

A Regular Meeting of the Newstead Town Board was called to order on Monday, June 12, 2000 at 8:00 PM at the Newstead Town Hall.

Present: Donald C. Holmes - Supervisor
Gerald F. Summe - Councilman
Thomas L. Cowan – Councilman
Thomas George - Councilman
David L. Cummings - Councilman
Nathan S. Neill - Attorney for the Town
Andrew Casolini – Engineer
Donnal D. Folger – Code Enforcement Officer
Fred Pask - Assessor
Carole D. Borchert - Town Clerk
Kathleen McLeod Lang - Deputy Clerk

Roll Call was taken with all board members present.

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

Minutes from the previous meetings held on May 17, May 24, and June 7, 1999 were presented for approval. A motion was made by Councilman Cowan, seconded by Councilman Cummings that they be approved as presented.

Carried Unanimously

Communications - Clerk presented the following:

A letter addressed to Councilman Summe from the Limerick Home Bureau, thanking him for all the time spent improving the Limerick Hall where they hold their meetings. They were proud to invite guests to their meeting to show it off.

A letter from EC Division of Highways having forwarded the request for a traffic study on Crego Road to the State Department of Transportation.

A letter from NYS Department of Transportation with a Final Design Report and Environmental Assessment Study on the project of Route 5 from Sheridan Drive to the Genesee County Line.

A copy of the bids opened on Friday, June 11th for the Water District #5 project. Eight bids were received and were very favorable.

A notice of closure for Clarence Center Road from June 7 – 11 to replace a culvert.

A copy of the final audit from Deloitte & Touche for the year ended December 31, 1998.

A copy of the May Summary Statement from CLASS on Town of Newstead investments.

A letter from Time Warner Communications with a copy of the Consumers Guide to Cable and Home Entertainment Equipment which was mailed to all customers.

A letter from County Executive Gorski with a survey of General Municipal Law Article 5-G, Intermunicipal Cooperation Agreements.

A copy of a resolution passed by the City of Buffalo Common Council supports the elimination of sales tax on clothing and shoes in Erie County.

A monthly Erie County Sheriff's Report for May having answered 66 calls in the Village of Akron and 80 in the Town of Newstead outside the Village.

A copy of the Monthly Treasurers Report for May from the Akron-Newstead Senior Citizens.

A motion was made by Councilman Summe, seconded by Councilman George that they be received and filed.

Carried Unanimously

Supervisor Holmes reviewed the work session having discussed the following: Pine Hill pit application, Bloomingdale cemetery, Water District #5, State regulations on cell tower placement, land acquisition for the Library, Fire Contract, Village booklet, planning grants and Rural Metro contract.

Privilege of the Floor - Nelson Becker – 177 Golden Pond Estates, appeared before the board with regard to his deceased sons water bill at 7790 Moore Road. He is being charged for water not used. To avoid a late penalty he did pay the bill under protest. The board will review.

Michael Lizauckas, 11470 Stage Road, appeared before the board with concerns over the manner in which property owners are notified of town law changes. He is proposing construction of a new barn to replace the one lost by the winter ice storm. The new Town law requires an engineer approved site plan for anything over 500 square feet which he was not aware. He feels the law has many adverse effects, and asked the board to reconsider their adoption in 1998. After a lengthy dissertation and copies given to the board for review, he was invited to attend a work session to discuss further.

Laura Borchert, 6795 Cedar Street, asked about complaints on Perry's being logged. Don Folger does log all complaints that he receives. She also asked if it was a conflict of interest to have Mr. Folger in charge of this as his son works at the plant. She asked the board to review the reporting procedure for complaints. She also asked if Perry's Attorney had been contacted on all the recent complaints, and if the Village has done anything. She was told a sewer study has been started, but will be a year before figures are available.

Jean Rew, 6789 Cedar Street, asked about the public nuisance law. Will talk with the Attorney after the meeting.

Approval of Bills - The following vouchers were approved for payment by Councilman Cowan and seconded by Councilman Summe: General Fund A - \$19,603.78, General Fund B - \$1,117.85, Highway Outside Village Fund DB - \$15,040.21, Water Fund SW \$22,873.02, Sewer Fund SS -\$ 645.46, Refuse Fund SR - \$18,857.78, Fire Protection SF,\$11,432.86, and Capitol Projects HC -\$16,310.04 numbered 469 through 538, totaling \$128,754.02.

