

A Regular Meeting of the Newstead Town Board was called to order on Monday, May 14, 2001 at the Newstead Town Hall at 8:00 PM.

Present: Donald C. Holmes – Supervisor
Gerald F. Summe – Councilman
Thomas George - Councilman
David L. Cummings – Councilman
Joan M. Glor – Councilwoman
Fred Pask- Assessor
Donnal Folger- Code Enforcement Officer
James Ebersole – Highway Superintendent
Nathan S. Neill – Town Attorney
Drew Reilly- Town Engineer
Carole D. Borchert – Town Clerk
– Kathleen McLeod Lang – Deputy Town Clerk
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Roll Call was taken with all board members present.

Pledge to the Flag was led by Supervisor Holmes.

Minutes from the previous meeting held on April 23, 2001 were presented for approval. A motion was made by Councilman Summe, seconded by Councilman Cummings to approve as presented.

Carried Unanimously

Communications – Town Clerk presented the following:

A letter from Superintendent of Akron Central School thanking the Town of Newstead for the long- term loan of two books on GIS for the Earth Science classes at the school.

A letter from Newstead Fire Company Inc. with a request for payment for use of the fire hall for Elections and Senior Citizen activities and requesting an increase of 3%.

A letter from Donna Kumpf, Secretary of the South Newstead Kitchen Conference with information on the preservation of the Agriculture District in the Town of Newstead. Also a request for a resolution allowing the assessor to use agricultural assessments on land presently receiving an agricultural property assessment in the levy of charges for a fire prevention district. A number of area towns have passed resolutions to help preserve agriculture in their towns.

A letter from David R. DiOrio, 30 Westgate Aveune, on the use of new Newstead Library Basement as a Central Archive Center and his opposing the Senior Citizens exclusive use of the space.

A letter from Jim Ebersole, Highway Superintendent, with results of the bid opening for the 2 pickup trucks, and requesting town board approval to award to the highest bidder.

A letter from the law offices of Lipsitz ,Green, Fahringer, Roll, Salisbury & Cambria representing Mr. & Mrs. Ronald Doctor, 4833 Crittenden Road concerning damage to their property caused by Ontario Specialty Contracting , contractor on Water District #5. Work was supervised by Wendel Engineering.

A copy of a letter to David Barnes, Village of Akron Electric, from Councilman George applying for electrical services for the Newstead Public Library . Application is based on a directive from the Town of Newstead to request pole mounted transformers for service to the proposed library.

A letter from the NYSDEC with a notice of Complete Application for NYS Regulated Wetlands in Erie County, project located in Aurora.

The Town of Newstead Supervisor's Report of cash received and disbursed for the months of March and April 2001 were presented.

A copy of the Annual Water Quality Report 2000 for the Akron Water System.

A letter from Rosemarie LoTempio, Council Member, Buffalo City, in a collaborative discussion regarding a possible resolve to the ongoing issue of the lack of the shared distribution of the additional 1% Erie County Sales Tax.

A letter from Councilman William L. Kindel, Town of Amherst in regard to the sharing of the growth factor associated with the 8th penny sales tax.

A letter from John B. Sheffer, II, Director, Institute for Local Governance and Regional Growth, announcing a forum to be held on May 10, 2001 on A Comparative Discussion of NYS Superfund/Brownfields Legislation affecting Municipalities.

A letter from Time Warner Communications with a check for \$ 12,412.75 representing the franchise fee collected by TWC on behalf of the Town.

A certificate of completion for Donnal D. Folger for attending the Fundamentals of Plumbing Inspection course on April 24, 2001.

A certificate of training presented to Carole D. Borchert for completing General Education in Town Clerks Administration on April 22-25, 2001 from the NYS Town Clerks Association, Inc.

A faxed transmission from Town of Amherst Central Fire Alarm Office with Akron Fire Company responding to 44 total calls and Newstead Fire Company responding to 21 total calls for the month of April, 2001.

A letter from Erie County Sheriffs Office with the computer data sheets on complaints handled by deputies in the Village of Akron, 46, and Town of Newstead, outside of the Village, 90 during the month of April, 2001.

A newsletter from the Town of Amherst Department of Senior Services entitled "The Network" for the month of May 2001.

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

Carried Unanimously

Supervisor Holmes reported on work session items discussed on May 7, 2001 as follows: Met with Peter Henley in regards to the Scotland Rd. Rezoning, briefly discussed Buffalo Drilling site plan, Wayne Wegman, representing Airport Master Plan, discussed Comprehensive Plan, Facilities Study, Time Warner, Senior Exemption, Newstead Fire Co. request, communications regarding sales tax, Perry's and Mr. and Mrs. Doctor complaint.

Privilege of the Floor – Gerald Szmania, 13356 Stage Road, concerned with the proposed expansion of County Line Stone, extending 156 acres. He is opposed to the depletion of the land, effects on property values, proposed closing of Schurr Road, and long term effects with noise and water tables.

