

A Public Hearing was called to order by the Newstead Town Board on Monday, October 11, 1999 at 7:50 PM at the Newstead Town Hall.

Present: Donald C. Holmes - Supervisor
Thomas L. Cowan - Councilman
Thomas George - Councilman
David L. Cummings – Councilman
Nathan S. Neill – Attorney for the Town
Donnal D. Folger – Code Enforcement Officer
Andrew Reilly - Engineer
Carole D. Borchert – Town Clerk
Kathleen M. Lang – Deputy Clerk

Roll Call was taken with all board members present.

Proof of Publication was read as it appeared in the Akron Bugle.

Supervisor Holmes stated this hearing was called to hear anyone speaking for or against the use of Federal Community Development funds in the Town of Newstead. The Town of Newstead is eligible for a Federal Community Development grant under Title I of the Housing and Community Development Act of 1974, as amended. The purpose of the hearing is to provide an opportunity for citizens to express community development and housing needs and to discuss possible projects which would benefit low and moderate income persons in the Town of Newstead. In past years funds have been used for water projects, \$95,000 for Water District #9, Buckwheat Road and \$90,000 for District #7A, Fletcher Road.

The hearing was opened to the floor. There was no one present to speak.

Councilman George asked about the Library Project. He suggested filing a joint application with the Village of Akron to do a traffic study on lower Main Street. The board will discuss this at a work session.

There being no one further to speak a motion was made by Councilman Cowan, seconded by Councilman Summe to close said hearing at 8:05 PM.

Carried Unanimously

The Regular Meeting of the Newstead Town Board was called to order at 8:07 PM.

Pledge to the flag was led by Supervisor Holmes.

Minutes from the previous meeting held September 27, 1999 and Special Meeting held on October 4, 1999 were presented for approval. A motion was made by Councilman Cowan, seconded by Councilman Summe to approve as presented.

Carried Unanimously

Communications - Clerk presented the following:

A letter from Merry Lou Dembrow, 255 Akron Indian Falls Road, with concerns on Northeast Caissons Inc. proposed plans for a large commercial building project located on the corner of Scotland and Indian Falls Roads. She is encouraging the Town Board not to allow this industrial park.

A letter from Glen and Betty Conibear, 658 Akron Road, also with concerns on the proposed industrial park and the adverse effects such an industry would have on the community.

A letter from Attorneys Davis, Augello, Matteliano & Gersten representing Adeline and Richard Raykowski residing at 13830 Indian Falls Road expressing their opposition to the proposed industrial warehouse at Scotland and Indian Falls Roads.

A letter from the NYSDEC staff having identified two new wetlands to be added to Map 11 of 31. The amendment is to add Wetlands CR-29 and CR-30 in the Town of Newstead as Class III wetlands.

A copy of a letter from WESTCO Claims Management Service regarding the lawsuit of Robert A. Przesiek, etal, Anthony J. Falter, etal., Terry Blair, etal. v. Newstead Sno-Seekers, etal.. with the Village of Akron insured . This letter was a response to a request which was declined, but the Company will continue to defend the Village in the underlying actions.

A letter and permit from the NYSDEC Division of Environmental Permits issued to Town of Newstead Water District No.5 for installation of a complete water supply and distribution system to serve the newly created Water District No.5. and taking a supply of water in amounts up to 500,000 gallons/day from Erie County Water Authority under terms of a Lease-Management Agreement.

A letter from Time Warner Communications with regards to Town of Newstead granted franchise to provide cable television service to its residents with Time Warner Entertainment – Advance /Newhouse Partnership(TWEAN) and certain developments .

Another letter from Time Warner Communications with a copy of the Customer Information Notice sent to all customers.

A letter from Town Justice Dennis Freeman with a request to attend the 90th annual NYS Magistrates Conference and accredited advance training course on October 10, thru 13 at Ellenville, New York. He is also requesting approval to attend a Youth Court Conference sponsored by the Department of Criminal Justice Services in Albany on November 7 – 9 . The Town and Village Justices have discussed the possibility of forming a Youth Court in our community and this conference would provide information as to how to implement this program.

A letter from the Erie County Sheriffs with the September ,1999 report of complaints handled by the deputies, 44 in the Village of Akron and 76 in the Town of Newstead outside of the Village.

A letter from Highway Superintendent Gary Fogal with a request to spend \$5,000 to \$7500 from the Drainage Fund to help Mr. Barlow Rhodes, District Field Manager of Erie County Soil and Water Conservation District, in removing and burying a log jam located in the Tonawanda Creek at Cedar and Bruning Roads.

The Treasurer's Report for September ,1999 from the Akron-Newstead Senior Citizens was presented with a closing balance of \$2,044.19.

A letter from Richard Lauricella, Manager of Police Operations, Village of Akron with questions about the Dog Control Officer's jurisdiction in the Village and Akron Falls Park. This is in regards to an incident in the Akron Falls Park

A motion was made by Councilman Summe, seconded by Councilman Cummings to receive and file.

