

## Newstead Town Board Meeting- September 9, 2002

A Public Hearing was called to order by the Newstead Town Board on Monday, September 9, 2002 at the Newstead Town Hall at 7:30 PM.

Present: Gerald F. Summe -Supervisor  
David Cummings- Councilman  
Tom George- Councilman  
Joan M. Glor- Councilwoman  
Harold L. Finger- Councilman  
Jim Ebersole- Highway Superintendent  
Donnal Folger- Code Enforcement Officer  
Fred Pask- Assessor  
Nathan Neill- Town Attorney  
Dan Seider- 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 on the Henley Rezoning request to order at 7:30 PM. And gave a brief explanation.

The Town Clerk read the proof of publication for the Public Hearing.

The following spoke: Pam Domon, 5271 Crittenden Rd., questioned what type of business operations would this zoning allow. The Supervisor explained only light manufacturing would be zoned in this area.

Town Attorney explained SEQR Non-Significance for the rezoning.

A motion was made by Councilwoman Glor, seconded by Councilman George to close the Henley Rezoning public hearing. Motion carried and hearing was adjourned at 7:35 PM.

Supervisor Summe called the public hearing on a Special Use Permit request for 11372 Main Road to order at 7:50 PM and gave a brief explanation.

The Town Clerk read the proof of publication for the Public Hearing.

The following spoke: No one spoke

A motion was made by Councilman Cummings, seconded by Councilwoman Glor to close the Special Use Permit request public hearing. Motion carried and hearing was adjourned at 7:53PM

A Regular Meeting was called to order by the Newstead Town Board on Monday, September 9, 2002 at the Newstead Town Hall at 8:00 PM with the same Board members present as above.

Ken Kasperek led the pledge to the flag.

Minutes from the previous regular board meeting held on August 26, 2002 were presented for approval as well as minutes for a public hearing held on September 3, 2002. A motion was made by Councilman Finger, seconded by Councilman Cummings to approve as presented.

Carried Unanimously

**Communications** -Clerk presented the following:

A copy of the Akron Village Board meeting minutes for August 19, 2002 was received.

A memo from Wendel Duchscherer regarding their review of the site plan for the Schutt Road subdivision.

A set of Shop Submittals from Wendel Duchscherer for the Water District No. 5- Phase 2 project.

A letter from Time- Warner Cable along with a copy of their Customer Information Notice that is being sent to all Time- Warner customers in the Town of Newstead. The notice outlines their rates, service charges, programming, listings, policies and procedures;

A letter from Time- Warner Cable summarizing their restructuring and explaining that the service and agreements with the Town of Newstead will in no way be affected by this restructuring.

A letter from Chiavetta Foods Inc. informing the Town of Newstead that they are applying for renewal of their NYS Liquor License for the Western New York Event Centre at 11165 Main Road.

A Notice of Intention to Terminate Service from Niagara Mohawk for the property located at 13536 Main Road-

A copy of a resolution adopted by the Town of Lancaster extending the public comment period for the Draft Generic Environmental Impact Statement for the Town of Lancaster Comprehensive Master Plan until 4:00pm September 20, 2002. .

A Monthly Activity Report from the Amherst Central Fire Alarm Office reporting the calls for August 2002 for Akron Fire Co.- 39 and Newstead Fire Co.- 47.

A copy of a letter from Highway Superintendent Ebersole regarding the joint Village- Town paving projects on Knapp Road and Skyline Road.

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

**Work Session:** Supervisor Summe reported that a work session was held on September 3, 2002 and the following were discussed: the County Line Stone expansion, Departmental Budget meeting were held and other issues were discussed. A Public Hearing was held on the retirement incentive program.

#### **Privilege of the Floor -**

Pamela Domin, 5271 Crittenden Rd stated she had reviewed the Advisory Councils report. She requested that the town ensure appropriate measures are taken to address issues as they come up in the future and then enforce those rules that are in place. She questioned the town's latitude in restricting the quarry's operations and what is the DEC's authority.

