

Newstead Town Board Meeting- November 25, 2002

A Public Hearing was called to order by the Newstead Town Board on Monday, November 25, 2002 at the Newstead Town Hall at 7:50 PM.

Present: Gerald F. Summe -Supervisor
David Cummings- Councilman
Tom George- Councilman
Joan M. Glor- Councilwoman
Harold L. Finger- Councilman
James Ebersole- Highway Superintendent
Fred Pask- Assessor
Nathan Neill- Town Attorney
Andrew Casolini- Town Engineer
Dawn D. Izydorczak- Town Clerk
Kathleen McLeod Lang- Deputy Clerk

Roll Call was taken with all board members present.

Supervisor Summe called the public hearing to order at 7:50 pm for the Special Use Permit request by Buffalo Drilling Co. to operate a Testing Lab at 12340 Main Road.

The Town Clerk read the proof of publication.

Comments received were:

Jim Barron, owner of Buffalo Drilling Co., informed the Board that their holding company Barron & Associates actually will run the Testing Lab. The lab is used to conduct material testing of construction materials such as concrete. The facility will include offices and training areas and will move current employees from the Buffalo Drilling site. No new employees are being added.

Jeffrey Bono, 13219 Main Rd, voiced his concerns regarding past practices of Buffalo Drilling and its operators as well as the issues of fencelines, berms, the types of materials being used in the lab, parking concerns and the overall outward appearance of the current facilities. He questioned who would be overseeing this lab at the County and State levels and requested that all issues and concerns be addressed before Buffalo Drilling is allowed to begin any phase of the project.

John Schmidt, 13218 Main Rd, stated his property is surrounded by Buffalo Drilling and he can not even enjoy his backyard. He would like to see a 6' or higher solid fence erected all the way around his property because Buffalo Drilling encroaches on his property regularly. He is also concerned with the retention pond and run off from the site.

Supervisor Summe discussed some of the issues and comments made and stated no action would be taken until these comments could be discussed.

A motion was made by Councilman Cummings, seconded by Councilman George to close the public hearing at 8:13pm.

A regular meeting of the Newstead Town Board was called to order at 8:14pm with all the same present as listed above.

Town Clerk Dawn Izydorczak led the pledge to the flag.

Minutes from the previous regular board meeting held on November 11, 2002 were presented for approval. A motion was made by Councilman George, seconded by Councilwoman Glor to approve as presented. Carried Unanimously

Communications -Clerk presented the following:

A copy of the Akron Village Board meeting minutes for November 4,2002 were received.

A letter from the NYS Department of State acknowledging receipt and filing of Local Law No. 3 of the Year 2002 on October 31, 2002.

A letter from Wendel Duchscherer regarding engineering services for additional waterline on Hunts Corners Road in Water District No. 5.

A letter from the NYS Department of State acknowledging receipt and filing of Local Law No. 4 of the Year 2002 on November 7, 2002.

A letter to the town board from resident John Burke of 4820 Crittenden Road was distributed to Board members regarding his concerns over the County Line Stone project and inaccuracies discovered.

A Monthly Activity Report from the Erie County Sheriff's Office reporting the October 2002 calls for the Village of Akron- 76, none were reported for the Town of Newstead.

Two letters from Wendel Duchscherer regarding their proposal to investigate options and associated estimates for providing water service in the remaining areas of the Town of Newstead

Copies of letters from Wm. Schutt & Associates to ADESA and from ADESA to Paul Barron regarding the findings of studies done on the proposed testing lab site at 12340 Main Rd by buffalo Well Drilling. The letters outline ADESA and Wm. Schutt & Associates concerns with the project.

A letter from Casilio Companies regarding their full-service construction and real estate development firm and the services they offer.

A motion was made by Councilman Finger, seconded by Councilman George to receive and file correspondence as presented. Carried Unanimously

Work Session: Supervisor Summe reported that a work session was held on November 18, 2002 and the following were discussed: Highway Department new hire, Wendels proposal for town wide water service , Sewer Issues update, Senior Center committee, Airport Re-zoning committee, and the LOSAP proposal among other issues were discussed.

