

## **Newstead Town Board Meeting- January 24, 2005**

A Public Hearing was called to order by the Newstead Town Board on Monday, January 24, 2005 at the Newstead Town Hall at 7:30PM.

Present: Gerald F. Summe, Supervisor  
Tom George- Councilman  
Harold L. Finger- Councilman  
Scott Chaffee- Councilman  
Mark Decker- Councilman  
Jim Ebersole- Highway Superintendent  
Rebecca Baker- Assessor  
Christine Falkowski- Building Administrator  
Andrew Casolini- Town Engineer  
Nathan Neill- Town Attorney  
Dawn Izydorczak- Town Clerk  
Kathleen Lang- Deputy Clerk

Roll Call was taken with all board members present.

Norm Naab led the pledge to the flag.

The Supervisor called the Public Hearing to order on Local Law #1 of 2005, proposed Route 5 Overlay Zone.

The Clerk read the Proof of Publication from the Akron Bugle.

The Supervisor explained the changes in the project scope since the last public hearing and the intent of the overlay plan, with input from Wendy Savoni from Wendel Engineers. Carl Klingenschmitt, Chairman of the Conservation Advisory Board stated he will give their comments at work session tonight after regular meeting. Tom Cowan, Chairman of the Planning Board, commented this plan will only enhance Rt.5 properties as commercial businesses grow along Rt.5. There have been two Planning Board sessions held with a mid-size retailer interested in Rt. 5 property, and they have been receptive to the specifications set forth in the plan. Andrew Casolini, Town Engineer, commented that the access management requirements were set out and explained for safety purposes.

### Comments:

Doug Ceisner, 100 East Avenue, feels everyone who owns property on Main Road is against this project. He stated that for years the Town of Newstead has not wanted to compete with Main Street in the Village of Akron. Mr. Ceisner stated that Main Street in the Village of Akron is dead because of lack of parking. He feels this issue is a waste of taxpayer's money.

With no further comments a motion was made by Councilman Finger, seconded by Councilman Chaffee to close the public hearing on Local Law #1 of 2005 at 7:52pm.

The Supervisor called the Public Hearing to order on Local Law #2 of 2005, proposed amendments to the Town Code for Fences, Walls, Decorative Markers and flag lots at 7:53pm.

The Clerk read the Proof of Publication from the Akron Bugle.

The Supervisor explained the scope of the proposed amendments to the code.

### Comments:

Donald Holmes, 5078 Crittenden Road, expressed concerns over developing backland with the use of only an access road. Private roads turn out to be a headache especially for school buses and there are issues with decisions on who maintains these "roads" in the future. He feels it is more a gift to developers instead of a real development tool for backland. There are other towns that have experienced problems with multiple homes on backland using access roads.

Tom Cowan- Planning Board Chairman stated the proposed ordinance mirrors the Town of Clarence ordinance. He feels the proposal has some merit to developing backland if it is done right and the

provisions are adhered to in a proper manner. He would not characterize this as multiple homes with a private road.

Nathan Neill-Town Attorney stated regulations could be instituted to prevent too many houses on too small lots accessed by one drive and the town could prevent abutting flag lots from being placed next to one another.

The Supervisor expressed the need for proper visible signage at the road for fire safety concerns.

Justin Rooney, 32 Bloomingdale, asked for definition of “actively farmed land”. The Supervisor explained it would be farmed land as defined under Agricultural Exemption guidelines, which would take into account fallow years also.

With no further comments a motion was made by Councilman Chaffee, seconded by Councilman Finger to close the public hearing on Local Law #2 of 2005 at 8:05pm.

A Regular Meeting of the Newstead Town Board was called to order at 8:06 PM with the same Board members present as above.

Minutes from the previous regular board meeting held on January 10, 2005 and the special meeting held on January 17, 2005 were presented for approval. A motion was made by Councilman Finger, seconded by Councilman Chaffee to approve as presented.

Carried Unanimously

**Communications** – The Town Clerk presented the following:

The Quarterly Report for October – December 2004 was received from BFI with 1,691+/- residential units collected for 504.82 tons +/- solid waste and 110.27 tons recycling collected.