John Burke, 4840 Crittenden Rd stated he spoke with one of the Planning Board members, Andrew Kelkenberg who stated he had no idea the draft comments were going to the DEC this week. Mr. Burke feels the Board has handled the whole process poorly. He read two pages of additional, I comment's he wants included in the draft and not attached as an addendum.

David Marquart, 4917 Schutt Road stated that his well is at 100' and he is concerned about the quarry digging deeper because the last time they dug deeper his well went dry and he ended up with brown water. He also questioned who is going to be responsible when his well does go dry and he has no water for his family.

Carl Klingenschmitt explained the goal of the town and the Conservation Advisory Council is to monitor ground water levels in the future to be able to predict when an area is going to go dry before it actually does so that something can be done about it beforehand.

Carol Gregory, 11672 Nice Road stated her well was at 72' and went dry. It is now at 129' and she is concerned with what will happen next if County Line is allowed to dig down 120' as they have requested.

Ed Shaus, 12275 Stage Rd stated his well was at 29' and is now down to 85'. Mr. Shaus stated the entire area needs public water lines run soon to compensate for dry wells caused by this problem.

**Approval of Bills** -Councilwoman Glor reported that she had reviewed Abstract Batch # 53, 54 & 55 from 8/26/02 meeting and approved changes made for a new abstract totaling \$61,444.57 of the previously un-audited vouchers. She presented Abstract Batch # 56 & 57. Vouchers on Abstract Batch #56 & 57 numbered 860-910 totaling \$485,663.84 and were presented for payment approval by Councilwoman Glor, seconded by Councilman George to approve payment.

**Abstract Batch:**

General Fund "A" -\$8,208.42, Fund "B" \$592.92, Highway "DA" -\$0.00, Highway: Outside Village (DB) \$728.98, Capital Projects- WD#5-Phase II (HC) \$454,291.55, Capital Projects- WD#7 A (HD) \$0.00, Library Project (HE) \$8,953.40, Fire Protection (SF) \$2,580.49, Refuse (SR) \$3,810.10, Sewer Fund (SS) \$2,567.30, and Water Districts (SW1) \$18.75, (SW2) \$325.37, (SW3) \$28.65, (SW4) \$102.40, (SW5) \$2,632.71, (SW6) \$277.93, (SW7) \$435.16, (SW7A) \$0.00, (SW8) \$29.26, (SW9) \$80.45, Trust & Agency (TA) \$0.00, totaling \$485,663.84

Carried Unanimously

**COMMITTEE AND DEPARTMENT HEAD REPORTS**

Highway -Superintendent Ebersole reported the paving around the pavilion on Buell St was done, the antenna was put up today at tower, mowing ditches is continuing; he has submitted bill to village for paving project and white goods pickup is scheduled for 9/23/02.

Assessor -No report

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

Chris Hull	6325 Utley Storage	Shed
William Whitlocke	7655 Maple	Attached replacement Garage
Robert Galbo	11157 Crego	Rear stamped patio
Leonard Herberger	5922 Buell	Sun Room
Tim Pietrowski	North of 5452 S. Newstead	2 story Barn
Michael Maggio	5417 Barnum	One Family Home
Ron Bower	12120 Rapids Rd	Shed

A motion was made by Councilman Finger, seconded by Councilwoman Glor to approve as presented. Carried Unanimously

Don also reported Henley Rezoning on Bloomingdale ready to move ahead. Reports on odor and garbage complaints given to board members.

Town Clerk- Tax bills will be ready for mailing by Friday. The newsletter will be ready for the mailing. Dawn thanked each of the departments for their input. The DEC license system seems to be working well now. It has been several days since we have incurred problems with the system. Tomorrow is Primary Day. Dawn reminded everyone to vote.