A joint meeting of the Village and Town Boards was held. Issues discussed were: the LOSAP proposal, a water and sewer agreement to provide services, Building Inspector hire update, Airport update and the Town of Newstead Facilities Study.

Privilege of the Floor –

John Burke, 4820 Crittenden Rd, spoke regarding his letter. Specifically he questioned how complaints are handled against County Line Stone and whether they are forwarded to the proper agencies. The Supervisor stated that these issues are to be discussed at work session and a new complaint's procedure is being developed for all mining and excavation businesses.

Approval of Bills -Councilwoman Glor reported that she had reviewed the Abstract from Batch #81 & 82 from the 11/11/02 meeting with the previously un-audited vouchers and found everything in order. She presented Abstract Batch #83 & 85. Vouchers on Abstract Batch #83 & 85 numbered 1181- 1218 totaling \$274,131.46 and were presented for payment approval by Councilwoman Glor, seconded by Councilman Finger to approve payment.

Abstract Batch 83 & 85:

General Fund "A" -\$18,654.47, Fund "B" \$550.34, Highway "DA" -\$0.00, Highway: Outside Village (DB) \$3,590.98, Capital Projects- WD#5-Phase II (HC) \$249,270.62, Capital Projects- WD#7 A (HD) \$0.00, Library Project (HE) \$0.00, Fire Protection (SF) \$0.00, Refuse (SR) \$2,005.69 , Sewer Fund (SS) \$19.36, and Water Districts (SW1) \$20.00, (SW2) \$0.00, (SW3) \$20.00, (SW4) \$0.00, (SW5) \$0.00, (SW6) \$0.00, (SW7) \$0.00, (SW7A) \$0.00, (SW8) \$0.00, (SW9) \$0.00, Trust & Agency (TA) \$0.00, totaling \$274,131.46

Carried Unanimously

COMMITTEE AND DEPARTMENT HEAD REPORTS

Highway – Peter Hennessey has been hired to replace the retiring Bill Rodgers pending a physical and pre-hire testing.

Assessor – Fred thanked the Board for their patience and understanding during his absence for knee surgery. He will discuss some assessment issues with the Board at work session.

Code Enforcement Officer –the following building report was presented:

Leisurewood	5720 Cummings Rd	Tool Shed
CMK Builders	6229 Dye Rd	One Family Home
Scott Swader	6842 Cedar St	Enclose Carport
Paul Muck	6470 Utley Rd	One Family Home
Thomas Eldred	12527 Clarence Center Rd	Rear Addition
Millard Young	12270 McNeeley Rd	Attached Garage
John Schrock	7845 Greenbush Rd	Addition

Supervisor Summe wished Code Enforcement Officer Donnal Folger well on his retirement and thanked him for his dedicated service to the Town. As of January 1, 2003 the Town will be welcoming part-time building inspector Frank Trybuskiewicz from Alden to the Building Department through a shared services agreement with Alden.

Town Clerk- The Town Board members were presented with copies of the Final Budget for 2003. Tax collection has been completed for the Niagara County and Genesee County portions of Akron Central School taxes. The collection for Newstead's portion will end on December 2nd. A drop box has been purchased for the Town Hall and is expected to be received by mid-week, with installation by next week. This box will be available for residents to drop off payments, renewals and even folded drawings for all town hall offices before and after regular office hours. It will be emptied once each morning. The hours for the Town Clerk's office will be changing as of January 1, 2002 to 8:00am – 4:30pm Monday through Friday. We will continue to have extended hours at tax time and other busy seasons, including specially announced Saturday hours.

Attorney for the Town- Nothing at this time.

COUNCILPERSONS

George – Nothing at this time.

Cummings – Nothing at this time

Glor- Nothing at this time

Finger- Nothing at this time

SUPERVISOR – Tuesday is his first full day of 3 days sitting on the selection committee for the review sub-committee of the Division of Planning. The September Supervisors Report is on file in the Town Clerk's office and the October report will follow by next meeting. Supervisor Summe commended his Secretary Kathy Strobele for all her hard work this year.