A fax transmission from Amherst Central Alarm Office was received reporting the Annual Totals for 2004 with Akron Fire Co. receiving 495 calls and Newstead Fire Co. receiving 285 calls.

The 2004 Annual Report on Revenues and Expenditures of Foreign Fire Insurance Premiums was received from the Newstead Fire Company.

Erie County Soil & Water Conservation Districts Tree & Shrub Seedling Program is set to begin for 2005. Orders must be placed by March 25<sup>th</sup> and pick-up date is April 23<sup>rd</sup>. Order forms are available from the Town Clerk’s office.

A motion was made by Councilman Decker, seconded by Councilman Chaffee to receive and file correspondence as presented.

Carried Unanimously

**Work Session:** Supervisor Summe reported that at the work session held January 17, 2005 the following items were discussed: water district #10 issues, water tank issues, security system at the senior center, new town hall progress, route 5 re-zoning and plumbers licensing.

**Privilege of the Floor** –

Doug Ceisner, 100 East Avenue, questioned whether the County Line Stone report on wells checked in Water District areas was ever received by the town and stated his well was never checked. He has done a couple water line jobs for residents on the Water District 10 project and he feels inspections were not done properly because check valves and expansion tanks were not installed. Mr. Ceisner wants that on the record. He also is glad to see the trailer issue on Main Road is being handled and then questioned the status on the doctors house on Greenbush Road.

Town Attorney Neill responded that the Greenbush Rd property is in litigation, but the town was only brought in as a third party by the contractor.

Mr. Ceisner questioned why the meeting notices are not in the Buffalo News. The Supervisor stated he has brought this issue to Kathy Radeff, a local reporter, and he will ask her about this again. Mr.

Ceisner would like the Town Clerk to call the Buffalo News to check on this and feels meetings should be taped through a Public Address system.

**Approval of Bills** -Councilman Decker reported that the Abstract from Batch #351, 352 & 353 from the January 10, 2005 meeting has been reviewed with the previously UN-audited vouchers and everything was found in order. He presented Abstract Batch #354 from 2004 and #355 from 2005. Vouchers on these abstracts numbered 1469-1499 and 16-42, totaling \$159,541.41 and were presented for payment approval by Councilman Decker, seconded by Councilman Finger to approve payment.

Abstract Batch 354 & 355:

General Fund (A) -\$23,154.79, Fund (B) \$62.32, Highway (DA) -\$0, Highway: Outside Village (DB) \$10,499.26, Capital Projects- CAP-Senior Center (HF)- \$0, CAP-WD#10 (HI)- \$2,543.56, Town Hall (HK)- \$86,563.66, Fire Protection (SF) \$0, Refuse (SR) \$19,877.10, Sewer Fund (SS) \$4,260.47, Sewer District #2 (SS02)- \$600.53, and Water Districts (SW1) \$3,004.05, (SW2) \$4.95, (SW3) \$8,958.84, (SW4) \$0, (SW5) \$11.88, (SW6) \$0, (SW7) \$0, (SW7A) \$0, (SW8) \$0, (SW9) \$0, Trust & Agency (TA) \$0, Totaling \$159,541.41 Carried Unanimously

### **COMMITTEE AND DEPARTMENT HEAD REPORTS**

**Highway** –There have been 18 snow and ice events in last 2 weeks with 156 man hours overtime. They will be hauling more sand to replace what has been used. We need to be prepared for February.

Retiring Supervisor Jim Ebersole wants to thank the residents and Town of Newstead for the last 5 years. He has enjoyed his tenure and will miss everyone.

**Assessor** –Nothing at this time

**Building Office** –the following building report was presented by the Building Administrator Christine Falkowski:

No Permits issued

A motion was made by Councilman Finger, seconded by Councilman Decker to accept and approve Building Report and the Zoning Report as presented. Carried Unanimously

**Town Clerk**- 2005 Tax Bills should be on time for the Town of Newstead.

**Attorney for the Town** – Nothing at this time

### **COUNCILPERSONS**

**Chaffee** –He had talked to the realtor listing the town hall and there has been one phone call and one Internet call of interest on the property.