Attorney for the Town- He questioned who in Alden submitted agreements? He researched and found some of the cards missing but the Supervisor and Becky rechecked and found all to be in order.

**COUNCILPERSONS**

George -nothing to report

Cummings -nothing to report

Glor -nothing to report

Finger-nothing to report

SUPERVISOR -comments due by Friday, September 13,2002

**UNFINISHED BUSINESS**

Water District #5- Phase 2 & 3: Phase 2 contractor working on landscaping and restoration with work progressing.

Phase 3 received final agency comments, expect a start date of October 1st.

Comprehensive Master Plan Update -received final map and will give to Andrew Casolini for review and finalizing on September 16, 2002.

Christian Airmen Re-Zoning- under recommendations they will form a council of 7 people and meet with the planner.

Radio Tower-antenna is up and equipment ready to installed with service in 36-48 hours.

Refuse Issues-a price of \$27 per ton with contract until end of the year 12/31/02. They will go to bid and have something in place before 12/31/02

County Line Stone Expansion-covered

LOSAP Proposals-work session discussion

Other- nothing

**NEW BUSINESS**

Conservation Advisory Council Opinion:

A motion was made by Councilman Cummings, seconded by Councilman George approving and adopting the review completed by the Conservation Advisory Council and directing that it be forwarded to the NYS DEC.

(Resolution Attached)      Ayes-4      Nay-O      Abstain- 1      Carried

Determination of Non-Significance of Local Law:

A motion was made by Councilman George, seconded by Councilman Cummings to adopt a resolution of Determination of Non-significance of Local Law to amend the Zoning Law of the Town of Newstead.

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

Local Law No.1 of the Year 2002

A motion was made by Councilwoman Glor, seconded by Councilman Cummings to adopt the proposed "Local Law No.1 of the Year 2002 known as "Rezoning of Real Property and Zoning Map Amendment"  
(Resolution Attached)            Ayes- 5            Nay-O            Carried Unanimously

Newstead Fire Company Hall Rental Agreement:

A motion was made by Councilman Cummings, seconded by Councilman George to authorize the Supervisor to enter into a contract with the Newstead Fire Company for the rental of its hall facilities for the Senior Citizens use, at a cost of \$500.00 per month.  
(Resolution Attached)            Ayes-5            Nay-O            Carried Unanimously

Niagara Mohawk Settlement Agreement:

A motion was made by Councilman Finger, seconded by Councilwoman Glor to approve the proposed settlement agreement and release with Niagara Mohawk Power Corp. providing for payment to the Town of Newstead in the amount of \$33,534.77 to be divided equally with Troy & Banks Inc. and authorizing the Supervisor to execute such agreement.  
(Resolution Attached)            Ayes-5            Nay-O            Carried Unanimously

Special Use Permit- Used Car Facility:

A motion was made by Councilman Cummings, seconded by Councilman Finger to approve the issuance of a special use permit for a used car facility at 11372 Main Road for a one year period, subject to annual renewal and reserving the right to impose additional restrictions in connection with the renewal should it become necessary.  
{Resolution Attached)            Ayes-5            Nay-O            Carried Unanimously

Standard Work Pays:

A motion was made by Councilwoman Glor, seconded by Councilman Finger approving a resolution setting a standard workday for reporting purposes to the NYS Retirement System for Dennis Freeman, Bobbie Murray and Nathan Neill.  
{Resolution Attached)            Ayes-5            Nay-O            Carried Unanimously

Other: nothing

**Question Period** -Pam Domon, 5270 Crittenden, questioned where the radio tower is located and what it is used for. The Supervisor explained. She also questioned what is LOSAP and the cost of the program.

No one else spoke.

There being no further business to come before the board a motion was made by Councilwoman Glor, seconded by Councilman Cummings to adjourn at 9:24 PM

Work session will continue after the meeting.

Carried Unanimously

Respectfully Submitted

Dawn D. Izydorczak, Town Clerk