UNFINISHED BUSINESS

Water District #5- Phase 2 & 3: Work is progressing. They are finishing clean-up work and installations. Extension area construction should begin around December 1st. Need to discuss extension in Utley Rd area at work session.

Comprehensive Master Plan Update – December 9, 2002 public hearing set.

Christian Airmen Re-Zoning- received working document from consultants and will be distributed to committees. Tom will be coming up with a procedure schedule to follow during each phase of the process. Board previously passed a resolution endorsing portions of project as unlisted action. The following resolution will only allow the airport to get reimbursed for expenses incurred on their current projects. It does not imply agreement or approval of anything that is done.

A motion was made by Councilman George, seconded by Councilwoman Glor to endorse the Akron Airport project for the purpose of making the project eligible for State funding.

(Resolution Attached) Ayes- 5 Nay- 0 Carried Unanimously

Refuse Issues- Bids were opened at 4:00pm on Thursday, November 21st. The low bidder was BFI at \$26.00/ton with hauling to American Ref-fuel site and a CPI of 0% in years 2&3 and 3% in years 4&5.

Henley & Murphy Re-Zoning- 13557 Bloomingdale Road- December 9, 2002 public hearing set.

LOSAP Proposals- discussion at work session

Senior Center- Committee Chairperson- Joan Glor, Harold Finger, Joanne Roach, Ray Perkins, John Wideman, and another Newstead Fire Co representative to be announced.

Other- Nothing

NEW BUSINESS

Agreement with Alden- Building Inspector:

A motion was made by Councilman Cummings, seconded by Councilman George authorizing the Supervisor to enter into a Inter-Municipal Agreement for the sharing of Building Inspector's services with the Town of Alden on a part time basis.

{Resolution Attached) Ayes- 5 Nay- 0 Carried Unanimously

Engineering Services- Town Water Expansion:

A motion was made by Councilman Finger, seconded by Councilwoman Glor authorizing the Supervisor to sign the necessary agreements approving Wendel Duschcherer to provide engineering services for a proposed town-wide water district.

{Resolution Attached) Ayes- 5 Nay- 0 Carried Unanimously

BFI Refuse Contract:

A motion was made by Councilwoman Glor, seconded by Councilman Cummings authorizing the Supervisor to sign the necessary agreements approving BFI to provide refuse services for a term of 5 years for the Town of Newstead per bid specifications.

{Resolution Attached) Ayes- 5 Nay- 0 Carried Unanimously

Supervisor Summe thanked Town Attorney Nathan Neill for all his hard work on the refuse contract.

Fire Lanes Parking Restrictions:

A motion was made by Councilman Cummings, seconded by Councilman George designating the turn-around's at the end of Kirby, Brunning and Mill Roads as fire lanes and authorizing the Highway Superintendent to erect no parking and/or fire lane signs at those locations.

{Resolution Attached) Ayes- 5 Nay- 0 Carried Unanimously

Other:

Newstead Fire Hall Lease Agreement- Senior Center:

A motion was made by Councilman Finger, seconded by Councilman Cummings approving a 30 year term lease agreement with Newstead Fire Company for a Senior Center at their location, subject to a permissive referendum. The Town Clerk is authorized to publish a copy of the resolution with the Akron Bugle.

{Resolution Attached) Ayes- 5 Nay- 0 Carried Unanimously

Archaeological Survey-WD#5:

A motion was made by Councilwoman Glor, seconded by Councilman George authorizing Panamerican Consultants, Inc. to conduct a Phase1A archaeological survey and as determined, areas on a Phase 1B investigation with said study to be overseen by Wendel Duschcherer engineers.

{Resolution Attached) Ayes- 5 Nay- 0 Carried Unanimously

Andrew informed the Board that Wendel is ready to sign-off on the C & E Furniture project. He will be forwarding the paperwork to the Building Department for processing of the permits.

Question Period- No one spoke.

There being no further business to come before the board a motion was made by Councilwoman Glor, seconded by Councilman Finger to adjourn at 8:57PM

Work session will continue after the meeting.

Carried Unanimously

Respectfully Submitted,

Dawn D. Izydorczak, Town Clerk