

A Regular Meeting of the Newstead Town Board was called to order on Monday, June 28, 1999 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  
Carole D. Borchert - Town Clerk

Roll Call was taken with all board members present.

Pledge to the flag was led by Code Enforcement Officer Don Folger.

Minutes from the previous meeting held on June 14, 1999 were presented for approval. A motion was made by Councilman Cummings, seconded by Councilman George that they be approved as presented.

Carried Unanimously

Communications - Clerk presented the following:

A letter from NYS Department of State having filed Local Law #1, Wastewater Treatment Law, Law #2, Bed and Breakfast Code, and Law #3 Partial Disability Exemption.

A card from General Code Publishers that they are processing the three laws for inclusion in the Code as supplemental pages.

A letter from Pine Hill Materials Corporation, Vice President with responses to questions asked at the work session 6-8-99.

A letter from Kreher's Poultry Farms requesting permission to push a waterline under the bike path for their own use.

A letter from NYS Environmental Facilities Corp. regarding Drinking Water State Revolving Fund and a letter from NYS Health Department enclosing a draft intended use plan.

A SEQR Study for Route 5 project, Sheridan Drive to Genesee County line.

A memo from Senator Mary Lou Rath on Smarth Growth Economic Competitiveness.

Certification and final notice of intent Erie County agricultural District #1 – Town of Newstead District #5 construction of waterlines.

A copy of the Elderberry Press from Town of Amherst Senior Citizens.

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

Carried Unanimously

Supervisor Holmes reviewed the work session having discussed the following: met with representatives from Leisurewood Campgrounds and the two fire companies, talked about Water District #5, Library Project land and fund raising, location for salt barn, electrical inspections, Mr. Beckers' water bill, barn on Stage Road, network job description and odor problem.

Privilege of the Floor - No one spoke.

Approval of Bills - Before the bills can be presented the following budget amendments must be made: \$1,270.00 from A909 Fund Balance to A1650.1 Central Communication Personal Service for Network Administrator salary through 1999 and \$1,031.83 from A909 to A7410.410 Library Study to account for monies spent to date on Library Project. Councilman Cowan approved amendments, seconded by Councilman Cummings. The following vouchers were approved for payment by Councilman Cowan and seconded by Councilman Summe: General Fund A - \$48,467.96, General Fund B - \$17,164.54, Highway Fund DA - \$1,425.00, Highway Outside Village Fund DB - \$19,624.51, Water Fund SW \$6,718.35, Sewer Fund SS -\$ 15.46, Refuse Fund SR - \$0, Fire Protection SF,\$ 0, and Capitol Projects HC -\$6,718.35 numbered 539 through 594, totaling \$102,000.27.

Carried Unanimously

Supervisor's Report for May – Having reviewed same a motion was made by Councilman Cowan, seconded by Councilman Summe to approve as presented.

Carried Unanimously

#### COMMITTEE/DEPARTMENT HEAD REPORTS

Highway - Nothing.

Assessor - Not present.

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

Dave Nuwer – 8246 Maple Road – Covered porch

Eric Pirson – 11732 Rapids Road – Garage

James McNutt – 12860 Carney Road – Family Room and Garage

Anthony Derylak – 12585 Brucker Road – Above ground pool

Bryan Ferry – 4548 Ayers Road – One family home.

Lou Cedarman – 6963 Sandhill Road – Sunroom

Carruba – 5451 Crittenden Road – Garage

Floyd Clark – 7746 Moore Road – Covered porch

Dan Zazynski – 13590 Steiner Road – Living Room & Bath addition

Dave Borchert – Above ground pool.

Jim Sowinski – 5988 Crittenden Road – Storage building

A motion was made by Councilman Summe, seconded by Councilman George to approve a pond permit for Roger Gilbert, 11585 Hiller Road.

Carried Unanimously

He reported that the new pickup trucks are in service for himself and the Highway Superintendent.

Town Clerk – Nothing to report

Attorney for the Town – Later in the meeting.

