

A Regular Meeting was called to order by the Newstead Town Board on Monday, August 27, 2001 at the Newstead Town Hall at 8:00 PM.

Present: Donald Holmes – Supervisor
Gerald Summe – Councilman
Thomas George – Councilman
David L. Cummings - Councilman
Joan M. Glor – Councilwoman
Fred Pask- Assessor
Donnal D. Folger – Code Enforcement Officer
James Ebersole – Highway Superintendent
Nathan Neill – Town Attorney
Andrew Reilly- Town Engineer
Carole D. Borchert – Town Clerk

Roll Call was taken with all board members present.

Pledge to the Flag was led by Supervisor Holmes.

Minutes from the previous meetings held on August 6, 2001 and August 13, 2001 were presented for approval. A motion was made by Councilman Cummings, seconded by Councilman Summe to approve as presented.

Carried Unanimously

Communications – Town Clerk presented the following:

A copy of a letter from Village Clerk Daniel Borchert announcing Akron Drought Alert Declared by the Mayor on August 15th until further notice.

Information from Wendel-Duchscherer on OSC Pay Request for Newstead Waterline Construction Phase 1.

Information from Attorney Neill on OSC and Amherst Paving.

Information from NYS Environmental Facilities Corporation on SRF Application Assistance Sessions.

Information from Passero Associates regarding Akron Airport Runway Construction.

A letter from Erie County Tax Receivers Association with concerns in the County's "Who Does What Commission" looking into regionalism/consolidation, connecting to a T-1 data line and receivers having to use the Govern system, which is not user friendly.

Information from NYS Library Program for the conservation and preservation of library research materials announcing grant writing workshops.

Computer data sheets from Erie County Sheriff's Office listing calls handled in Akron/Newstead area for the month of July.

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

Carried Unanimously

Supervisor Holmes reported on work session items. Discussions with Fred Pask, Assessor, Don Folger, Code Enforcement Officer, Jim Ebersole, Highway Superintendent regarding 2002 budget requests, Water District #5 Soil Boring contract, Highway staff concerns, Facility study, Local Law #3 Town Clerk Salary, Doktor complaint on Water District #5, Stage Road complaint on dirt and trail bikes, Question of county GIS with respect to County Legislative resolution, Code revisions Local Law #4, Time Warner, T-1 line, Park Pavilion cleaning and use, Water quality report, TEP monies and Web site.

Privilege of the Floor – Bob Scheib, 51 Brooklyn Street, came to the board with several concerns. He presented a copy to the board. Concern #1 – Akron Airport - Regarding the proposed expansion at Akron Airport, as a former teacher at Starpoint School planes in that area were rerouted so as to not to fly directly over the school. He feels that this could be accomplished at Akron Airport as well by instituting a “No-fly Zone”. He also feels a disaster plan should be established. Concern #2 – Town of Newstead/Village of Akron Combined Comprehensive Plan - Many folks on Brooklyn Street are upset after having read the Akron Bugle stating that their street was in an Industrial zone on the coverage of the proposed Akron/Newstead Comprehensive Plan. He feels that there is an error in the future land use map, as presented. He feels errors should have been directed to the Town Board, not published in the paper. Councilman Summe visited the Brooklyn Street residents and explained the typographical error. Councilman Cummings stated that the Bugle should not have published the picture of Brooklyn Street to spark interest, but instead should have addressed concerns directly to the committee. Councilman Summe stated that there are many errors in the plan, several having been corrected. He said all persons are welcome to attend the Comprehensive Plan Steering committee meetings and commended the people who have worked on the Plan, as many hours have been put into the document. Copies for review are available at the Newstead Town Clerk’s Office, Village Clerk’s Office and Denio Library for those interested. Concern #3 – Rural Transportation Van Service - As a driver for the Going Places Van that operates on Tuesdays and Fridays in Newstead, he has heard several complaints on the new daily service provided in Newstead. Invasion of privacy on items requested, driver does not open/close door or assist clients. He would suggest that the Board review Rural Transportation Service policies in the very near future.

Approval of Bills – Councilwoman Glor reviewed Abstract #14 of the audited vouchers and found them to be in order.

