

## Newstead Town Board Meeting- January 14, 2002

A Regular Meeting was called to order by the Newstead Town Board on Monday, January 14, 2002 at the Newstead Town Hall at 8:00 PM.

**Present:** Gerald F. Summe – Supervisor  
Thomas George – Councilman  
David L. Cummings - Councilman  
Joan M. Glor – Councilwoman  
James Ebersole- Highway Superintendent  
Fred Pask- Assessor  
Donnal D. Folger – Code Enforcement Officer  
Andrew Casolini – Town Engineer  
Nathan Neill – Attorney for the Town  
Dawn D. Izydorczak – Town Clerk  
Kathleen McLeod Lang – Deputy Clerk

Roll Call was taken with all board members present, except Councilman Finger who has a medical excuse.

Assessor Fred Pask led pledge to the flag.

Minutes from the previous meeting held on December 20, 2001 were presented for approval. A motion was made by Councilman Cummings, seconded by Councilman George to approve, as presented.

Carried Unanimously

Minutes from the previous meeting held on January 1, 2002 were presented for approval. A motion was made by Councilman Cummings, seconded by Councilman George to approve, as presented.

Carried Unanimously

**Communications** - Clerk presented the following:

A letter from NYS Deferred Compensation reporting the recent amendments to the Deferred Compensation Plan for employees of the State of New York and other participating jurisdictions which have been adopted effective January 1, 2002. Also enclosed is a summary of amendments and taxation changes that take effect on January 1, 2002. Each participant in the plan will receive a notification of the changes.

A listing from the Office of the State Comptroller of the average estimated cost thresholds for use in determining whether approval of the State Comptroller is necessary for certain special district actions in the year 2002.

A letter from the Erie County Water Authority notifying the Town that billing for fire hydrants is being increased due to the installation of new hydrants. The number of hydrants has increased from 135 to 139 resulting in a billing increase from \$1,567.35 to \$1,613.79.

A letter from Wendel Duschscherer regarding Water District 5- phase 1 which includes a bill in the amount \$1,110.92 for additional work performed between August 22- November 30, 2001.

A letter from the County Division of Information & Support Services regarding the installation time frame for the County T-1 lines to towns. There have been delays due to the events of September 11<sup>th</sup>. Once a firm installation date has been decided they will contact us.

A letter from Erie County Environmental Management Council offering its assistance to the towns of Erie County in addressing concerns related to suburban/rural sprawl and uncoordinated growth.

A fax from Wendel Duschscherer reporting the Comprehensive Master Plan SEQR findings and a written opinion on the Comprehensive Master Plan.

**Communications continued:**

A letter from Wendel Duschscherer informing the Town Board that all the necessary paperwork has been received and filed regarding the waterline construction in District 7A. Upon direction from the Town Board they have prepared the final close out documents and are requesting \$1,000.00 for additional services rendered.

A copy of the minutes from the Village of Akron Board meeting on December 13, 2001.

A copy of the resolution passed unanimously on October 1, 2001 was received from the Association of Public Historians of New York State regarding their support offered in the wake of the September 11<sup>th</sup> tragedy.

A letter from Wendel Duschscherer regarding Change Order No.6 from Ontario Specialty Contracting, Inc. for Water District #5. They have reviewed and recommend its approval.

A letter from Wendel Duschscherer regarding Payment Request No. 18 from Ontario Specialty Contracting, Inc. in the amount of \$5,000.00. They have checked all items, find them in order, and recommend payment. This represents full contract payment and release of all retained monies. Also enclosed is Release of Liens forms submitted by the contractor.

A copy of "The Network", the newsletter of the Town of Amherst Department of Senior Services.

A letter from the New York State Department of Agriculture & Markets stating they have completed their review of the Final Notice of Intent submitted by Wendel Duschscherer on behalf of the Town of Newstead, in connection with the advance of public funds for the installation of waterlines within Erie County Agricultural Districts #1 and #14. Based on the relevant information presented, it has been determined that the proposed action would not have an unreasonably adverse effect on the continuing viability of farm enterprises within the district; or state environmental plans, policies and objectives.

A sealed bid of \$36,100, submitted by Balducci Construction Co., Inc was accepted on December 27, 2001 at the Newstead Town Hall for a 1991 Fiat Allis Loader.

A letter from the Association of Towns regarding the 2002 Training School and Annual Meeting which will be held at the Hilton New York & Towers in New York City on February 17 – 20, 2002. An outline of events is attached along with the 2002 Reported Resolutions to be voted on at the meeting.

A fax transmission of the Town of Amherst Central Fire Alarm Annual Report for the year 2001.

