

A Regular Meeting of the Newstead Town Board was called to order on Monday, April 10, 2000, at the Newstead Town Hall at 8:00 PM.

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

Roll Call was taken with all board members present.

Pledge to the flag was led by Mrs. Sandra Keppel, 6<sup>th</sup> grade teacher at Akron Central School..

A special presentation of prizes and checks for Akron Central Recycling Contest was presented to the following 6<sup>th</sup> grade students by the board members:

1<sup>st</sup> Place for Recycling Poster- Stacey Hopkins  
2<sup>nd</sup> Place for Recycling Poster- Tiffany Stanley  
3<sup>rd</sup> Place for Recycling Poster- Derrick Roddie  
1<sup>st</sup> Place for Recycling Logo- Lisa Brucker  
2<sup>nd</sup> Place for Recycling Logo – Eva Falkenstein

Minutes from the previous meetings held on March 27, 2000 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 Cassie Morotchic, 4487 S.Newstead Rd. was received making the board aware of her concern for a tree on her property damaged when the new waterline went in. She feels it is ready to fall on her house, which would effect the electrical and phone lines.

A letter from Edward and Brenda Baker, 5507 Barnum Road, with a request to move the bench which is on the bike path behind their property to a different location. They feel that it invades their privacy.

A letter from Judge Dennis Freeman and Judge Richard Campbell requesting the board to appoint Michael Piazza as Security Officer and Mary Vaughn as Court Bailiff as soon as possible. There are no plans for changes in the current staff or hours.

A letter from Highway Superintendent James Ebersole in regard to receiving the bids for the purchase of a truck from Genesee Truck Sales Inc. and equipment from Valley Fab & Equipment totaling \$113,577.00 and requesting board approval for same.

A letter from Modern Corporation in regard to the increase cost of diesel fuel, causing them to increase their transportation rates effective April 1, 2000.

A letter from the Town of Pembroke with required notifications that the Pembroke Town Board will conduct a Public Hearing at 7:00 p.m. on Wednesday, April 12, 2000 at Town of Pembroke Town Hall, 1145 Main Rd. to allow anyone to comment on the Proposed Amendments to the Town of Pembroke Zoning Ordinance and Proposed Changes to the Zoning Map.

A certified letter was received from Chiavetta Foods Inc. to inform the Town of Newstead they will be applying for a New York State Liquor License, for the WNY Event Centre, 11165 Main Street, Clarence, NY, 14031.

Another certified letter was received from Carol Ann Sauer, owner of The Border Line Bar with notification of intent to renew their NYS Liquor License.

A letter from Time Warner Communications with a copy of the Social Contracts Progress Report for 1999 and their commitment to the communities they serve.

A letter from ADESA Auctions Buffalo reviewing their proposed Administration Building Addition that they will build over the 20' easement to the Town of Newstead Sanitary Sewer District No.1. They are petitioning the Town to release that portion of the easement or modify the terms and conditions, such that they do not interfere with their Administrative Building Addition.

A monthly report from Erie County Sheriffs Department on complaints handled in the Village of Akron and Town of Newstead during the months of December, 1999 and January, February, March, 2000.

A letter from the New York State Department DEC with an amendment to the official Freshwater Wetlands Maps for Erie County, enclosing a copy of the Decision and Order amending wetlands in the Town of Newstead, Map 11 of 31 as Class III wetlands.

A letter from the State Education Department Facilities Planning with a copy of the Environmental Quality Review, Notice of Determination-Positive Declaration for the project of K-12 Main School Building additions and alterations at 47 Bloomingdale Ave. The Public School SEQRA Environmental Assessment form was included.

A report from the Town of Amherst Central Fire Alarm Office with the March, 2000 alarms answered.

A report from the State of New York Public Service Commission in the Matter of the Rules and Regulations of the Public Service Commission contained and protection of Underground Facilities.

A notice of Tentative Special Franchise Assessments for 2000 rolls including National Fuel Gas Dist., NYS Elect & Gas Corp., Niagara Mohawk Power Corp., and NY Telephone Co.

A report from the Niagara Frontier Transportation Authority for 1999 was presented for review.

A resolution passed by the Town of Eden asking for significant increase in State budget funding for roads and bridges.

A newsletter from the Town of Amherst Department of Senior Services for the month of April, 2000 was received.

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

Carried Unanimously

Supervisor Holmes stated there was no work session last week due to the dinner for Citizen of the Year Richard Forrestel.

Privilege of the Floor - Marcy Roddie of 12727 Koepsel Rd. questioned when repaving of Cedar Street may begin. Councilman Cummings announced that this is a county road and the area is scheduled for repair this year, but there is no guarantee.

Approval of Bills – The following vouchers were approved for payment by Councilwoman Glor, seconded by Councilman Summe: General Fund “A” – \$8,056.48, General Fund “B” - \$181.32, Highway “DA” - \$0, Highway Outside Village “DB” - \$1,861.69, Capital Projects “HC” WD#5 – \$0, Capital Projects “HE” Library, \$0, Fire Protection “SF” \$24,061.53 Refuse “SR” \$150.00, Sewer “SS” \$601.02, and Water Districts “SW” - \$3,649.63, numbered #282 through #313 totaling \$38,561.67.

