

/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
Donnal D. Folger- Code Enforcement Officer
Kathleen McLeod Lang – Deputy Clerk

Roll Call was taken with all board members present except Councilman Cowan as he was on vacation.

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 Cummings, seconded by Councilman George that they be received and filed.

Carried Unanimously

Supervisor Holmes reviewed the work session having discussed the following: A public hearing held on the Library site, met with the Planning Board about the Scotland Road Project Rezoning, 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, Hiller 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 he would not confirm the smell. Mrs. Rice wanted the Town Board to be aware of a possible health problem.

Mr. Mark Sherman , 6711 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 red residue also ate a hole in his pool cover. He requested that someone check the area.

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 4/10th 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 building debris on the John Smith's lot on Main Road.

Approval of Bills – A motion was made by Councilman Cummings, seconded by Councilman George to approve a Budget Amendment of \$ 3944.93 from A599 Fund Balance to A7110.410 Parks, Bike Path, Contractual Expense.

A motion was made by Councilman Cummings, seconded by Councilman George to approve the following Budget Transfer of \$222.00 from A1990.400 Contingent Account to A4020.400 Registrar, Contractual Expense.

Councilman Cummings approved amendment and budget transfer, seconded by Councilman George. The following vouchers were approved for payment by Councilman Cummings and seconded by Councilman George: General Fund A - \$10,728.18, General Fund B - \$0, Highway DA - \$0, Highway Outside Village DB - \$26,100.29, Capital Projects HC - \$0, Fire Protection SF - \$59.29, Refuse SR - \$7,306.82, Sewer Fund SS- \$1,425.46, Water SW - \$30,964.74, numbered 631 through 677, totaling \$76,585.28.

Carried Unanimously

Supervisor's Report for June – Having reviewed same ,a motion was made by Councilman Cummings, seconded by Councilman George to approve as presented.

Carried Unanimously

COMMITTEE /DEPARTMENT HEAD REPORTS

Highway – Councilman Cummings spoke with Highway Superintendent who indicated they are on their third cutting on town roads, mowed ditches between Hunts Corners and Rapids Rd, leveled fill, and seeded Sandhill dump site. Councilman Cummings wanted to personally thank Elmer Ottney for trimming trees from Rt. 93, Skyline Drive to Buell St.

Assessor – Mr. Pask attended a training school in Ithica, NY last week Rebecca Baker attended a training school in Batavia,N.Y. on residential data collection which will help fine tune the process.

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

Sandra Anderson – 7567 Greenbush Rd. – Storage Shed
Kurt Schie – 7137 Draper Rd. – In – Ground Pool
Excel Industries = 11737 Main Rd. – Foundation
Jamie Spagnuolo – 12122 Clarence Center Rd. – In – Ground Pool
Donald Leising – 5931 Cummings Rd.- In-Ground Pool
David Carison – 6323 Dye Rd. – One Family Home
Robert Galuski – 11875 Hunts Corners Rd.- One Family Home
Tom Land – 13427 Stage Rd.- One Family Home
William Holler – 7768 Cedar St. – Front Deck
Steve Bedford – 6820 Cedar St. – Green House Addition
John R. Hayes – 13090 Main Rd. – Temporary sign

A question from Councilman Cummings on a vender who was selling flowers and produce next to Time Out Two Bar on Main Rd. The NY Electric and Gas gave him a week to remove these items.

Town Clerk – Nothing to report from the Deputy Clerk

Attorney for the Town- not present as he is on vacation.

COUNCILMAN

Summe - The air conditioning installation in the Town Hall basement is near completion and electrical update in the library for computer hook-up is complete. The final review for pricing from Niagara Mohawk for a primary line at the Buell St. pavilion for lighting.

George – Nothing to report

Cummings - Nothing to report

Supervisor Holmes- Nothing to report

UNFINISHED BUSINESS

Water District #5 – The following resolution was moved by Councilman Summe , seconded by Councilman Cummings:

Whereas the Town of Newstead has awarded the Newstead Water District No. 5 Waterline Project to Ontario Specialty Contracting and

Whereas the Town of Newstead has executed the Owner – Engineer Contracts;

Therefore be it resolved that the Newstead Town Board authorizes Wendel to issue a notice to proceed on Water District No.5 Waterline Construction to Ontario Specialty Contracting.

