

A Public Hearing was called to order by Newstead Town Board on Monday, June 11,2001 at the Newstead Town Hall at 7:30 PM.

Present: Donald C. Holmes – Supervisor
Gerald F. Summe – Councilman
David L. Cummings – Councilman
Joan M. Glor – Councilwoman
Donnal Folger- Code Enforcement Officer
Nathan S. Neill – Town Attorney
Andrew Casolini - Town Engineer
Carole D. Borchert – Town Clerk
Kathleen McLeod Lang – Deputy Town Clerk

Roll Call was taken with all board members present ,except Councilman George who was delayed in New York City..

Supervisor Holmes stated this hearing was called to hear anyone speaking for or against the request from Sprint, for construction of a cell tower and equipment building on the Arlene Richardson property located on South Newstead Road, near the New York State Thruway.

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

David Olick, representative from Sprint was present to answer questions and present the design of the cell tower. He stated the tower would be 170 feet in height extendable to 20 feet for future use. It will hold up to 5 co-locators. The Town Planning Board has approved.

Peter Henley, 5191 South Newstead Road, questioned if the tower had guide wires or if it was a monapole tower. Mr. Olick stated it was a monapole tower.

The board had several questions that were all answered satisfactory.

There being no one else to speak, a motion was made by Councilman Cummings, seconded by Councilwoman Glor to close the hearing at 7:49 PM.

Carried Unanimously

A Second Public Hearing was called to order at 7:50 PM

Supervisor Holmes stated that this hearing was called to hear anyone speaking for or against proposed “Local Law No.2 of the Year 2001” entitled “Local Law Amending Local Law No. 3 of 1990, as amended to Delete Income Levels of Eligibility for Senior Citizen Exceptions from the Code”

Clerk read Proof of Publications.

No one spoke.

A motion was made by Councilman Summe, seconded by Councilman Cummings to close the hearing at 7:52 PM

Carried Unanimously

A Third Public Hearing was called to order at 7:53 PM

Supervisor Holmes stated that this hearing was called to order by Resolution, establishing a revised Senior Exemption, increasing the income eligibility levels.

Clerk read Proof of Publication.

No one spoke.

A motion was made by Councilman Summe, seconded by Councilwoman Glor to close the hearing at 7:56 PM.

Carried Unanimously

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

Same as above plus Fred Pask – Assessor and Jim Ebersole, Highway Superintendent

Pledge to the Flag was led by Town Clerk Carole Borchert.

Minutes from the previous meeting held on May 14, 2001 were presented for approval Supervisor Holmes requested corrections stating that he did attend the Clarence Town Board meeting discussing Thruway Toll and the Highway Superintendent corrections were previously made .A motion was made by Councilman Cummings, seconded by Councilwoman Glor to approve as corrected.

Carried Unanimously

Communications – Town Clerk presented the following:

An Open letter from Louis Nanni was read with a suggestion for the Christian Airmen, Inc. voluntarily commit to some changes in procedures to protect the quality of life for those residents most affected by the airports operation.

A letter from the Newstead Historical Society requesting support from the Town Board in attending 5th Annual Midsummer Night's Swing on August 11, 2001 from 7:00 – 11:00 at the Octagon House.

A letter from Deena L. Hadden, J. D.'s Place Inc. requesting a letter from the Town Board in regard to the process for applying for a new liquor license at 11986 Main Rd., currently known as Time Out Too. Would like a waiver of the 30 days required for a liquor license application.

A letter from the Newstead Fire Company, Inc President John Wideman, thanking the Town Board for funds approved for the use of the Newstead Fire Hall.

A letter from Charles and Carol Minnick, 4220 Ransom Rd., Clarence, NY, expressing concerns and outrage over the relocation of the New York Thruway's Williamsville Toll Barrier.

The 2000 Annual Report from the Denio Memorial Library was received with library use, Highlights and Achievements.

A letter from NYS Department of Labor, Bureau of Public Work with an important Notice Regarding Prevailing Rate Updates.

A letter from Time Warner Communications with a copy of the Subscriber Privacy Notice which will be sent to customers in their June statement.