#### COUNCILMEN

Summe – He reported that he has met with Jim Bradley on the air conditioning for the basement and should be installed the week of July 12<sup>th</sup> at an approximate cost of \$3,000. He reported that the Supervisor has donated the geraniums in front of the Town Hall and he has been trying to keep them watered during this dry spell. He also reported that he has had several phone calls on the odor problems on Cedar Street.

Cowan – Later in the meeting.

George – He attended an advisory meeting with the Akron Airport. Representatives would like to meet with the board at work session on 7/19 to discuss the new master plan.

Cummings – He would like time to discuss letter to prospective landowners for land acquisitions.

SUPERVISOR - He has received a mortgage tax check in the amount of \$56,641.58 and a check for chips aid today. He would like to call a Special Meeting on Tuesday, July 6<sup>th</sup> at 8 PM to award contract for Water District #5, Niagara Specialty Site Plan and any other business to come before the board.

#### UNFINISHED BUSINESS

Water District #5 – The attached resolution was moved by Councilman Cummings, seconded by Councilman Summe accepting the final order establishing the district with an amended plan of financing.

(Resolution Attached)

Carried Unanimously

The attached Bond Resolution was moved by Councilman Cummings, seconded by Councilman George in the amount of \$3,400,000 for said district.

(Resolution Attached)

Carried Unanimously

The attached resolution was moved by Councilman George, seconded by Councilman Cummings calling a public hearing for Monday, July 12, 1999 at 7:45 PM in the matter of modification of plans and specifications of Water District #5 pursuant to Section 196 of the Town Law.

Carried Unanimously

Andrew Casolini would like time in Executive Session to discuss contract award. The final letter to homeowners is being drafted and reviewed. DEC final water permit issues to be resolved.

A motion was made by Councilman George, seconded by Councilman Cowan to authorize the Town Attorney to negotiate soil with the Carroll family to get the easement

Carried Unanimously

Water District #7A – HUD mailed contracts in two weeks.

Library Project - The attached resolution was moved by Councilman George, seconded by Councilman Cummings to hold a public hearing on 7-19-99 at 7:30 PM to acquire said property under the Eminent Domain Procedure Law.

(Resolution Attached)

Carried Unanimously

Site Plan for Niagara Specialty – No action this evening.

Rezoning for Scotland Road – Henley – Planning Board has met on the issue and will be meeting with the Town Board at work session on July 19<sup>th</sup> at 7 PM.

Golden Pond – SEQR process – Still in the works.

McNeeley Road Subdivision - It is now before the planning board as a minor, not a major subdivision.

Network Manager - A motion was made by Councilman Cummings, seconded by Councilman George to create the position and job description. Supervisor to file a PO17.

Carried Unanimously

Pine Hill Site Plan - Review letter presented this evening with comments at the next work session.

Park Pavilion – Councilman Summe stated that plumbing and primary electric service is going in.

Other – Councilman Cummings asked about Perry's. Supervisor stated they have been contacted . Awaiting response.

#### NEW BUSINESS

Electrical inspections – A motion was made by Councilman Cowan, seconded by Councilman George to authorize Commonwealth Electrical Service effective 8-1-99 pending written guidelines from Code Enforcement Officer.

The vote on the foregoing was as follows: Councilman Summe – NAY, Councilman Cowan – AYE, Councilman George – AYE, Councilman Cummings – AYE and Supervisor Holmes - AYE.

CARRIED

Highway Department salt barn – Awaiting.

Fire Contract – Awaiting.

Other – Village Joint Meeting – Potential date of 8/16 at 7:00 PM.

Question Period – No one spoke.

Work session with an Executive session to continue following adjournment.

There being no further business to come before the board a motion was made by Councilman Cowan, seconded by Councilman Cummings to adjourn with a moment of silence for Firefighter Wayne Rosen who was killed in a motorcycle accident last week.

Carried Unanimously

Meeting adjourned at 9:20 PM.

Carole D. Borchert  
Town Clerk