She presented the following vouchers numbered 681 through 716, Abstract #15, as follows: General Fund “A” – \$9342.94, Fund “B” - \$1,234.48, Highway Outside Village “DB”\$27,324.96, Capital Projects – WD# 5“HC” \$-0-, Library “HE” \$92,465.80, Fire Protection “SF” \$-0-, Refuse “SR”\$-0-, Sewer Fund “SS” \$6.84 Water Districts “SW#1” \$225.00, “SW#2” \$-0-, “SW#3” \$-0- ”SW#4 “\$-0-, “SW#5” \$-0-, “SW#6” \$-0-, “SW#7” \$-0-, “SW8”\$-0-,”SW#9” \$-0-, totaling \$130,600.02. A motion was made by Councilwoman Glor, seconded by Councilman Summe to approve, as presented.

She also presented and approved a voucher for Ontario Specialty Co. in the amount of \$23,971.15 as a prepay for Abstract #16.

Carried Unanimously

COMMITTEE AND DEPARTMENT HEAD REPORTS

Highway – Highway Superintendent Ebersole reported that his crew is working on ditching, South Newstead Road, Route 5, Buchwheat, Lesswing and Old Steiner. They are also mowing field ditches.

Assessor – He stated that they are gathering data for the Assessment Challenge.

Code Enforcement Officer – The following building permit report was presented for the record:

Greg Snyder – 111812 Stage Road – Detached Garage
Jim Ensign – 4088 Crittenden Road – Addition
Kelly J. Smith – 11520 Main Road – Storage Bldg.
Bryan Hetzel – 7987 Kathryn Drive – Addition
Gregory Bolis – 4333 South Newstead Road – One family home
Gregory Bolis – 4333 South Newstead Road – Detached Garage
David Borchert – 6795 Cedar Street – Addition
ADESA Auto Auction – 12200 Main Road – Water Treatment Shed
Dave Janis – 12388 Swift Mills Road – Gazebo/Hot tub
Joseph LaCopa – 12505 McNeeley Road – Addition
Cord Jones – 6638 Draper – One family home
McDonalds Corp. – 12976 Main Road – Storage Building
Mark O'Brien – 13335 Bloomingdale Road – Shed
David Infanti – 12048 Swift Mills Road – Shed
Rosemary Matalone – 13427 Steiner Road – Pool Deck
David Carlson – 6323 Dye Road – Above ground pool and deck
Faith Fellowship Church – 11478 Main Road – New Entrance
Thomas Baker – 12547 Rapids Road – Shed
Sprint Tower – 11167 Main Road – Co-location on Cell Tower
Kevin Kipfer – 12744 Stage Road – Foundation work
John Wisniewski – 6708 Utley Road – One family home

He stated he is working with Wendel on McDonalds wastewater treatment. He has operation manuals from Perry's on their wastewater treatment facility. He reported that DEC was out and inspected the Stage Road problem and that he has had no complaint calls in 2 weeks. However, he does have a list of complaints from Cedar Street residents on Whittings. DEC is looking into the height of the stacks at the Cedar Street plant.

Town Clerk – She presented her final settlement sheet from Erie County Finance Commissioner for the 2001 Town County Tax Collection balanced and paid in full.

She reported that Deputy Clerk Kathy Lang has finished her testing awaiting doctor consultation on September 10th for diagnosis.

Attorney for the Town – Nothing at this time.

COUNCILPERSONS

Summe – He reported on the Little League Football team using the Park field on Saturday. Elaine Wozniak is doing the cleaning of the pavilion. A list will be given to the Town Board of the use of the park for work session discussion.

George – Nothing at this time.

Cummings – Work session time to discuss the web site information. He would like comments back by September 4th. Would like to discuss Highway concerns at the September 17th work session. He also asked the Supervisor for time sheets and payrolls for the months of June and July for all town part time employees. He asked Ken Kasperek, who was in attendance representing the Akron Bugle, what the objective of running the Brooklyn Street picture in last weeks Akron Bugle. He stated he could not speak for the editor, but believes it was to get public comment. He will refer the matter to the editor. Councilman Summe as Chairman of the Comprehensive Plan, stated that there have been hundreds of revisions and there will be several more. It is a huge document, surveys, etc. and when all comments are back and applied it will be a great tool.