Data sheets on complaints handled by the Erie County Sheriff in Akron and Newstead for the month of December 2001.

A fax transmission from Amherst Central Fire Alarm Office reporting the calls for the month of December 2001 in the Village of Akron- 44 and the Town of Newstead- 32.

A report from the Code Enforcement Office regarding complaints of garbage and recycling not being picked up by BFI.

A copy of a letter from the County of Erie to Wendel Duschscherer regarding their comments on the plans submitted for Water District 5- phase 2 Water Distribution System.

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

Carried Unanimously

**Work Session:** Supervisor Summe reported on the last work session held on January 7<sup>th</sup> having started at 7:30 PM: spoke with Ron Eulenberg on recreation, Carl Klingenschmitt on G I S program, discussed storage tank, soil removal at Walser property, soil removal at Ivy Ridge, the contract with Waste Management, the Comprehensive Master Plan, and updates on Water District #5 Phase II.

**Privilege of the Floor** – No one spoke

**Approval of Bills** – Councilwoman Glor presented Abstracts #24 and #1. Vouchers on Abstract #24 numbered 1135 – 1183 totaling \$22,026.98 and were presented for approval by Councilwoman Glor, seconded by Councilman George. Vouchers on Abstract #1 numbered 1 – 30 totaling \$126,544.16 and were presented for approval by Councilwoman Glor, seconded by Councilman Cummings.

Abstract #24:

General Fund “A” – \$10,368.23, Fund”B” \$63.53, Highway “DA” - \$0, Highway Outside Village “DB”\$4,817.92, Library Projects “HE” \$40.20, Capital Project WD#7A “HD” 4,112.10, Fire Protection “SF” \$0, , Refuse “SR” \$0, Sewer Fund “S” \$2,520.00, and Water Districts “SW1 - \$18.75,”SW3”-\$18.75, “SW5”- \$67.50 totaling \$22,026.98.

Abstract #1:

General Fund “A” – \$5,769.56, Fund”B” \$165.00, Highway “DA” - \$0, Highway Outside Village “DB”\$0,Capital Prijects-WD#5 “HC” -\$5,000.00, Library Projects “HE” \$0, Fire Protection “SF” \$1,289.23, Refuse “SR” \$0, Sewer Fund “S” \$0, and Water Districts “SW2”- \$76.63,SW4- \$97.52, SW5-\$113,366.03,SW6-\$264.71, SW7- \$410.99, SW8- \$27.86, SW9- \$76.63, totaling \$126,544.16.

Carried Unanimously

**COMMITTEE AND DEPARTMENT HEAD REPORTS**

Highway –Superintendent Ebersole reported due to the snowstorm emergency, the Town of Newstead is entitled to federal funds from FEMA. This program will begin on January 21,2002 but has been requested to see all of his paper work on January 16, 2002 to provide a guide for other towns. The amount the Town can expect to receive is between \$10,000 - \$11,000. He also reported the DOT is setting up a new sign configuration around McNeeley Rd. The new reduced speed of 15 MPH around the bend was tested and found to be correct.

Assessor –He has started work at the Town of Alden and it is going well. The Senior Enhanced Renewal forms have been sent out and the new clerk, Christine Falkowski, is working very well.

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

- Daniel Garbacz – 6720 Utley Road – One family home
- Gregory Batt- 12242 Meahl Rd- Garage addition
- Jurek Tree Farm- Hunts Corners Rd- Sign renewal
- Kelly Schultz Antiques- 11199 Main Rd- Sign renewal
- Uni-Mart #0525- 12999 Main Rd- Sign renewal
- Steve Baldo Chevrolet- 11234 Main Rd- Sign renewal
- Jack Hayes Oldsmobile- 13090 Main Rd- Sign renewal
- Richard Walser- 13177 Main Rd- Fill permit
- Richard Barnes- 6368 Dye Rd- Fill permit

Special Permit renewals as follows:

- Rattles to Reading Child Care – 13558 Bloomingdale Road
- Country Care Day Care – 11936 Rapids Road
- Triple G Small Engine Repair – 12056 Buckwheat Road

Reported neighbors were notified and no complaints.

Also presented was the Year-end Report on Building Permit Statistics, which were the most building permits issued in a year. County Line Stone Blast Report and Village of Akron Building Inspector’s Report.

He reported that there were 4 buildings lost due to the heavy snow, 1 farm barn, 1 Quonset hut, 1 garage and 1 building at Kelly Schultz Antique World.

The Supervisor also requested to meet and go over proposed changes to the fee schedule at Friday mornings meeting.

A motion was made by Councilman George, seconded Councilman Cummings to renew the Special Permits as presented.

