

## **Newstead Town Board Meeting- May 13, 2002**

A Regular Meeting was called to order by the Newstead Town Board on Monday, May 13, 2002 at the Newstead Town Hall at 8:00 PM.

**Present:** Gerald F. Summe – Supervisor  
Thomas George – Councilman  
David Cummings- Councilman  
Joan M. Glor- Councilwoman  
Harold L. Finger- Councilman  
Donnal D. Folger- Code Enforcement Officer  
Frederick J. Pask- Assessor  
Jim Ebersole- Highway Superintendent  
Andrew Casolini – Town Engineer  
Nathan Neill- Town Attorney  
Dawn D. Izydorzak- Town Clerk  
Kathleen McLeod Lang – Deputy Clerk

Roll Call was taken with all board members present.

Dean Hyder led the pledge to the flag.

Minutes from the previous regular board meeting held on April 29, 2002 were presented for approval. A motion was made by Councilman Finger, seconded by Councilman Cummings to approve as presented.

Carried Unanimously

**Communications** - Clerk presented the following:

A letter from Erie County Water Authority notifying the town of an increase in the billings for water district 5 fire hydrants service due to the increase in hydrants from 139 to 148 total. Billings will increase from \$1,694.41 to \$1,804.12.

A copy of the Akron Village Board Minutes from the regular meeting held on April 15, 2002 was received, as well as minutes for special meetings that were held on April 29, 2002 and April 30, 2002.

A letter and 5 brochures were received from the NYS DEC announcing the 30<sup>th</sup> Anniversary of the Clean Water Act. Governor Pataki has declared 2002 as the Year of Clean Water and October 2002 as Clean Water Month. Many activities throughout the year are scheduled to help celebrate the anniversary.

A Certificate of Completion from the International Conference of Building Officials was issued to Donnal D. Folger for completing the course Appendix K of the Building Code of New York Alterations and Changes.

A letter from Maria Kopcho of 11226 Stage Road regards the unsafe speed and increased traffic on Stage Road. Attached to the letter are 4 pages of signed petitions from 56 residents, requesting that the speed of 55 miles per hour on Stage Road be reduced.

A fax transmission from Amherst Central Alarm reporting the number of calls for the month of April; Akron- 35, Newstead- 15.

A report from the Erie County Sheriff's Office reporting the activity for April for the Village of Akron- 71 calls and the Town of Newstead- 77 calls.

A letter from Wendel Duchscherer to Wm. Schutt & Associates and Code Enforcement Officer Don Folger regarding comments on the site plan review of the Ivy Ridge Golf Course project.

A letter from Governor Pataki announcing that the new codes of New York State are scheduled  
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To be formally adopted in July 2002, which will then commence a 180-day transition period.

A letter from Time Warner Cable informing the town of an agreement between AT&T (an indirect holder of a percentage of Time Warner) and Comcast Corporation. Time Warner assures its current customers that this deal will in no way impact on their cable system or its operation.

A motion was made by Councilman Cummings, 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 May 6, 2002 and the following were discussed: Comp Insurance, Library change orders, Water District #5-Phase II, the Comprehensive Master Plan, the Radio Tower, purchasing new Code Books, the Facilities Study, the Akron Airport Rezoning, Clarence Central School Tax Collection, the Town Web Site and airport hanger, joint meeting, and meeting with Lucy Curley.

**Privilege of the Floor** – Maria Kopcho, 11226 Stage Rd. has concerns with increased traffic and more serious accidents occurring on Stage Rd. She has full support of the residents on Stage Rd. with a petition signed requesting a traffic study. This matter will be addressed later in the meeting Supervisor Summe stated.

Councilwoman Glor motioned a Budget Transfer, seconded by Councilman Cummings for \$6,000.00 from Central Communications to Supervisor-equipment.

**Approval of Bills** – Councilwoman Glor reported that she had reviewed abstract #8 from 4/29/02 meeting and found everything in order. She presented Abstract #9. Vouchers on Abstract #9 numbered 375-433 totaling \$204,619.31 and were presented for payment approval by Councilwoman Glor, seconded by Councilman Finger to approve payment.

Abstract #9

General Fund “A” – \$12,801.50, Fund “B” \$126.19, Highway “DA” - \$0.00, Highway Outside Village “DB”\$165,172.64, Capital Projects-WD#5 “HC” \$325.00, Capital Projects “HD”- WD#7A- \$0.00, Library Projects “HE” \$4,518.45, Fire Protection “SF” \$2,551.61, Refuse “SR” \$14,638.74, Sewer Fund “SS” \$1,308.75, and Water Districts “SW1”- \$60.94, “SW2”- \$73.14, “SW3”- \$89.06, “SW4” - \$102.40, “SW5”-1,800.00, “SW6”- \$277.93, “SW7”- \$431.53, “SW7A”- \$61.45, “SW8”- \$29.26, “SW9”- \$250.72, Trust & Agency “TA”- \$0.00, totaling \$204,619.31.

Carried Unanimously

The balance due on the Water District 5 hydrants bill is not to be paid until an investigation of the charges from ECWA can be checked and verified.

## COMMITTEE AND DEPARTMENT HEAD REPORTS

Highway –Superintendent Ebersole reported large amounts of white goods picked up and will continue through tomorrow with an average of 15 loads a day.

Assessor –The tentative tax roll was taken down to the county today and the Board of Assessment Review training day was set for Thursday, May 23, 2002 at the Amherst Town Hall.

