

A Public Hearing was called to order by the Newstead Town Board on Monday, October 22, 2001 at the Newstead Town Hall at 7:35 PM.

Present: Donald Holmes – Supervisor  
Gerald Summe – Councilman  
Thomas George – Councilman  
David L. Cummings - Councilman  
Fred Pask- Assessor  
James Ebersole – Highway Superintendent  
Nathan Neill – Town Attorney  
Andrew Casolini- Town Engineer  
Carole D. Borchert – Town Clerk  
Kathleen McLeod Lang –Deputy Town Clerk

Roll Call was taken with all board members present with exception of Councilwoman Glor who is on vacation.

Supervisor Holmes stated this hearing was called to hear anyone speak for or against Local Law #4 of the Year 2001 entitled “2001 Amendments to the Code of the Town of Newstead”. A hearing was held on this law in September, however due to elimination of certain provisions of the law a new hearing is required.

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

The new law simplifies the proceedings allowing changes that the Town Board deems necessary and includes eliminating the public hearing requirement for minor sub divisions.

No one in attendance spoke.

A motion was made by Councilman Summe, seconded by Councilman George to adjourn the hearing at 7:39 PM.

Carried Unanimously

A second Public Hearing was called to order by the Newstead Town Board at 7:40 PM

Supervisor Holmes stated that this hearing was called on a request for a Special Use Permit for Bright Meadows Golf Course expansion located at 12287 Clarence Center Road.

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

Jeff Randall, 12089 Clarence Center Road, owner of Rothland’s Golf Course stated he would like his concerns addressed as stated in his letter that was submitted to the board earlier.

There being no one else to speak a motion was made by Councilman Summe, seconded by Councilman George to adjourn the hearing at 7:47 PM.

A third Public Hearing was called to order by the Newstead Town Board at 7:50 PM.

Supervisor Holmes stated this hearing was called to hear anyone speak for or against the 2002 Preliminary Budget as presented.

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

Hearing was opened to the floor.

Shirley Keller, 12622 Hunts Corners Road, questioned the water fee for property owners. The Town Engineer stated that the cost of \$350.00 was an average cost based on \$90,000 house assessment. Formula is a flat fee plus ad valorm charge, based on assessment.

Philip Sperandeo, 12440 Meahl Rd., asked how to go about forming a water district on Meahl Rd. He was told he would need to get signatures from his neighbors and petition the Town Board to review, however the area may be under consideration now.

Doug Ceisner, 100 East Avenue, questioned the cost of water at the RV rental units at Leisurewood in comparison to rental apartment property. Apartments are much higher and he would like to know why. The Town Engineer stated it was based on ratios done on RV's with projected figures. Mr. Ceisner requested meeting time with the Town Board to discuss Water District #5 rationale.

There being no one further to speak a motion was made by Councilman Summe, seconded by Councilman George to close the public hearing at 8:10 PM.

Carried Unanimously

Regular meeting was called to order at 8:15 PM.

Present: Same as Above

Pledge to the flag was led by Sandy Keppel, 6<sup>th</sup> Grade Teacher in attendance.

Presentation of Recycling Poster and Logo Awards – Supervisor stated that Ms. Keppel, 6<sup>th</sup> Grade ACS Teacher was present along with Carl Klingenschmitt Chairman of Newstead Conservation Advisory Council to honor those receiving awards this evening. He congratulated Ms. Keppel on receiving an award of Excellence in English in Albany this week from NYS Education Department.

The following 6<sup>th</sup> grade students came forward and received a certificate and check from the Town of Newstead for their fine efforts. Town Clerk Carole Borchert presented to Melissa Foster, third place poster winner, Councilman Summe presented to Ryan Menzel, second place poster winner, Supervisor Holmes presented to Brittany Sperandeo, first place poster winner, Councilman George presented to Sabrina Dennin, second place logo winner and Councilman Cummings presented to Doug Margarucci, first place logo winner.

Minutes from the previous meeting held on October 8, 2001 were presented for approval. Town Clerk listed several corrections required on pages 2, 4 and 5. A revised copy will be placed in the boxes tomorrow. A motion was made by Councilman Cummings, seconded by Councilman Summe that they be approved, as corrected.

