

A Regular Meeting was called to order by the Newstead Town Board on Monday, April 24, 2000, at the Newstead Town Hall at 8:00PM.

Present: Donald C. Holmes – Supervisor  
Gerald F. Summe - Councilman  
Thomas George - Councilman  
David L. Cummings – Councilman  
Joan M. Glor - Councilwoman  
Donnal D. Folger – Code Enforcement Officer  
Fred Pask - Assessor  
Andrew Reilly- Engineer  
James B. Ebersole – Highway Superintendent  
Nathan S. Neill – Attorney for the Town  
Carole D. Borchert – Town Clerk  
Kathleen McLeod Lang- Deputy Clerk

Roll Call was taken with all board members present.

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

This hearing was called for the purpose of the application for an expansion of Golden Ponds Estates Manufactured Home Park as required under & 100-23.1 G.(4) of the Code of the Town of Newstead.

Hearing was opened to those in attendance. No one spoke .

There being no one to speak, a motion was made by Councilman Summe, seconded by Councilman Cummings to close the hearing at 7:51 PM.

Carried Unanimously

A second Public Hearing was called to order by the Newstead Town Board at 7:50PM.

Roll Call was taken with all board members present

Pledge to the flag was led by Supervisor Holmes.

Minutes from the previous meetings held on April 10, 2000 were presented for approval. A motion was made by Councilman Summe, seconded by Councilman Cummings to approve as presented.

Carried Unanimously

Communications – Clerk presented the following:

A letter the NYS Association of Towns commending Town of Newstead Assessor Fred Pask for his contribution of moderating a session at the 2000 Training School and Annual Meeting held in New York City in February.

A notice of completion from the NYS Department of Environmental Conservation for Richard C. Reinhold, 51 East Ave., Akron to construct a single family home on property located on the east side of Crittenden Rd. The leach field, a driveway, pole barn and pond are proposed to be constructed in the adjacent area of a Class III freshwater wetland.

A letter from Niagara Mohawk with a schedule “SL” for the referred to street lighting account with a description of the billing code adjustment. The charges reflect the addition of the street light pole facility at 12752 Lewis Rd.

A memo from the Erie County Department of Environment and Planning, Division of Planning with an agenda to release the properties from County Ownership, Maciejewski

on Crittenden Road, SBL # 74.00-3-29, 1.13 acres.

A permit under the Environmental Conservation Law was issued to Pine Hill Materials Corporation for Hoffman, Sugg, and Fidingen Mine site, south of I-90, east of the end of Billo Rd., north of the Thruway, east of Jones Rd.

A letter from NYS Office of Real Property Services with the 1999 Omitted Assessments for Telecommunication Companies being Quest Communications Corp. and IXC.

A proposed resolution from the Erie County Association of Town Superintendents of Highways proposing an increase for the new Erie County Snow Contract, presented for board review.

A letter from Highway Superintendent Jim Ebersole with a proposal to donate a bench in memory of Peter N. Greatbatch, to recognize all the work done by him in creating the bike path. A request to pay for the two plaques from the General Fund and donation of time and materials for the bench from the Highway Budget.

A letter from the NYS Library with an announcement of a preservation workshop to help libraries, archives and other repositories preserve their historical and manuscript collection. This will take place in Bellport, Long Island, Colonie(Albany), and Guilderland(Albany) on June 27, 2000, November 15, 2000, and February 15, 2001.

The May 2000 "The Network" newsletter of the Town of Amherst Department of Senior Services was received.

A motion was made by Councilman Summe, seconded by Councilman Cummings to receive and file.

Carried Unanimously

Supervisor Holmes reviewed the work session held on April 17, 2000 in which they were presented plans for the Library by the architect, discussed the DOT Main Street –Route 5 project, sewer and water plans for Skyline and Buell property, revision of Subdivision Law, South Newstead tree, Municipal Clerk's Week Proclamation, Health Connection contracts, Highway roof, Master Plan joint meeting with Village and Water District 5.