**George** –Nothing at this time

**Finger**-He and Supervisor Summer attended a luncheon for the one year anniversary of the Senior Center. Wilson Greatbatch and his wife were in attendance. They have been great supporters of the center. He is looking into the alarm system issues for the Senior Center this week. The soccer fields requests need to be addressed soon to notify groups if the fields will be ready for use this season.

**Decker**-Nothing at this time

**SUPERVISOR** –He attended a joint meeting with the Village of Akron on a joint Department of Public Works and Highway Facility, which is moving forward. He will be attending a Rural Transit meeting this week and second round interviews will continue with prospective Highway Superintendent candidates.

**UNFINISHED BUSINESS**

**Water District #10/ Water Tank-**The bid ads will be out this week in the papers. DEC has held up permit for Murder Creek crossing on Maple Road with no correspondence until last week. This held up the review. They have been following the requirement guidelines from last project.

Andrew Casolini addressed concerns raised by Mr. Ceisner earlier in the meeting regarding water service inspections. The check valve is only required for homes where there is cause for concern over potential cross contamination. Jim Akin inspects the water line digs prior to being filled back in. ECWA is responsible for recommending where meter placement should be and whether a check valve and/or expansion tank is necessary. Jim can only inspect if he is called back a second time by the residents to do so. Completely separate systems do not require a check valve.

Attorney Nathan Neill feels it is up to ECWA to regulate because they take over the system.

**Town Wide Drainage-** Nothing at this time

**Town Hall Project-**Tentative date for move is February 10<sup>th</sup>. The rear entrance design is coming along.

**Route 5 Zoning-**Conservation Advisory Committee will be giving comments at work session tonight and all comments from public hearing will be taken into account.

Other- Nothing at this time

**NEW BUSINESS:**

**Public Hearing- Ivy Ridge: Special Use Permit:**

A motion was made by Councilman Chaffee, seconded by Councilman George to approve the calling of a public hearing on the application for a Special Use Permit by Ivy Ridge Golf Course to be held at the Newstead Town Hall on January 31, 2005 at 7:30pm.

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

**Public Hearing- Increase and Improvements: Construction of WD #10 Expansion**

A motion was made by Councilman Decker seconded by Councilman Chaffee to approve the calling of a public hearing on the application for the Increase and Improvement of the Water District #10 project to include extensions on Stage, Schutt and Scotland Roads, which will be held at the Newstead Town Hall on February 14, 2005 at 7:30pm.

(Resolution Attached)      Ayes-5      Nays- 0      Carried unanimously

**Liability Insurance Contract:**

A motion was made by Councilman Finger, seconded by Councilman Chaffee to authorize Supervisor Summe to sign the Liability Contract for 2005 in the amount of \$41,296.00 with Trident Insurance Corp.

Ayes-5      Nays-0      Carried unanimously

**ECWA Water Conservation & Use Restriction Plan:**

A motion was made by Councilman Finger seconded by Councilman George to approve the adoption of the Erie County Water Authority "Water Conservation and Use Restriction Plan" as required by the NYS DEC for the Water District #10 project.

(Resolution Attached)      Ayes-5      Nays- 0      Carried unanimously

**Rural Van Service Contract**

A motion was made by Councilman George, seconded by Councilman Chaffee to authorize Supervisor Summe to sign the Rural Van Service Contract.

Ayes-5      Nays-0      Carried unanimously

**Assessor Baker to attend Seminar**

A motion was made by Councilman Decker, seconded by Councilman Finger to authorize Assessor Rebecca Baker to attend a Small Claims Seminar in February.

Ayes-5

Nays-0

Carried unanimously

Sheriff Flynn was present and stated his departments concern with the impending County Budget and layoffs, which would reflect on public safety. He thanked the towns for their support on these matters.

**Question Period-**Doug Ceisner questioned who sells the water to town residents and who controls the lines.

Supervisor Summe responded that Erie County Water Authority is responsible.

Mr. Ceisner once again expressed concerns over water contamination potential for residents.

Town Engineer Casolini explained they are only recommendations set forth by ECWA, they not mandates.

There being no further business to come before the board a motion was made by Councilman Decker, seconded by Councilman Chaffee to adjourn the meeting at 8:40 PM

Carried Unanimously

Respectfully Submitted,  
Dawn D. Izydorczak, Town Clerk