Carried Unanimously

Communications – Town Clerk presented the following:

A letter from Mrs. Shirley Mazza, 5808 Buell Street, asking for the possibility of installing street lights on Buell Street from Route 5 to Skyline Drive as well as lowering the speed limit from 55 MPH to 45 MPH. Since McDonald's has opened there is a lot of foot traffic after dark along this road.

A letter from Michael and Jennifer Drabik, 6807 Draper Road, asking for water service to their home in the Spring of 2002, since they are close to Hunts Corners Road where water will be serviced this Spring.

A letter from Newstead Fire Company asking for assistance in helping to fund their high band radio system as part of the 2002 Preliminary Budget. Last year \$5000 was allotted Town. The cost of the pagers needed will be between \$15,000 and \$20,000.

A letter from Lawrence Izdorcak, President of Akron Little League Football, Inc., thanking the Town Board for the use of the Town Park facilities for their 2001 season. There board would like to be placed on a work session agenda in November to discuss some issues for next season.

A letter from NYS Department of State having filed Local Law #3.

A memo from Wendel-Duchscherer on Site Plan Review Revised for Rattles to Reading Day Care and Northeast Caissons.

A letter from ECIDA scheduling a public hearing at the Newstead Town Hall on November 8, 2001 at 9:00 AM on 2001 Modern Heat Treating & Forging Inc. Project.

A letter from State Senator Dale Volker in response to the letter on the proposed relocation of the Williamsville Toll Barrier.

Information from NYS Public Service Commission on joint petition hearings from Niagara Mohawk Power Corporation.

The monthly report from E C Sheriff Office on calls handled in September. 66 in the Village of Akron and 93 in the Town of Newstead outside the Village.

The Supervisor's Report for September showing receipts and disbursements.

A Final Intended Use Plan Project Priority List from NYS Environmental Conservation.

A Final Intended Use Plan Drinking Water State Revolving Fund from NYS Department of Health.

A copy of the Greater Buffalo-Niagara Regional Transportation Council newsletter.

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

Carried Unanimously

Supervisor Holmes reported on the work session held last week, October 15, 2001 having discussed with Peter Henley the Site Plan for Northeast Caissons, etc., Chris Hogan re: Library, Andrew Casolini re: Water District #5 status, Community Development projects, Genesee County hook-up, and Comprehensive Plan.

Privilege of the Floor – Bob Scheib, 51 Brooklyn Street, came before the board and stated it has been 1 month and he has heard nothing from the board on the topics he presented, nor does he see it on the agenda under Unfinished Business. One being the No Fly Zone for the new landing strip at the Airport. Councilman George stated that it is being reviewed, two being the Rural Transit Van application. Supervisor Holmes stated that the questions and information asked on the application is no different than information required for the reduced lunch program at school. This is typical information required for all federal programs. Third being the Tire Pile which has been ongoing since 1982. He fears that it will be covered with dirt from the reconstruction of Route 5. The tires will rise to the top eventually. Supervisor stated that the Town Board has not found any workable solution for the pile.

Approval of Bills – Before the bills can be presented the attached Budget Transfers and Amendments must be made as per memo dated 10-19-01 from Cindy Schilling. A motion was made by Councilman George, seconded by Councilman Summe to approve same.

Carried Unanimously

Councilman George stated that Councilwoman Glor has reviewed the vouchers on Abstract #19 numbered 860 through 908 and recommends payment as follows: General Fund "A" – \$3,516.25, Fund "B" - \$67.81, Highway Outside Village "DB" \$8,752.63, Capital Projects – WD# 5 "HC" \$64,613.61, Library "HE" \$156,704.02, Refuse Fund "SR" \$19,128.20, Sewer Fund "SS" \$1,313.36, Water Districts "SW#1" \$2,388.75, "SW#3", \$6,318.05, "SW5" \$30.04, totaling \$262,832.72.

Councilman Summe seconded the motion to approve.

Carried Unanimously

#### COMMITTEE AND DEPARTMENT HEAD REPORTS

Highway – Superintendent Ebersole state that the snow equipment is ready. They are cleaning the tractors and mowers for winter storage. He received a check for \$8,082 from the auction on equipment that was sold.