Carried Unanimously

Supervisor Holmes reported on the last work session having discussed Water District #5, Water District # 7A, bike path resolution, DWI contract, Planning Board request and Judges court budget.

Privilege of the Floor – No one spoke.

Approval of Bills – The following vouchers were approved for payment by Councilman Cowan, seconded by Councilman Summe: General Fund A - \$22,867.44, General Fund B - \$681.56, Highway Outside Village DB- \$73,477.48 Capital Projects HC - \$463,451.62, Fire Protection SF - \$63.86, Refuse SR - \$0, Sewer Fund SS - , Water SW - \$136.69, numbered 895 through 935, totaling \$560,678.65.

Carried Unanimously

Supervisor's Report for September was presented for approval. A motion was made by Councilman Cowan, seconded by Councilman Summe to approve as

Carried Unanimously

COMMITTEE /DEPARTMENT HEAD REPORTS

Highway - Nothing.

Assessor – Not present

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

Kreher's Poultry Farm – 5411 Davison Rd. – Shed for emerg.power

Mark Hageman – 12592 Hunts Corners Rd. – 2 Porches

David Montante – 13557 Stage Rd. – Shed

Uni-Mart – 12999 Main Rd. – Sign Renewal

Town Clerk – Nothing at this time

Attorney for the Town – Nothing at this time

COUNCILMAN

Summe – Nothing at this time

Cowan – Nothing at this time

George – Nothing at this time

Cummings – The Dog Control Officer Report was presented at Councilman 's home and will present at next meeting.

SUPERVISOR - He reported that he attended a meeting with Phil Clark and Genesee County with update for water district . He also received a check for \$299,000 for commitment of oversize water line for Genesee County.

UNFINISHED BUSINESS

Water District #5 –Wendel engineer Andrew Reilly reported deadline for the first installation of the water line was due October 1,1999 with one third of the 300 customers responding and completion of the first stage due in December. The second round of the project will be started in the spring.

Water District # 7A- The plans have been submitted to the Health Department and construction to begin the spring.

Library Project - Councilman George reported that in 2 weeks the Village and Town attorneys will meet to discuss the site assessment ,parking lot expansion and maintainece . A fund raising committee will meet to discuss possible ways to raise money. On November 1, 1999 the design specifications should be available.

Rezoning for Scotland Road – Councilman Cowan remarked that most of the concerned letters on this rezoning were from Town of Pembroke residents

Pine Hill Site application – Still awaiting DEC report.

Salt Barn – nothing

Fire Contract – Supervisor received letter today from Akron Fire Chief and will review .

Nextel Application- Code Enforcement Officer did a follow-up and they will be sending a letter to withdraw the application. Town Attorney Neill was asked to contact them by letter .

Bloomingtondale rezone –Planning Board is working on the project.

NEW BUSINESS

Master Plan Committee Appointments – A motion was made by Councilman George, seconded by Councilman Cowan to appoint from the Newstead Town Board Councilman Summe and Councilman Cummings to this joint committee with the Village of Akron. They also appointed from the Planning Board Terry Janicz and John Potera to attend the committee.

Carried Unanimously

Local Law No.4 – Supervisor recommends review in the work session with regard to the item included in this proposed law.

Klotzbach resignation from Planning Board – A motion from Councilman Summe, seconded by Councilman George to accept with regrets the resignation of Douglas Klotzbach from the Planning Board. A letter will be sent to express the boards regrets to Mr.Klotzbach.

Carried Unanimously

Support for Tonawanda Creek project – A motion from Councilman George ,seconded by Councilman Summe to authorize an amount not to exceed \$7,500.00 from the drainage budget for the removal of the log jam at the northeast corner of Cedar Street and Brunning. The DEC talked with the Highway Superintendent and Carl Klingelschmitt To confirm the need for this project before there is road and property damage.

Carried Unanimously

Lease Management amendment for Water District # 7- The attached resolution was moved by Councilman Summe, seconded by Councilman Cowan.

(Resolution Attached)

Carried Unanimously

Conference attendance request: Justice and Planning- A motion was made by Councilman Cummings, seconded by Councilman George to permit Judge Freeman and Dave Wakeman to attend conferences requested.

Carried Unanimously

Celebration Committee request for use of Town Hall – Awaiting more information .

Halloween Constable at Town Hall- A motion was made by Councilman Cowan ,seconded by Councilman Summe to have a Town Constable on duty for October 31,1999. The Supervisor will contact the constable.

Carried Unanimously

Stop DWI Contract- The attached resolution was moved by Councilman Cummings, seconded by Councilman George .

(Resolution Attached)

Carried Unanimously

Other- Councilman Cowan questioned the authority of the Newstead Dog Control Officer in the county park and the 24 hours a day on duty. It is the boards understanding that he does have authority in the park and is on duty 24 hours a day.

Next week a Special Meeting during work session to set a public hearing date on the budget.

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 Cummings to adjourn at 8:45 PM.

Carried Unanimously

Carole D. Borchert
Town Clerk