

A Regular Meeting of the Newstead Town Board was called to order on Monday, July 26, 1999 at 8:00 PM at the Newstead Town Hall.

Present: Donald C. Holmes - Supervisor  
Gerald F. Summe - Councilman

Thomas George - Councilman  
David L. Cummings - Councilman

Andrew Casolini – Engineer  
Fred Pask - Assessor  
Kathleen McLeod Lang – Deputy Clerk

Roll Call was taken with all board members present except Councilman Cowan .

Pledge to the flag was led by Deputy Clerk Lang .

Minutes from the previous meeting held July 12, 1999 and Special Meeting held July 19, 1999 were presented for approval. A motion was made by Councilman Summe, seconded by Councilman George that they be approved as presented.

Carried Unanimously

Communications- Deputy Clerk presented the following:

A letter from the Environmental Coordinator, Erie County Division of Planning reviewing the project on Fletcher Road for waterline construction as it relates to the environment according to the regulations by U.S. Dept. of Housing and Urban Development. The County of Erie has determined that a portion of the proposed project is located within the 100 – year floodplain of Murder and Tonawanda Creeks.

A letter from Niagara Mohawk with up coming changes that sharing coming that affect our outdoor lighting accounts. Effective August 1, 1999 street lighting and traffic signal customers will be free to shop for electricity and other services from energy service companies with Niagara Mohawk to continue service .

A Notice of a Public Hearing to be held at the Lancaster Town Hall, 21 Central Avenue, Lancaster, NY at 8:30 p.m. on August 2, 1999 on the Text change in Zoning Ordinance, from Robert P. Thill, Town Clerk, Town of Lancaster.

A motion from Councilman Cumming, seconded by Councilman George that they be received and filed.

Carried Unanimously

Supervisor Holmes reviewed the work session having discussed the following: the Deloitte and Touche audit for 1998, Water District # 5 update including draft contracts for legal and engineering, representative from the Akron Airport, drainage requirements for building permit, Perry's but no representative would attend, Bike Path, Library Project, Moore Rd. traffic study and Water District # 7A.

Privilege of the Floor-

Mrs. Bonnie Rice, 111 Cedar St., complained about the terrible paint smell coming from Whiting Roll-Up Door, which is at 113 Cedar St.. There was also a awful burning smell this past week. These are two distinct smells which she has complained since April to Mr Folger. She also spoke with Mr. Mike Whiting but would not confirm the smell. Mrs. Rice wanted the Town Board to be aware of a possible health problem.

Mr. Mark Sherman , 6611 Cedar St., confirms Mrs. Rice complaint of the paint odor and film left on his above ground pool which was like a paint primer . This residue also ate a hole in his pool cover.

Mrs. Sharon Latka, 11464 Clarence Center Rd., presented the Town Board with a letter stating that she was one of five families on this road who will be part of the new Water District #5 but unserved. She is strongly urging the Board to be part of this serviced district because the water they have is polluted, is destroying the plumbing and is in very short supply. They are only 4/10<sup>th</sup> of a mile from the new line. Mrs. Latka feels water is not a luxury but a necessity to live and hopes the board can find the necessary funds to extend the line to her house. Supervisor Holmes indicated that he can not at this stage of the project estimate there will be a surplus of funds to cover the unserved.

Lynn M. Henningham, 5559 Barnum Rd., presented the Town Board with a signed petition from families on Barnum Rd. requesting that the Speed Limit on Barnum Road / Clarence Center Road be reduced to 40 MPH. She included pictures of the area where the concerns include pedestrian safety, the Bike Path difficulty in crossing over Barnum Road due to 55 MPH traffic, test driving of cars by local automobile dealers and Clarence Center speed limit is only 45 MPH.

Jim Murphy, 5575 Barnum Rd., continued the discussion on the high speed limit on Barnum Rd. and the need for the reduction to 40 –45 MPH. He also questioned the parking situation at Main and Barnum Used Car Lot and the debris on the John Smith's lot on Main Road.

Approval of Bills -

Carried Unanimously

Pledge to the flag was led by Supervisor Holmes.

Minutes from the previous meetings held on June 28, 1999 and July 6, 1999 were presented for approval. A motion was made by Councilman Summe, seconded by Councilman Cummings that they be approved as presented.

Carried Unanimously

Communications - Clerk presented the following:

A letter from NYS Office of Parks, Recreation and Historic Preservation on the SEQRA for Proposed Library, Main Street.

A letter from NYS Department of Health approving plans for bid alternate #2 installing 16" water line in lieu of 12" line along Buckwheat Road, South Newstead Road and Main Street for Water District #5.

A 1998 Erie County Water Authority Annual Report.

Copies of notice of issuance of magazine certificates for explosives and detonators for County Line Stone Co., County Line and Schurr Roads.

A letter and plans addressed to Councilman George with 40% plans for the reconstruction of Main Street in Clarence and Newstead.

A copy of the Erie County Sheriff's monthly report for June having answered 72 in the Village of Akron and 83 in the Town of Newstead outside the Village.