Carried Unanimously

COMMITTEE/DEPARTMENT HEAD REPORTS

Highway - Councilman Cummings reported that they have oiled and sealed Siehl Road. He also wanted to express sincere gratitude and thanks to the Northern Erie Sno-Seekers for the use of their four wheelers on the Bike Path.

Assessor - New assessment notices to be mailed on Friday. July 6th is Grievance Day.

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

A. Pentheros – 12020 Hunts Corners Road – Above ground pool & Deck
Ed Baker – 5507 Barnum Road – Storage Building
Joseph Olaf – 12261 Rapids Road – Garage Addition
Joseph Brenon – 6595 Utley Road – Inground pool.
Kreher's Poultry Farm – 5411 Davison Road – Storage building
Donald Campbell – 11149 Miland Road – Above ground pool, deck & storage.
Cynthia Carver – 11670 Rapids Road – Above ground pool.
Richard Cositore – 6817 Sandhill Road – One family home.
Scott Zitzka – 4594 South Newstead Road – Above ground pool.
James Ames – 11198 Hunts Corners Road – Bedroom addition
Janice Carson – 11212 Main Road – Sign

Town Clerk – She presented the Dog Control Officer's Report for May.

She stated that she sent 239 delinquent tax notices due June 30, 1999. July 1st the roll is turned back to the County for final collection.

Attorney for the Town – He stated there is still 6 water easements out and is awaiting their return.

COUNCILMEN

Summe – Later in the meeting.

Cowan – Later in the meeting.

George – Akron Airport is working on a new master plan and noted that community outreach is critical.

Cummings – He asked if anyone knew why stones at the John Street Cemetery were being raised when they should be laying flat. The Highway is having a difficult time with the mowing. Will check into the matter.

SUPERVISOR - Later in the meeting.

UNFINISHED BUSINESS

Water District #5 – Andrew Casolini reported on the bids opened on Friday ranging from \$2.3 to \$3.7. Ontario Specialty was the apparent low bidder with a bid for alternate #1 \$2,343,333.15 and Alternate #2 - \$2,636,324.23. Ag and Markets certification was received today. He needs work session time to discuss services.

Water District #7A – Awaiting grant information.

Library Project - Work session time for property acquisition.

Site Plan for Niagara Specialty – Awaiting Wendel review.

Rezoning for Scotland Road – Henley – Planning Board looking at the revised plan.

Golden Pond – SEQR process – Mapped and being sent to DEC.

McNeeley Road Subdivision - No word. Owner in hospital. Power of Attorney notified.

Network Manager - Job description to be discussed at next work session.

Disability exemption – Local Law #3 - Done. To be removed from agenda.

Pine Hill Site Plan - Awaiting.

Park Pavilion – Councilman Summe stated that the Highway was putting the trench in tomorrow for the electric. Plumbing has been installed.

NEW BUSINESS

Proposed state legislation re: cell tower approval – The attached resolution was moved by Councilman Cowan, seconded by Councilman Summe:

(Resolution Attached)

Carried Unanimously

Constable appointment - A motion was made by Councilman Summe, seconded by Councilman Cowan to appoint Anthony Bater ,at the request of the Judges, to the position at the going rate. He has all the training needed for the position.

Carried Unanimously

Village Souvenir Program ad approval – A motion was made by Councilman Cowan, seconded by Councilman Summe to approve such and ad.

Carried Unanimously

Frey Pryor Seminar on Microsoft Office approval – A motion was made by Councilman Summe, seconded by Councilman Summings to send the Supervisor, Town Clerk and Deputy Town Clerk to this seminar at a cost of \$59.00 each.

Carried Unanimously

Other – Councilman Cummings would like to set a meeting date with the Village and also to discuss the salt barn at the next work session.

Question Period – David Wakeman, Chairman of the Planning Board stated that they will look at the Drainage Law again.

Issues presented this evening will be matters of ongoing discussion.

There being no further business to come before the board a motion was made by Councilman Cowan, seconded by Councilman Cummings to adjourn at 9:20 PM..

Carried Unanimously

Carole D. Borchert
Town Clerk