Pam Doman, 5271 Crittenden Road, also concerned with quarry expansion. They run a business in area and questions Board on how a company can propose taking over and closing Schurr Road, traffic, fire protection. She asked the time frame for applying for the permit, noting that she believes the last one was issued in 1982, and how will the residents be advised. She is opposed to the expansion for several reasons. The Town Attorney stated that it is not easy to abandon a road and the Supervisor stated that a mining permit could have restrictions placed on such as hours of operation, berming, setbacks etc.

John Burke, 4820 Crittenden Road, does not like what he sees with the DEC, Town Board, and Don Folger. A matter happened in 1998 on the Heiman property and there was a lack of notification from Folger to DEC. Supervisor stated that he will review the matter.

Marlene Casillo, 11223 Hiller Road, from Mile Post 410 Group, would like the Town Board to invite TVGA and the Thruway Authority to a board meeting to discuss issues on the Toll Barrier. This group was at the Clarence Town Board meeting discussing with residences. The Supervisor attended the meeting with the Thruway Authority and did not hear anything new from their previous discussions. Supervisor stated that he Town Board will discuss this request.

Don Caple, 6860 Maple Road, questioned why no local truckers are being used to haul fill from the new library site? Councilman George explained it was Patrick Development Contractor's responsibility to hire truckers in the most cost effective way for the community.

John Glim, 11486 Hiller Road, thanked the Highway Department for the clean up on the vacant land on Hiller Road. He asked for speed limit enforcement or reduced speed limit on Stage and Hiller Roads. The Supervisor stated that the County would have to do a traffic study of the area for a speed study and they would determine the need for a reduced speed limit. He also has continued concerns about the Thruway Toll Barrier at Milepost #410.

Harold Finger, 158 East Avenue, is concerned with the airport survey that was done on private property on East Avenue and Front Street. He feels that the Christian Airman Association should have been a better neighbor and notified the residents about this survey before it was started.

Approval of Bills – Councilwoman Glor reviewed Abstract #8 of the audited vouchers and found them to be in order. Abstract #5 from the 3/12 meeting has been amended with voucher #192 Verizon bill check stopped payment in the amount of \$ 799.92. That amount has been added to Abstract #9 to be presented this evening.

She has researched vouchers numbered 326 through 392, Abstract #9 and move payment as follows: General Fund "A" – \$21,789.94, Fund "B" \$2,860.69, Highway "DB" - \$15,350.01 ,Capital Projects WD#5 - HC"15,425.23, WD#7A "HD"\$142.68 , Library Projects "HE" \$13,404.96, Fire Protection "SF" \$18,628.30 Refuse "SR"\$13,664.19, Sewer Fund "SS" \$1,554.21, Water Districts "SW#1" - \$304.25, "SW#2" \$76.63, "SW#3" \$304.25, "SW#4" \$97.52, "SW#5" \$960.16., "SW#6" \$264.71, "SW#7" \$369.20, "SW#8" \$27.86,"SW#9" \$454.63, totaling \$105,679.42. Motion was seconded by Councilman Summe to approve, as presented.

Carried Unanimously

COMMITTEE AND DEPARTMENT HEAD REPORTS

Highway – Highway Superintendent Ebersole stated that White Metal Pick-up will be completed today, apologized for delayed due to volume. Record amount of materials picked up this year and his final figures will be presented at the next meeting. The sealed bids for pickups were opened awaiting approval by the town board. He has purchased a new copy machine in the amount of \$1357.00. He stated he used 1,629 tons of salt and 15,086 tons of sand this last season. 18 miles of County roads were taken over with no additional overtime costs. He is looking to also taking over mowing from the County. The mowing contract from the state for Route 5 will not be continued. He will be attending school on June 4, 5, & 6. The Tire Drop off had 3 loads, 28.62 tons, at a cost of \$2,003.40, also received information on NYS Loan Programs for salt sheds. The highway department will be taking the defensive driving class tomorrow at the Town Hall. He stated that he will be out of town this weekend, also Bob Kleperak, so Bill Rodgers is in charge.

Assessor – He will be out of town tomorrow, assessment change notices will go out for the final assessment roll. Grievance Day will be held on June 5, 2001, a new video for the Board of Assessment Review members will be reviewed. No news on the assessment challenge.

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

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| Paul Schumacher | 7342 Cedar | Front Porch |
| Chris Schriber | 12125 McNeeley | Attached Garage |
| James Roehling | 6061-6063 Cummings | Two Family home |
| Ricky Meides | 6949 Maple | Garage |
| Carl Longwell | 11448 Rapids | Storage Building |
| George Northern | 13536 Main | Remodel Motel |
| John Wargo | 5055 Haven | Storage Building |
| Paul Pfentner | 11353 Miland | Pole Barn |
| James Sowinski | 5982 Crittenden | AG Pool |
| Melvin Knerr | 12509 Hunts Corners | Rear Deck on garage |
| Douglas Lombard | 7375 Downey | One Family Home |
| Conrad Ziarniak | 7035 Draper | Garage Addition |
| Brian Wight | 7650 Scotland | One Family Home |
| Earl Prior | 12222 Clarence Ctr. | Enclosed Porch |
| Robert Kane | 13357 Steiner | Deck for Pool |
| Gregory Batt | 13676 Bloomingdale | Shed |
| Martin Smith | 11342 Miland | Kitchen Addition |
| Jay Lacey | 11688 Nice | IG Pool |
| Rothland Golf Course | 12089 Clarence Ctr. | Temporary Sign |

Code Enforcement Officer Folger will be out of town from May 17 – 20. Safe Driving class attendance tomorrow, junk cars report asked for by Councilman Cummings.