Carried Unanimously

The attached Legal Services Agreement between the Town of Newstead and Nathan S. Neill for Water District No 5 was moved by Councilman Cummings ,seconded by Councilman Summe .

(Resolution Attached)

Carried Unanimously

Water District # 7A- Councilman Summe moved, seconded by Councilman Cummings to approve Wendel Engineers to do a survey at a cost of \$ 2,800.

Carried Unanimously

Library Project - The attached resolution was moved by Councilman Cummings, seconded by Councilman Summe in the acquisition of two buildings at 27 and 29 Main St. and 31 and 33 Main St, demolition of the existing buildings and construction of a new Town Library.

(Resolution Attached)

Carried Unanimously

The attached Determination and findings under Section 204 of the Eminent Domain Procedure Law for the new Town Library was presented by Councilman Cummings, seconded by Councilman Summe.

(Findings Attached)

Carried Unanimously

Library Project – The attached resolution was moved by Councilman George, seconded by Councilman Cummings adopting a bond resolution.

(Resolution Attached)

Carried Unanimously

The attached resolution was moved by Councilman George, seconded by Councilman Summe adopting Newstead Town Clerk to publish the Library Bond Resolution in the Akron Bugle and Buffalo News

(Resolution Attached)

Carried Unanimously

The attached resolution was moved by Councilman Summe , seconded by Councilman George adopting the architectural services from Hamilton, Houston and Lownie Architects,P.C. and Paragon Northeast Corporation for construction management services.

(Resolution Attached)

Carried Unanimously

Rezoning for Scotland Road – The Planning Board has this on their agenda.

Golden Pond – SEQR process – This is now with the Federal Regulations process so a motion was made by Councilman Cummings , seconded by Councilman Summe to take this item off the agenda.

Carried Unanimously

Pine Hill Site application - The Supervisor stated the DEC has addressed our concerns except on an agreement on bonds for the highways. He also reminded them that this also involves the Town of Pembroke and the Town of Alden but the DEC has not notified them at this time.

Park Pavilion - Nothing new at this time.

Salt Barn – Nothing new at this time.

Fire Contract - Supervisor Holmes is preparing a draft to be sent out but will be doing some editing and hopes to have them ready next board meeting.

Bike Bath – Nothing new at this time.

Nextel Application - Awaiting paper work to be returned to Town from Nextel.

Bloomingtondale rezone – This is pending referring to the Planning Board.

Other – Nothing

NEW BUSINESS

Speed Limit Request - A motion was made by Councilman George, seconded by Councilman Summe to request Erie County for speed study on Hiller Road and Barnum Road.

Carried Unanimously

Greenspace fee waiver request – The attached resolution was moved by Councilman Cummings, seconded by Councilman Summe to adopt a waiver for subdivision green space fee.

(Resolution Attached)

Carried Unanimously

Other – Town Court Deputy Clerk Appointment- A motion was made by Councilman Summe, seconded by Councilman George to appoint Judy Bell as Town Court Deputy Clerk.

Carried Unanimously

Town Highway Custodian Salary – A motion was made by Councilman Summe , seconded by Councilman George to approve a weekly salary rate for the Highway Garage Custodian at \$ 25.00 per week.

Carried Unanimously

Kelly Schultz Site Plan - A motion was made by Councilman Summe , seconded by Councilman George to approve an addition to the farm site plan on Kelly Schultz's property on Main Road.

Carried Unanimously

Question Period - Mrs. Sharon M. Latka, 11464 Clarence Center Road, questioned the Board about the process for more funding for Water District #5 so she could be serviced. She is very concerned about her water situation. Supervisor Holmes can not predict if the project will have any extra funding to service her and won't know until well into the project.,but it may look promising because of the low bid.

Mr. Jim Murphy, 5575 Barnum Road, questioned the area that included Water District #7A and he was give the roads that were included in this district.

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

Carried Unanimously

Kathleen McLeod Lang