Privilege of the Floor – Lucey Tee of 11168 Main Road, questioned the board if there had been a special meeting held on the zoning of Kelly Schultz's new convention centre across the street from her property. She also is very concerned with the traffic and parking that occurs when events are held at Mr.Schultz's facilities. She has problems getting out of her driveway and is sure there will be an accident in the near future with careless drivers. Mrs. Tee questioned the policy on mobile homes being occupied on a property other than a mobile home park. There is one present on Mr. Schultz's property. Supervisor Holmes addressed the issue of parking as an enforcement issue for the state police and more patrols should be used during those events. Code Enforcement Officer Don Folger stated that the property that Mr. Schultz owns is zoned commercial so requirements have been met especially with the issue of parking. The mobile home should be on the property only with a special permit. He was aware of the mobile home on the property and will check into it further.

A motion was moved by Councilwoman Glor, seconded by Councilman Summe for budget transfers and amendments prior to approving the bills at this meeting.

Carried Unanimously

Approval of Bills – The following vouchers were approved for payment by Councilwoman Glor, seconded by Councilman Summe: General Fund "A" – \$17,281.50, General Fund "B" - \$478.21, Highway "DA" - \$0, Highway Outside Village "DB" - \$3,862.03, Capital Projects "HC" WD#5 – \$92,086.43, Capital Projects "HE" Library, \$5,724.16, Fire Protection "SF" \$57,275.47, Refuse "SR" \$21,426.42 Sewer "SS" \$628.14, and Water Districts "SW" - \$6,817.37 numbered #314 through #376 with deletion of #343 and #357 totaling \$205,579.73.

Carried Unanimously

#### COMMITTEE /DEPARTMENT HEAD REPORTS

Highway - Superintendent Ebersole reported that his crew started their summer hours of four, ten hour, days. They have one man doing 62 hours of community service at the highway garage. The soccer fields will be plowed and disked this week, which was postponed from last week due to the rain.

Assessor – He will be attending a training session on Historic Homes in Mt. Morris. He also reported that the Star Applications continue to be returned . Those who are 65 years or older have to apply every year.

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

James Borczynski	8009 Fletcher Rd.	One Family Home
William Frey	8536 Burdick Rd.	Storage Shed
Jerome Kostanciak	12722 Stage Rd.	Family Room Addition
Robert Willadsen	11927 Meahl Rd.	AG Pool
Peter Kelly	6905 Sandhill Rd.	IG Pool
Earl Prior	12228 Clarence Ctr..	Rear Deck
Craig McKissick	12268 Swift Mills Rd.	AG Pool

A motion was made by Councilman Cummings, seconded by Councilman George to grant the application for a pond permit for John Daniels, Cedar St.

Carried Unanimously

Town Clerk – She reported that she will be attending the Annual Town Clerks Conference in Saratoga Springs from Sunday, April 30 through Wednesday, May 3, 2000.

Attorney for the Town - Nothing at the time.

#### COUNCILMAN

Summe – He attended a EMS meeting on the 2 year service contract for Amherst / Clarence.

George – Nothing at this time.

Cummings – He and Councilwoman Glor attended the Town Highway Superintendents Monthly Meeting where the resolution was presented for the Erie County Snow Contract. Board to review and discuss at the next work session. He also had received a note from Dog Control Officer David DeYoung asking the starting date for the dog enumeration for 2000, which he will be conducting. A fee is needed to be established for the board to present for approval. The fee will be researched by the Town Clerk from the last enumerations.

Glor – Nothing at this time

Supervisor – Nothing at this time

#### UNFINISHED BUSINESS

Water District #5 – Drew requested attention on lawn restoration schedule and the need for more crews to address the problems. He would like the Town Board to work with the Town Attorney on a time frame for completion.

Water District # 7A – Town Attorney has the easements signed and ready for the Supervisors signature.

Library Project- Councilman George met with the library architects and the Town Board on the changes made in refining the library plans. He is looking for a Public Meeting in early June. He also will meet with Village Planning Board in May on the village site plan.

Rezoning for Scotland Road – Awaiting Master Plan Committee input.