Town Clerk – The April 2001 Dog Control Officers Report was presented.

Attorney for the Town – Nothing at this time.

COUNCILPERSONS

Summe – Met with Emergency Service Board and discussed consolidation for Newstead, Clarence and Amherst. Would like the Town Attorney to review. Planted 54 trees on Buell Street Park property and it looks real great. A special thank you to the Akron Lions Club and John Heinke from the NYS Nurserymen Association, Jack Routledge and Jim Ebersole for their help on this project.

George – Nothing at this time.

Cummings – He attended the Comprehensive Plan, Thurway, County Line Stone and Park Master Plan meetings.

Glor- She reported that the President of the Akron-Newstead Seniors, Paul Herman announced the nutritional program for the seniors has been relocated to Alden/Clarence sites while parking is disrupted due to construction on the new library.

SUPERVISOR –Reported the Town received revenues totaling \$101,626.98 for the month of April, which included an increase in sales tax collected and court fees.

UNFINISHED BUSINESS

Water District #5 – Drew Reilly reported that Phase I and Phase II are in the final financing from the State. Ontario Specialty Contracting are finishing punch list. Restoration items are being taken care of

Library Project - Councilman George reported that the groundbreaking was on May 7th with a 10 month construction schedule completing in late January – February. Foundation to be in by July and steel by September.

Rezoning for Scotland Road –Environmental concerns and SEQR process. Draft document for board action in June.

Wastewater Update – Supervisor received report late this afternoon on the lagoon system, but did not have a chance to review.

Assessment Challenge – No further information from last meeting.

Comprehensive Master Plan Update – Councilman Summe reported the Public Hearing is scheduled for June 5, 2001 at the Akron Fire Hall. Copies of the plan will be available at Town Hall, Village Hall and Library on May 23, 2001 for review.

The attached resolution was moved by Councilman Summe, seconded by Councilman Cummings to accept the draft generic environmental impact statement as presented.

(Resolution Attached)

Carried Unanimously

Water/Sewer Hook up at Park – Councilman Summe reports lines are in but awaiting boring across Route 93.

Park Master Plan –Councilman Summe reported will be meeting with focus group on May 29th. A

Rothland’s Site Plan – Back to the Planning Board.

AOL/Time Warner franchise – Comments of Town Board to be sent in letter form to Time Warner..

Christian Airmen Re-Zoning – Awaiting information on creating an airport zone no other authorization at this time.

Senior Exemption Income limits- A resolution was made by Councilman George, seconded by Councilwoman Glor to schedule a public hearing on Local Law #2 of the year 2001 entitled “Delete Income Levels of Eligibility for Senior Exemption from the Code”, to be held on June 11, 2001 at 7:45 PM.

(Resolution Attached)

Carried Unanimously

The attached resolution was moved by Councilman Cummings, seconded by Councilman George to schedule a public hearing on June 11, 2001 at 7:50PM to consider increasing the exemption levels for Senior Citizen Exemptions by resolution rather than placing in the code.

(Resolution Attached)

Carried Unanimously

Sale of two pickup trucks – A motion was made by Councilman Cummings, seconded by Councilman George to accept the high bid of \$15,567.76 from George Hyder for Truck #1 and \$13,900.00 from Bill Murray for Truck #2, as recommended by the Highway Superintendent.

Carried Unanimously

NEW BUSINESS

Newstead Fire Co. request for reimbursement – The attorney has prepared contract for same. The attached resolution was moved by Councilman Summe, seconded by Councilman Cummings to authorized the Supervisor to sign said contract for reimbursement to the Fire Company for the use of their hall for elections and senior citizen activities.

(Resolution Attached)

Carried Unanimously

Sprint Tower – The attached resolution was moved by Councilwoman Glor, seconded by Councilman George to schedule a public hearing on June 11, 2001 at 7:30 PM for the purpose of hearing comments for or against the proposed Sprint cell Tower.

(Resolution Attached)

Carried Unanimously

Other – Amherst Alarm Contracts – Per Attorney for the Town authorization for the Superviosr to sign said contracts is necessary. A motion was made by Councilman Summe, seconded by Councilman Cummings to authorize the Supervisor to sign said contracts, as presented.

Carried Unanimously

Question Period – Pam Doman asked about the Buell Street Park. How long has the Town owned? And for what purpose? The Town purchased in 1991 and is now in the process of doing a Master Plan for the property requesting community input.

There being no further business to come before the board a motion was made by Councilwoman Glor, seconded by Councilman Summe to adjourn at 9:15 PM.

Carried Unanimously

Carole D. Borchert,RMC
Town Clerk