A letter from Time Warner Communications with a list of additional channels and monthly service rate increase.

A letter from Time Warner Communications with a notice of Application for the renewal of its cable television Franchise with the Town of Newstead.

A letter from the NYSDEC, Division of Environmental Permits, with an agreement on the approach the Town Planning Board has taken in regards to the Northeast Caissons Rezoning Resolutions.

A letter from the NYS Senate Legislative Commission on Rural Resources with the 2001 legislative summaries and bill memos of interest to the organization.

A letter from Wendel Duchscherer with a copy of letter sent to KJR Construction Company in regards to Town Park Water Service and being in violation of the agreement dated March 19,2001.

A letter from Wendel Duchscherer with an executed change order No.2 Newstead Town Park Water Service, Contract No. 00-01.

A letter from EC Department of Public Works with regards to reimbursement from FEMA/SEMO for the snowstorm of November 2000.

A letter from New York State Emergency Management Office with copies of a new brochure entitled "Routine Stream Maintenance-Cost Effective and Environmentally Sound" a joint information campaign of the New York State Emergency Management Office, the NYS Department of Environmental Conservation, and the U.S. Army Corps of Engineers.

A letter from US Department of the Interior Fish and Wildlife Service is having an Open House on July 27-28 at Lower Great Lakes Fishery Resource Office, Amherst, NY.

A letter from NYS Office of Real Property Services in regards to 2000 Maintenance Aid Certification for the Town of Newstead aid \$7,506.00 Parcels: 3,753.

A letter from NYS Environmental Facilities Corporation and the NYS Department of Health in regards the Drinking Water State Revolving Fund (DWSRF) with the Town of Newstead eligible for an interest – free loan.

A letter from the NYS Department of Health in regards to the NYS Drinking Water State Revolving Fund Intended Use Plan.

A letter from Wendel Duchscherer to KJR Construction Company in regards to Water District No.7A owner contractor agreement approaching the completion date for the work specified in the contract.

A letter from US Department of Commerce Economics and Statistics Administration, US Census Bureau with the Profile of General Demographic Characteristics: Census 2000.

A town copy of the Scoping Meeting in the matter of the NYS DEC Region 9 Staff Public Hearing Held for County Line Stone Company Inc., Akron Quarry Expansion, Wednesday, May 2, 2001 at 7:00 p.m. at the Newstead Fire Hall, Cummings Road, Akron, NY.

A letter from the NYS Board of Real Property Services with the final franchise assessments for special franchise companies.

A letter from Niagara Mohawk in reference to the Street Light account and billing code.

A Certificate of Completion was presented to Fred Pask for successfully completing a Designing and Implementing Program in the Intergovernmental Zone February 26- 28, 2001 presented by The Intergovernmental Solutions Program.

A letter from Subsea Oil & Gas Inc. advising the Town of Newstead that an exploratory gas/oil well drilling permit had been applied for from the NYS Bureau of Mineral Resources.

A letter from NYS DEC notice of complete application on Niag

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

Carried Unanimously

Supervisor Holmes reported on work session items discussed on June 4, 2001 as follows: Discussed Deloitte and Touche annual financial statement, Custodial agreement with Fleet, report on Scotland Rd. rezoning, WD#5 updates, KJR response concerning WD#7A and Town Park, report on conversation with Mr Gemmetti- NYSTA- Thruway meeting, update on Facility Study and Library Project, JD's Place request, GIS, Town of Alden Assessment services, Kitchen Conference, Waste Water and political campaigns.

Privilege of the Floor – John Burke, 4820 Crittenden Road, presented Town Board with a petition against expansion of County Line Stone and a Petition requesting a 45MPH speed limit on Crittenden Road between Route 5, Main Road and the Alden Town Line, Siehl Road and town portion of County Line Road.

He questioned the 1982 review of County Line Stone and the impact on the environment, noise, traffic, property values. He hopes the board does a better job reviewing this now. Councilman Cummings being on the Town Board in 1982, stated that the Town was Lead Agency at that time, but now DEC has the title.

Marlene Casillo, 11223 Hiller Road, from Mile Post 410 Group, would like to ask the Supervisor if there was any response from the Thruway Authority on the letter sent to them. Supervisor stated there was no response, still awaiting.