Carried Unanimously

She also reported that she has checked Abstract #6 dated 3-27-2000 and finds it in order.

#### COMMITTEE /DEPARTMENT HEAD REPORTS

Highway - Superintendent Ebersole asked for an update on the roof repairs from Councilman Summe. Nothing else to report.

Assessor – He stated the special franchise assessments increased with the fiber optic lines along the NYS Thruway.

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

|                |                     |                 |
|----------------|---------------------|-----------------|
| James Sowinski | 5982 Crittenden Rd. | One Family Home |
| Arthur Beitz   | 13012 Dorsch Rd.    | Pole Barn       |
| Patricia Ahl   | 4265 Billo Rd.      | Addition        |
| Scott Doll     | 5976 Buell St.      | Pole Barn       |
| David Lally    | 11760 Clarence Ct.  | One Family Home |
| Sharon Zarnoch | 7451 Maple Rd.      | Covered Porch   |

Town Clerk – Welcome back to Deputy Clerk Kathy Lang who was attending an 8 week computer class on Monday evenings. She presented the Dog Control Officers Report for March . He presented a statement explaining the trouble from the State with the majority of March dog renewals, not being sent, and our office having to send out the additional notices to dog owners. Also a reminder to people using the bike path that the leash law is in effect at all times.

She also reported that she has the signed official tally from Board of Elections on the Presidential race in Newstead, noting that Bush won the Republican race and Gore the Democratic race.

Attorney for the Town -Nothing at the time.

#### COUNCILMAN

Summe – He reported that the water service for the new pavilion, after review from the Engineers, will have a full service 4inch line and will move forward using the highway and water superintendents assistants. The survey company, Ottney and Miller, has prepared a survey of the property in preparation for sewer lines and use of holding tank with expandable lines. They also have surveyed for a new full size soccer field to be ready for the next year season. Councilman Summe also discussed the cost of roof repairs for the highway garage at a cost of \$2800.00 for a rubber roof. He also reported on the Master Plan update having interviewed 3 candidates and in the process of selecting 1.

George – Nothing at this time.

Cummings – Nothing at this time

Glor – Nothing at this time

Supervisor – Nothing at this time

#### UNFINISHED BUSINESS

Water District #5 – Andrew reported that with the April 1, 2000 deadline there were only 50 perspective water customers who did not apply out of 340 . There is continued restoration and service lines being installed daily.

Water District # 7A – They are securing two easements. Should go to bid in 4 – 5 weeks. A motion was made by Councilman George, seconded by Councilman Cummings to authorize the Supervisor to advertise for bidders when easements are secured.

Carried Unanimously

Library Project- Councilman George had discussions with the environmental engineers on the asbestos and building demolition. A charge of \$350.00 per building, is required by the NYS Division of Labor. A motion was made by Councilman George, seconded by Councilman Cummings to authorize the Supervisor to prepay NYSD of Labor for \$700.

Carried Unanimously

A meeting with the library architects with regard to changes to the plans. Will have renderings with shading and coloring on April 13, 2000. He would like to request time at the April 17, 2000 work session to go over these plans.

Rezoning for Scotland Road – Awaiting Master Plan Committee input.

Salt Barn – Nothing new

ADESA Site Plan – The sewer easement will be looked at by Wendel Engineers.

Pine Hill Application –. Nothing.

Wastewater Update – Information from Andrew to be reviewed with internal self explanation to be discussed later.

Unified Court System Grant - The attached resolution was moved by Councilwoman Glor, seconded by Councilman Summe authorizing the submission of a grant application for the unified court system.

(Resolution Attached)

Carried Unanimously

Policy concerning subdivision non-compliance- no action

Wendel Retained Services Contract - A motion was moved by Councilman Summe, seconded by Councilman Cummings to retain Wendel services in the amount of \$13,050.00.

Carried Unanimously

#### NEW BUSINESS

Highway Truck Bid – Only one bid was received on each. A motion was moved by Councilman George, seconded by Councilman Cummings to accept the bid as presented.

Carried Unanimously

Approval for Court Conference expenses – A motion was moved by Councilman Summe, seconded by Councilwoman Glor to approve conference expense for Court Clerk and Judge Freeman held on March 27, 2000 .

Carried Unanimously

Training request from Bookkeeper – A motion was moved by Councilman Cummings, seconded by Councilman George to approve three different training requests for the bookkeeper to attend.

Carried Unanimously

Justice Requests – Due to the urgency of the request received today, a motion was made by Councilman Cummings, seconded by Councilman George to appoint Michael Piazza and Mary Vaughn as Town Constables, per the Supervisor.

Carried Unanimously

Question Period – Mark Decker, 12795 Brucker Rd., asked about the training requests for the bookkeeper. He stated that several workshops are available at the University of Buffalo that are very good and informational.

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

Carried Unanimously

Carole D. Borchert  
Town Clerk