Salt Barn – Information from the Highway Superintendent Ebersole requesting a complete complex not just a salt barn and would like some work session time to discuss grant availability.

ADESA Site Plan – The attached resolution was moved by Councilwoman Glor, seconded by Councilman George authorizing the Supervisor to sign the SEQRA application for the entire proposed ADESA expansion project.

(Resolution Attached) Carried Unanimously

A motion was made by Councilman Summe, seconded by Councilman George to approve the 1<sup>st</sup> phase of ADESA expansion for 3800 square feet office expansion with the sewer easement to be relocated as per the Town's directions.

(Resolution Attached) Carried Unanimously

Pine Hill Application –. Awaiting

Wastewater Update – Andrew Casolini will be visiting Perry's and will review later with board. Supervisor and Councilman Summe will be joining him on the visit and meeting.

Policy concerning subdivision non-compliance – Next weeks work session.

## NEW BUSINESS

Golden Ponds Estates Site Plan – The Planning Board has given SEQR process approval. A motion was made by Councilman George, seconded by Councilman Cummings, for notice of Public Hearing on May 8, 2000 at 7:40 PM.

Carried Unanimously

Highway Dept. Roof – Councilman Summe made the following statement: “I am recommending that the Town Board hire Rambo Roofing to make necessary repairs to the Highway Garage roof for the following reasons:

Rambo Roofing has made two other repairs in the past, to our satisfaction. The particular repair project needed will overlap each of the previous repairs. If there should be a leak in either common seam in the future I feel it would be in our best interest to be able to deal with one firm and expect problems to be dealt with. The quote given by Rambo Roofing is \$2800.00 which I feel is quite reasonable. This figure is \$300.00 over procurement guidelines. I feel this is a common sense approach and thus my recommendation.” A motion was made by Councilman Summe, seconded by Councilman Cummings to hire Rambo Roofing for needed repairs on 1/3 Highway Garage roof for an amount \$2800.00.

Carried Unanimously

Joint Master Plan Consultant – A motion was made by Councilman Summe, seconded by

Councilman Cummings to select Peter J. Smith & Co. to complete the Master Plan Update in consultation with the Town Board of the Town of Newstead, the Town Planning Board, the Village of Akron and Village Planning Board in the amount of \$48,000.

(Resolution Attached)

Carried Unanimously

Letter re: DOT plans for Route 5 – The letter recommended no 3 color light. The Town Board has review the DOT’s findings and a motion was made by Councilman George, seconded by Councilwoman Glor to authorize the Supervisor to send a letter to the State DOT with negative objection on their recommendation.

Carried Unanimously

Utility Work Agreement for Route 5 Project – A motion was made by Councilman George, seconded by Councilwoman Glor, to authorize the Supervisor to sign the contract .

Carried Unanimously

Health Connection Contracts for 1999 and 2000 - A motion was made by Councilman Summe, seconded by Councilman Cummings to approve the 1999 and 2000 contracts and authorize the Supervisor to sign.

Carried Unanimously

Local Law #1 for 2000 - A motion was made by Councilman Cummings, seconded by Councilman George introducing the following proposed “Local Law No.1 of the Year 2000” entitled “ECIDA Exceptions to the Code of the Town of Newstead” and schedule a Public Hearing be held on May 8, 2000 at 7:50 PM at the Newstead Town Hall.

(Resolution Attached)

Carried Unanimously

Wendel proposals re: sewer and water at Skyline & Buell Street – A motion was made by Councilman Cummings , seconded by Councilwoman Glor, to accept the proposals from Wendel on the sewer system for the property on Skyline & Buell Street.

Carried Unanimously

A motion was made by Councilman Cummings , seconded by Councilwoman Glor, to accept the proposals from Wendel on the water system for the property on Skyline & Buell Stret.

Carried Unanimously

There will be a Joint Village and Town Board Meeting on Thursday, April 27,2000.

Question Period – No one spoke

There being no further business to come before the board a motion was made by Councilman Summe, seconded by Councilwoman Glor to adjourn at 9:00 PM Work session to continue after a short recess.

Carried Unanimously

Carole D. Borchert  
Town Clerk