Paul Casillo, 11222 Hiller Road, wanted to thank the Town Board for their help in this matter, Thruway Toll Barrier, and would like to request funding to hire an Environmental Attorney to help with the fight.

Approval of Bills – Councilwoman Glor reviewed Abstract # 9 of the audited vouchers and found them to be in order.

She has researched vouchers numbered 393 though 467, Abstract #10 and move payment as follows: General Fund "A" – \$74,440.13, Fund "B" \$1,147.69, Highway "DB" - \$283.81, Capital Projects WD#5 - HC" 79,300.00, WD#7A "HD"\$ 0, Library Projects "HE" \$34,510.69, Fire Protection "SF" \$1,235.30, Refuse "SR" \$13,552.95, Sewer Fund "SS" \$1,248.75, Water Districts "SW#1" - \$78.75, "SW#2" \$76.63, "SW#3" \$108.75, "SW#4" \$97.52, "SW#5" \$960.16., "SW#6" \$264.71, "SW#7" \$369.20, "SW#8" \$27.86, "SW#9" \$76.63, totaling \$207,813.69. Motion was seconded by Councilman Summe to approve, as presented.

Carried Unanimously

COMMITTEE AND DEPARTMENT HEAD REPORTS

Highway – Highway Superintendent Ebersole stated that he attended the Annual Highway School June 4-6, in Ithaca, NY. His new copy machine will be delivered this week. His department is working on oiling and chipping. He will be out of town June 18-21 with Bob Kleparek in charge. County has started to mow roadsides.

Assessor- He will be out of town in Albany. Grievance Day was held on June 5, 2001, reports to be given next meeting. No news on the assessment challenge

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

Kim Rushok	5144 Crittenden	AG Pool
Joseph Koss	13853 Bloomingdale	Garage
Glenn Kraft	11368 Miland	AG Pool
Fred Bedford	6714 Cedar	Front Porch
Frederick Maier	11350 Stage Rd.	Pole Barn

David DiRienzo	7421 Cedar	Fence
Rick Barnes	6368 Dye Rd.	One Family Home
Adam Stoltman	6687 Dye Rd.	One Family Home
Joseph Chimento	7354 Sandhill Rd.	AG Pool
Raymond Baker	12625 McNeeley	Shed
Michael Balsler	7487 Maple Rd.	AG Pool
Thomas Land	13427 Stage	Front Deck
Quarry Hill Estates	11789Main-Lot 3	Manufactured Home
Mark Decker	12795 Brucker Rd.	AG Pool
McDonalds Corp	12976 Main Rd.	Restaurant
Mark Cianfrini	13273 Martin Rd	Deck
William Mohan	11071 Howe Rd	One Family Home
Tom Musilli	7382 Maple Rd	Pole Barn
Clayton Albrecht	12420 Clarence Ctr	One Family Home
Scott Doll	5976 Buell	AG Pool w/Deck
Conrad Ziarniak	7035 Draper	Shed
Daniel Champerlain	12433 Tonawanda Crk	Barn Addition
Daniel Zazynski	13590 Steiner	Pole Barn
Thomas Gesel	6522 Dye	Storage Bldg
William Schrock	12638 Meahl	Enclosure
Kelly Schultz	11145 Main	2 Gazebo's
Kelly Schultz	11145 Main	2Gazebo's
Daniel Bellis	6347 Dye	Attached Garage
McDonalds Corp	12976 Main Rd	Sign
McDonalds Corp	12976 Main Rd	Sign
McDonalds Co	12976 Main Rd	Sign
McDonalds C p	12976 Main Rd	Sign
McDonalds Crp	12976 Main Rd	Sign
McDonalds orp	12976 Main Rd	Sign
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Code Enforcement Officer Folger reported junk cars are cleaned up except one which is due by July 1, 2001. The McDonald's building should be starting any day.

Town Clerk – The May 2001 Dog Control Officers Report was presented. A total of 210 Delinquent Tax Notices were mailed out on June 1, 2001 for a total of \$296,461.25 outstanding.