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

Carried Unanimously

Supervisor Holmes reviewed the work session having discussed the following: Water District #5, Contractor for same, ECWA lease management, Niagara Specialty site plan, Bike path, and air conditioning in basement of Town Hall.

Privilege of the Floor - Ron Hiller and Gene Schuler from Calvary Baptist Church appeared with a letter requesting annexation of their church property located at 12752 Lewis Road. Copies of their letter were given to all board members stating reasons for the annexation. William Asmus and James Asmus, two properties to the east of the church, also are requesting to be annexed. They were both referred to the Town Attorney who met with them after the meeting to tell what the next step would be.

Approval of Bills - The following vouchers were approved for payment by Councilman Cowan and seconded by Councilman Summe: General Fund A - \$7,261.58, General Fund B - \$30.00, Highway Outside Village Fund DB - \$1,663.35, Capital Projects HC \$200.00, Fire Protection SF - \$63.86, Refuse SR - \$11,498.31, Water Districts SW - \$166.45 numbered 595 through 630, totaling \$20,883.55.

Carried Unanimously

#### COMMITTEE/DEPARTMENT HEAD REPORTS

Highway - Nothing.

Assessor - He stated that the Board of Assessment Review Board were busy on Grievance Day July 6<sup>th</sup>.

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

Galen Weaver – 6197 Dye Road – Convert to 1 family.  
Timothy Knop – 12850 Stage Road – Bedroom Addition  
Carol Weigand – 11289 Rapids Road – Above ground pool.  
Roy Bauer – 13504 Main Road – garage  
Kreher’s Poultry Farm – 5411 Davison Road – Well house and water shed  
Timothy Brady – 13523 Main Street – Above ground pool and deck  
Niagara Specialty – 12600 Clarence Center Road – Manufacturing area  
Mark Poblocki – 13583 Steiner Road – Storage Shed  
Golden Pond Estates – 13415 Main Road – Six (6) mobile homes  
Joseph Matalone – 131472 Steiner Road – Roof over concrete area.  
Golden Pond Estates – 13415 Main Road – Temporary Sign

He was not present at the meeting.

Town Clerk – She presented the 1999 tax collection report having collected a total of \$3,211,339.73. Balance has been turned back to the Erie County Finance Commissioner for collection in the amount of \$254,443.77. \$11,053.83 in penalties was collected and paid to the Supervisor.  
She also presented the Dog Control Officer’s report for June.

Attorney for the Town – He stated he was on vacation last week.

#### COUNCILMEN

Summe – He will be competing the park pavilion and will have a report at the next meeting.

Cowan – Nothing

George – He reported that a consultant from the Akron Airport will be meeting with the board at the next work session to discuss their master plan.

Cummings – He has made contact with local legislators on the condition of Clarence Center Road repairs. He was told it is scheduled for repair next year.

He also would like to discuss at work session the attendance of the Code Enforcement

Officer at the meetings.

SUPERVISOR - Later in the meeting.

#### UNFINISHED BUSINESS

Water District #5 – The attached resolution was moved by Councilman Summe, seconded by Councilman Cowan approving the modification of plans and specifications pursuant to Section 196 of the Town Law:

(Resolution Attached)

Carried Unanimously

Water District #7A – Still awaiting contract for funding.

Library Project - Anticipates receiving approved contract at next meeting. A motion was made by Councilman George, seconded by Councilman Cummings for Wendel to publish notice of no significance environmental impact so that SEQR regulations will be done and grant can be released.

Carried Unanimously

Rezoning for Scotland Road - They will be at the work session next week at 7 PM.

Golden Pond – SEQR process – Awaiting there Engineer.

Pine Hill Site Application - Concerns have been addressed. A motion was made by Councilman Summe, seconded by Councilman Cummings that the Supervisor send a letter to that effect.

Carried Unanimously

Park Pavilion – Addressed earlier in the meeting.

Salt Barn – Awaiting.

Fire Contract – Supervisor will do a draft letter for review.

Bike Path – Councilman George stated that the volunteer group is working on the Peanut line from Barnum to the Clarence town line.

#### NEW BUSINESS

Continuing training for Rebecca Baker – A motion was made by Councilman Summe, seconded by Councilman Cummings authorizing same.

Carried Unanimously

Nextel Tower Application – Planning Board level.

Bloomington rezoning – A motion was made by Councilman Cowan, seconded by Councilman Cummings to send to the Planning Board with the Supervisor sending a letter on the 2 issues.

Carried Unanimously

Other - Councilman Summe stated that he has talked with Carl Klingelschmitt on Perry's odor problem and he would like his Conservation Advisory Council to look into the problem. They would be willing to do an internal review. Andrew would make their files at Wendel available to them.

No response has been received from Perry's on work session attendance next week.

Question Period – No one spoke.

There being no further business to come before the board a motion was made by Councilman Cowan, seconded by Councilman Summe to adjourn at 8:45 PM.

Carried Uanimously

Carole D. Borchert  
Town Clerk