Assessor – Nothing to report

Code Enforcement Officer – Not Present. The following building permit report were presented for the record:

Donald Leising – 5931 Cummings Road – Storage Shed  
Jeffrey Frey – 12030 Rapids Road – One family home  
Daniel Andrusz – 12067 Nice Road – Pole Barn  
Henry Meinzer – 13218 Dorsch Road – Wood Stave and Chimney  
Clifford Albrecht – 11672 Main Road – Storage Shed  
Gordon Kelkenberg – 11125 Miland Road – Wood Stove and Chimney  
Sprint Spectrum – 4678 South Newstead Road – Additional 6 panel antenna

Town Clerk – She presented the Dog Control Officer's Report for September from Dave DeYoung, Dog Control Officer.

Attorney for the Town – Nothing at this time.

#### COUNCILPERSONS

Summe – Nothing at this time.

George – Nothing at this time.

Cummings – Nothing at this time.

SUPERVISOR – He presented a scrapbook on the Bike Path and the dedication to Richard Anastasia to the Town Clerk for interested parties to review.

#### UNFINISHED BUSINESS

Water District #5 – He stated that about 100 people attended the meeting last Tuesday at the Fire Hall. Erie County Water Authority water quality reports have been dropped off.

Library Project – Councilman George reported that the floor slab is to be poured this week with the roof being installed the second week in November. Building should be enclosed in 5 to 6 weeks.

Assessment Challenge – Assessor Pask has no more information.

Comprehensive Plan Update – Councilman Summe would like work session time to discuss the final statement.

Water/Sewer Hook up at Park – Andrew stated that the paperwork has been prepared awaiting KJR to come in and review.

Park Master Plan – Councilman Summe reported he would like work session time next week to schedule a date for the public to be invited to review.

AOL/Time Warner franchise – Working with the Village Attorney for a joint venture.

Christian Airmen Re-Zoning – Councilman George will be scheduling a meeting soon with Christian Airmen Association.

Facility Study – Councilman George reported that most have been interviewed. It will be ongoing for the next two weeks.

Toll Barrier – Nothing new.

Bright Meadows Site Plan – The attached resolution was moved by Councilman George, seconded by Councilman Cummings approving the Site Plan subject to a condition where the construction are within the established 150' buffer from Rothlands.

(Resolution Attached) Carried Unanimously

Local Law #4 – The attached resolution adopting determination of non-significance was moved by Councilman Cummings, seconded by Councilman George:

(Resolution Attached) Carried Unanimously

The attached resolution was moved by Councilman Summe, seconded by Councilman Cummings to adopt said Local Law #4 as presented.

(Resolution Attached) Carried Unanimously

CDBG Funding – The attached resolution was moved by Councilman Cummings, seconded by Councilman Summe authorizing the Supervisor to submit an application to the CDBG Consortium to continue the Rural Van Service.

(Resolution Attached) Carried Unanimously

Alden Assessment Contract – A motion was made by Councilman George, seconded by Councilman Summe to authorize the Supervisor to sign said contract with Alden to begin service January 1, 2002.

Carried Unanimously

Northeast Cassions/Rattles to Reading Site Plan – The County has until October 27<sup>th</sup> to respond.

Preliminary Budget for 2002 – The Supervisor has made a few adjustments to be considered this evening. There will be no tax rate change.

Other – Water District #5 proposal – A motion was made by Councilman Cummings, seconded by Councilman Summe to accept easements.

Carried Unanimously

## NEW BUSINESS

Little League Football Contract – Awaiting

Other – Councilman Summe asked if the Code Enforcement Officer had received any information from other towns regarding trail bikes.

Dawn Izydorzak, in the audience, stated that letters have been sent and the office is compiling a list.

Supervisor Holmes stated that next week, being the fifth Monday of the month, the Town Board will be hosting a joint meeting with the Village Board. A short work session will follow the meeting.

Question Period – No one spoke

There being no further business to come before the board a motion was made by Councilman Summe, seconded by Councilman George to adjourn at 9:10 PM.

Carried Unanimously

Carole D. Borchert, RMC  
Town Clerk