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

Robert Meyers	5872 Crittenden Rd	One Family Home
Dale Fryling	13235 Main Rd	Tool shed
Tom Lederhouse	6972 Draper Rd	Tool shed
Deborah Swiderski	12227 Clarence Ctr	Addition

Bob Wideman 11720 Hunts Corners A G Pool

Bill Asmus	7156 Maple Rd	Garage
Irene Smith	11372 Main Rd	Tool shed
Walter Floss	4893 Schutt Rd	I G pool & patio
Peter Henley	6263 Scotland Rd	Child Care Center
Kelly Schultz	11145 Main Rd	Replacement Flea Market
Dennis Cummings	4499 S Newstead Rd	Attached Garage Addition
MGA Research	13311 Main Rd	Sign
Krehers	11072 Main Rd	Sign
Daniel Garbacz	6720 Utley Rd	Fill Permit

Motion was made by Councilman Finger, seconded by Councilwoman Glor to approve report as presented.

Carried Unanimously

Don also reported: Nothing at this time.

Town Clerk– Dawn Izydorczak reported that the Financial Statements for 2001 for the Town of Newstead as prepared by Deloitte & Touche has been received and is on file in her office and copies are available for inspection at any time. The April 2002 Dog Control Officer’s report was presented.

Attorney for the Town- the Time Warner affidavit of publication is still needed.

**COUNCILPERSONS**

George – Nothing at this time

Cummings – Nothing at this time

Glor – Nothing at this time

Finger- Nothing at this time

SUPERVISOR – Nothing at this time

**UNFINISHED BUSINESS**

Water District #5 – Nathan reported that minor amendments were made to the Alden water agreement contracts.

Library Project – A motion was made by Councilman George, seconded by Councilman Cummings to approve the terms of a Right-of-Way and easement between the Village of Akron and Town of Newstead for a shared driveway and maintenance agreement at the Newstead Library property.

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

Comprehensive Master Plan Update- Final comments and a general consensus of whether to adopt or accept need to be ready for next work session.

Christian Airmen Re-Zoning- Councilman George moved to discuss hiring a consultant at the next work session.

Facility Study- Councilwoman Glor would like work session time next week to discuss.

Toll Barrier- Nothing new at this time.

Radio Tower- A meeting is scheduled Tuesday with FM Communications and John Wideman of Akron Central School.

Web Site- Councilman Cummings reported that the final web page should be up and running at 99% completion by the end of the month. He needs any final revisions as soon as possible.

Other-

A motion was made by Councilman Cummings, seconded by Councilman George to request a speed study from the County of Erie on Stage Road.

Carried Unanimously

## **NEW BUSINESS**

WD5-Phase II Proposed Extensions:

A motion was made by Councilwoman Glor, seconded by Councilman Cummings to Authorize Wendel Duchscherer to file the appropriate paperwork for the Water District 5-Phase 2 extensions.

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

Appointment of Janice Miller to Board of Assessment Review:

A motion was made by Councilwoman Glor, seconded by Councilman Finger to approve the appointment of Janice Miller to the open position on the Board of Assessment Review for a term to expire on December 31, 2007.

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

Appointment of Joseph G. Capan as alternate on the Board of Assessment Review:

A motion was made by Councilman Finger, seconded by Councilman Cummings to approve the appointment of Joseph G. Capan to the alternate position on the Board of Assessment Review for a term to expire on December 31, 2007.

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

A motion was made by Councilman Cummings, seconded by Councilwoman Glor to re-schedule the next meeting for Tuesday, May 28, 2002 at 8:00 pm for the purpose of paying bills and any other business deemed necessary. Work session will begin at 7:45pm that night.

Carried Unanimously

Worker's Compensation Plan:

A motion was made by Councilman Finger, seconded by Councilman Cummings to approve the Town's election to become a self-insurer as to Worker's Compensation claims. Notice will be filed with the Chairman of the Workers' Compensation Board.

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

NYS Municipal Workers' Compensation Alliance:

A motion was made by Councilwoman Glor, seconded by Councilman Finger to approve the Membership in the NYS Municipal Workers' Compensation Alliance pursuant to Section 50 Subdivision 3-a of the Workers' Compensation Law and authorizing the Supervisor to execute the plans charter document on behalf of the Town of Newstead.

(Resolution Attached) Ayes- 5      Nay- 0      Carried Unanimously  
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**Kelly Schultz Antique World Addition Approval:**

A motion was made by Councilman Cummings, seconded by Councilman George to approve the application of Kelly Schultz for an addition to the north side of an existing structure. The Town Board has determined that under SEQR no further action is required and hereby approves the site plan as submitted.

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

**Alden Intermunicipal Water Agreement Amendments Approval:**

A motion was made by Councilwoman Glor, seconded by Councilman Cummings to approve the amended form for the Intermunicipal Water Agreement between the Town of Alden and Town of Newstead and authorizing the Supervisor to sign said amended forms.

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

A discussion was held by the Board members regarding a meeting that took place during work session with Lucy Curley and providing grant-writing services to the Town. Each Board member expressed their concerns and a final decision was made to give the Supervisor latitude to discuss a time-limited contract.

**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 8:48 PM.

A joint meeting with the Village of Akron Board will commence after the meeting.

Carried Unanimously

Respectfully Submitted,

Dawn D. Izydorczak