Glor – She thanked Sandy Pietrowski and Judy Bell, Court Clerks, for assisting in the Town Clerk's Office the past two weeks while the Deputy Clerk is out on medical leave.

SUPERVISOR – He reported that the Senior Citizens are anxious to get back into the Village Hall. He was told it would probably be another 3 weeks.

UNFINISHED BUSINESS

Water District #5 – A motion was made by Councilman Summe, seconded by Councilwoman Glor to authorize the Supervisor to sign an agreement with Wendel to complete the soil boring at a cost of \$5,384.00.

Carried Unanimously

Library Project – Councilman George reported that authorization is needed to sign change order #1 for 4 contractors reductions in cost agreements. West side foundation is complete making the driveway and back parking lot accessible for Primary Day use. He is awaiting a delivery date for the steel.

Assessment Challenge – Assessor already commented on same.

Comprehensive Plan Update – Councilman Summe reported on a meeting scheduled for September 17th to go over the plan again.

Water/Sewer Hook up at Park – Awaiting power.

Park Master Plan – Councilman Summe has some rendering questions.

Rothland's Site Plan – Awaiting the final drainage report.

AOL/Time Warner franchise – Attorney is waiting for a revised version to be sent. Issues have been resolved.

Christian Airmen Re-Zoning – Councilman George has some concerns on the project. Zoning proposals being sought for assisting within the next 2 weeks. To be discussed at work session.

Facility Study RFP – Councilwoman Glor thanked the Highway Superintendent, Dick Campbell, and Senior representative Fran Dahill for help on the facility study selection. The attached resolution was moved by Councilwoman Glor, seconded by Councilman George selecting Kideney Architects to provide professional services as detailed in the Scope of Work in the amount of \$35,000. Contract to be forwarded.

(Resolution Attached)

Carried Unanimously

Toll Barrier – A draft for consideration and review will be given to board members from the four towns involved.

NEW BUSINESS

E-911 Wireless Surcharge Fund – The attached resolution was moved by Councilman Summe, seconded by Councilwoman Glor to support the proposed legislation that would distribute the Wireless Surcharge revenues to counties throughout New York State.

(Resolution Attached)

Carried Unanimously

Bright Meadows Site Plan – The attached resolution was moved by Councilman Cummings, seconded by Councilman George that the Town Board apply for lead agency status starting a coordinated review for the 18-Hold Expansion SEQR.

(Resolution Attached)

Carried Unanimously

Niagara Specialty Metals Site Plan – Awaiting comments from Erie County.

Head Start request to use the Town Hall – A motion was made by Councilman Summe, seconded by Councilman Cummings authorizing the Supervisor to sign said contract with Head Start to use the Newstead Town Hall as an evacuation site.

Carried Unanimously

Local Law #3 – Law entitled “Increase in the Salary of the Town Clerk for the Year 2001” to reflect the Town Clerk’s acceptance of the responsibility of collector of taxes for the Akron Central School District. The attached resolution was moved by Councilwoman Glor, seconded by Councilman George to schedule a public hearing on September 10, 2001 at 7:50 PM.

(Resolution Attached)

Carried Unanimously

Local Law #4 – Law entitled “2001 Amendments to the Code of the Town of Newstead” The attached resolution was moved by Councilman Summe, seconded by Councilwoman Glor to schedule a public hearing on September 24, 2001 at 7:50 PM.

Carried Unanimously

County offer of T-1 line – The attached resolution was moved by Councilman Cummings, seconded by Councilman Summe that the Town accepts the offer made by Erie County to install and maintain a T- line in the Town Hall, at no cost to the Town.

(Resolution Attached)

Carried Unanimously

Question Period – The Town Clerk asked again if the Village Hall would be accessible for Primary Day election, because she has contacted the Akron Fire Co. for use of their hall. She was told it would be accessible for Primary Day.

There being no further business to come before the board a motion was made by Councilwoman Glor, seconded by Councilman Summe to adjourn at 9:00 PM.

Carried Unanimously

Work session to continue on legal matters.

Carole D. Borchert, RMC
Town Clerk