Carried Unanimously

Town Clerk – She reported that HEAP would be taking applications here on Thursday, February 21st from 8 AM to 4:30 PM .She also read the Dog Control Officers December 2001 Report.

Attorney for the Town –Burning and burial prices are good in this area of the state. Modern Disposal's rate is \$27/ton and Waste Management is taking over 2 sites There is a meeting on February 5,2002 with NEST if anyone is interested to attend.

## **COUNCILPERSONS**

George –He had a meeting before Christmas with Akron Central School in regards to shared radio tower and would like to discuss more in work session.

Cummings –He met with consultant along with Supervisor on new phone systems. He also met with the County on the web site proposal similar to Village.

Supervisor would like to meet with Dawn and Becky to get input on new phone systems before current contract expires.

Glor –nothing at this time.

Finger-not present

SUPERVISOR –Announced reminder of Retirement Party for Carole Borchert on Monday, January 21,2002 at the Akron House at 6PM. The work session is cancelled for that date and will not be rescheduled. He attended a NEST meeting this week and contracts are available for Councilwoman Glor and Councilman Cummings to review. He received the CHIPS check in an amount of \$33,431.00 and the Erie County Sales Tax check was received in an amount of \$40,822.00. These will be in his monthly Supervisors Report to review.

## **UNFINISHED BUSINESS**

Water District #5 – Andrew Casolini had received the fresh water wet lands permit from DEC for WD#5 Phase II. He also received an offer by County Highway waiving contractors permit fee if Town Highway Department repairs road to pre-construction conditions. He will have one more spring informational meeting for residents in district with project still on schedule.

Supervisor Summe reported meeting with Pembroke Supervisor on shared services on east side of County Line Stone to join water systems. Town Attorney needs to check Equalization Rate for Pembroke for fees.

Library Project –Councilman George reported the schedule for closing in with windows and roof proceeding due February 1,2002. He would like to have the construction manager report to the board at the next work session to go over the next phase.

Comprehensive Master Plan Update – Supervisor Summe reported he reviewed the findings statement and will proceed to next step with Attorney to go forward.

AOL/Time Warner-nothing at this time, Supervisor feels this item has been on the agenda too long and the Town needs to renew this contract.

Christian Airmen Re-Zoning- nothing at this time, but the Town Attorney and Councilman George have to start meeting with them.

Facility Study-Councilman George and Councilwoman Glor meeting with Kideney on Wednesday, January 16, 2002 to go over results and review their preliminary findings plans.

Toll Barrier-Nothing new

Soil Removal at Ivy Ridge-Code Enforcement Officer drew up paper work for request of revised site plan. He would be working with Town Engineer on paperwork.

Walser Soil Removal-Advised attorney they must make application for soil removal. Don Folger questioned adding bio-remediation to ordinance.

Web Site-Previously reported on meeting with county.

Other- nothing

## **NEW BUSINESS**

Becky Baker Incentive-Supervisor Summe recommends this incentive due to her professional and knowledgeable expertise and work ethic.

A motion was made by Councilwoman Glor, seconded by Councilman Cummings to give an incentive raise of \$.65 per hour to Becky Baker.

Carried Unanimously

Findings Statement-the following resolution was moved by Councilman Cummings seconded by Councilwoman Glor regarding Comprehensive Master Plan Finding Statement contained in the G E I S.

(Resolution Attached)

Ayes-4

Nays- 0

Carried Unanimously

Assessment Review Board Appointment-A motion was made by Councilwoman Glor, seconded by Councilman Cummings, to recommend Mary Lewis is re-appointed to the Assessment Review Board for a 5-year term, which will expire on December 31, 2006.

(Resolution Attached)

Ayes-4

Nays-0

Carried Unanimously

Fire Company Agreement on housing Senior Citizens-Supervisor Summe will pay the applicable costs.

Approved Unanimously

Other- Audit Control Extension- a motion was made by Councilman George seconded by Councilman Cummings to request a sixty-day extension for filing paper work. Councilman Cummings stated this is a standard procedure to request an extension.

Carried Unanimously

Wendel Contract- A motion was made by Councilwoman Glor, seconded by Councilman George to approve under the same terms and rate of compensation as last years contract.

Carried Unanimously

Appointment to ACS Budget Advisory Committee- a motion was made by Councilman Cummings, seconded by Councilwoman Glor to approve Councilman Cummings to the ACS Budget Advisory Committee.

Carried Unanimously

Supervisor Summe request continued work session tonight after regular meeting and move January 28, 2002 work session to begin at 6:45 PM.

**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 George to adjourn at 8:55 PM.

Carried Unanimously

Dawn D. Izydorczak  
Town Clerk