew Casolini is awaiting more information from company.

Assessment Challenge – No further information from the last meeting.

Master Plan Update – There was a good attendance at the Public Information Meeting held at the Akron Fire Hall on March 27<sup>th</sup>. A Committee Meeting is scheduled on Thursday.

Water/Sewer Hook up at Park – Awaiting start up.

Park Master Plan – Sending out letters to those who responded. A meeting will be scheduled for the later part of April.

Rothland's Site Plan – Code Enforcement Office not present.

AOL/Time Warner franchise – Review at work session.

McDonald's Site Plan – Will be reviewing site plan

Christian Airmen Re-Zoning – Building an entire new zone for same.

Other- The Highway Department has checked street lights in Town and reports 5 lights out. Outages and location should be reported to the Town Clerk for action.

#### NEW BUSINESS

Request for use of Town Park by Celebration Committee – A motion was made by Councilman Summe , seconded by Councilman Cummings to approve the request, as presented

Carried Unanimously

Annual Update Document as report to Town Clerk – A motion was made by Councilman Summe , seconded by Councilwoman Glor, that the Supervisor submit to Town Clerk within 60 days after the close of the fiscal year a copy of the Supervisor's Report as submitted to the State Comptroller.

Carried Unanimously

Senior Citizen Exemption Limits – No action taken at this time, still exploring.

Other – Highway Superintendent would like to accept the truck bid from Brucker Farms. A motion was made by Councilman George, seconded by Councilman Cummings to accept said bid.

Carried Unanimously

Other – Councilman Cummings request Supervisor to address Joint Meeting with Village of Akron Board on April 30, 2001

Question Period – Ken Stevenson, 11175 Hiller Road, stated a vacant lot on Billo Road has become a dumping ground for many items and would like the Code Enforcement Officer to check into it.

There being no further business to come before the board a motion was made by Councilwoman Glor, seconded by Councilman George to adjourn at 9:00 PM.

Carried Unanimously

Carole D. Borchert RMC  
Town Clerk