Attorney for the Town – Nothing at this time.

COUNCILPERSONS

Summe – Front steps of the Newstead Town Hall are being repaired. He misses Dee Wright who always did this job. He attended the EMS Board meeting where they are finalizing the contract. He received the Akron Little League Football contract and would like Work Session time to discuss.

George – Not present

Cummings – He attended many meetings this month and will be out of town next week.

Glor- She reported that she also attended many meetings this month. She reported that the Erie County Parks Dept. is looking at repairing the East Avenue Tennis Courts and the Basketball court.

SUPERVISOR –Reported that he had attended many meetings also and had been notified that in 40 days they will begin reconstruction of Route 5 starting at Genesee County line.

UNFINISHED BUSINESS

Water District #5 – Andrew Casolini reported that they are checking hydrants and complaint list with a prepared list to be presented to the board for review. Surveying will be complete this week.

Library Project – No information available with Councilman George absent

Rezoning for Scotland Road – The following resolution was moved by Councilwoman Glor, seconded by Councilman Summe declaring a non-significance declaration.

(Resolution Attached) Carried Unanimously

The attached resolution was moved by Councilwoman Glor, seconded by Councilman Cummings to adopt Local Law #1 of the Year 2001, entitled Rezoning of Real Property and Zoning Map Amendment. Code Enforcement Officer to enforce.

(Resolution Attached) Carried Unanimously

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

Assessment Challenge – Awaiting to hearing from Special Council.

Comprehensive Master Plan Update – Councilman Summe reported the Public Hearing is held on June 5, 2001 at the Akron Fire Hall was well attended. Peter Forrestel , Village Trustee is working on a Web Site for the Village , the next committee meeting will be scheduled in a couple weeks.

Water/Sewer Hook up at Park – Councilman Summe moved to extend completion of the water line, as per letter request, to June 25, 2001, seconded by Councilman Cummings.
Carried Unanimously

Engineer Casolini would like to discuss WD 7A after meeting tonight.

Park Master Plan – Councilman Summe reported on information at 2nd focus group and Wendel 's new concept to be brought up at Work Session time.

Rothland's Site Plan – The following Resolution was moved by Councilman Cummings, seconded by Councilman Summe scheduling a Public Hearing to consider a special permit for expansion of 9 holes to the Rothland Golf Course, on June 25, 2001 at 7:50 PM at the Newstead Town Hall.

(Resolution Attached) Carried Unanimously

AOL/Time Warner franchise – Nothing new.

Christian Airmen Re-Zoning – Awaiting additional information. Dick Forrestel was in the audience and will get necessary paperwork to the Attorney this week.

Senior Exemption Income limits - The attached resolution was moved by Councilman Cummings, seconded by Councilman Summe adopting Local Law No. 2 of the Year 2001 entitled “Local Law Amending Local Law No.3 of 1990, as amended, to Delete Income Levels of Eligibility for Senior Citizen Exemptions from Code.”

(Resolution Attached) Carried Unanimously

NEW BUSINESS

Site Plan for Airport- A motion was moved by Councilman Summe, seconded by Councilwoman Glor for Christian Airman SEQR law.

(Resolution Attached)

Carried Unanimously

Collateral Agreements- A motion was moved by Councilman Summe, seconded by Councilwoman Glor to authorize Supervisor to sign agreement, as presented.

Carried Unanimously

Facility study Request for Proposals- postponed.

Kitchen Konference Request- Information from Assessor's office to be provided.

WD# 7A request- no action

Other- JD's Place request – A motion was moved by Councilman Summe, seconded by Councilman Cummings to authorize the Supervisor to sign necessary paperwork, as presented.

Carried Unanimously

Public Address – A motion was moved by Councilman Cummings, seconded by Councilwoman Glor to authorize the Supervisor to sign paperwork for a Public Address system in the Court Room in the amount of \$3000.00. Grant application to be applied for by Judge Freeman.

Carried Unanimously

Councilman Summe handed out a proposal for a Town Web Site in the Town of Newstead for review.

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 Summe to adjourn at 9:10 PM

Carried Unanimously

Carole D. Borchert,RMC
Town Clerk