

## Newstead Town Board Meeting- May 23, 2005

A Regular Meeting was called to order by the Newstead Town Board on Monday, May 23, 2005 at the Newstead Town Hall at 8:00PM.

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

Roll Call was taken with all board members present.

Christine Falkowski led the pledge to the flag.

Minutes from the previous regular board meeting held on May 9, 2005 were presented for approval. A motion was made by Councilman Finger seconded by Councilman Decker to approve as presented. Carried Unanimously

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

A letter from John Stein, owner of The New Dog House located at 11986 Main Rd notifying the town board of his intent to renew his liquor license for the premises.

A letter from the Akron Parent's Association Nursery School regarding their search for new space in Akron for their nursery school program. They are inquiring about the potential use of the lower level of the Newstead Public Library in the future.

A Notice of Complete Application was received from the NYS DEC on the Clarence Auto Tire Stockpile project

A notification from the Town of Pembroke regarding a public hearing to be held on June 8, 2005 at 7:00pm regarding the proposed Local Law #1 of 2005 amending their Zoning Law.

A notification from the Town of Pembroke regarding a public hearing to be held on June 8, 2005 at 7:10pm regarding the proposed Local Law #2 of 2005 amending their Zoning Law.

A letter from the Akron Celebration Committee regarding July 4<sup>th</sup> events was received with the fireworks scheduled for Friday July 1<sup>st</sup>. There are requesting the use of the Newstead Town Park facilities for this event and staging of the carnival vendors trailers.

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

**Work Session:** Supervisor Summe reported that a work session was held last week and the following issues were discussed: airport hanger expansion, Local Law #2, Flag lots, Special use permits for RA districts, Zoning Board applicants, the annual audit report, water district #10, water tank, Plumbers Licenses, Rt. 5 re-zoning legal description, Wahl Rd, equipment purchase for highway, Latka subdivision, shared facilities project and Akron Parents Nursery school request.

**Privilege of the Floor** –Bruce Pacyon, 8137 Center Rd., Holland, NY 14080 spoke regarding the proposed abandonment of Wahl Road. Mr. Pacyon stated they would rather be land locked and have clear title to the property than to give Lafarge a two way gate for use to access their lands. Town

Attorney Neill explained the town's position. They must have a 10 foot wide gate for a public access way under the law even if the road is abandoned. The NYSDEC has told the town in writing that they can not fully abandon the road. The Town of Newstead can do a qualified abandonment of the road and then will no longer maintain the road. Mr. Pacyon claims it is not a legal road, only a paper road and only the utility companies and Lafarge use it and Lafarge has other access options. The Town of Newstead Supervisor stated that the town must do what is legal and what the State of New York agencies instruct them to do. Mr. Pacyon is upset with how the property is assessed and the taxes he has to pay on it also.

A motion was made by Councilman Decker, seconded by Councilman Finger approving the proposed highway budget transfers per Bookkeeper Kathleen Strobele's memo.

Ayes-5                      Nays-0                      Carried unanimously

**Approval of Bills** -Councilman Decker reported that the Abstract from Batch #399 & 400 from the May 9, 2005 meeting has been reviewed with the previously UN-audited vouchers and everything was found in order. He presented Abstract Batch #405 & 406. Vouchers on these abstracts numbered 521-522 & 523-571, totaling \$811,464.86 and were presented for payment approval by Councilman Decker, seconded by Councilman Chaffee to approve payment.

Abstract Batch 405 & 406:

General Fund (A) -\$144,075.68, Fund (B) \$0, Highway (DA) -\$0, Highway: Outside Village (DB) \$2,157.13, Capital Projects- CAP-WD#10 (HI)- \$656,806.04, Town Hall (HK)- \$8,208.00, Fire Protection (SF) \$0, Refuse (SR) \$0, Sewer Fund (SS) \$22.71, Sewer District #2 (SS02)- \$195.30, and Water Districts (SW1) \$0, (SW2) \$0, (SW3) \$0, (SW4) \$0, (SW5) \$0, (SW6) \$0, (SW7) \$0, (SW7A) \$0, (SW8) \$0, (SW9) \$0, (SW10) \$0, Trust & Agency(TA)- \$0 Totaling \$811,464.86.

Carried Unanimously

**COMMITTEE AND DEPARTMENT HEAD REPORTS**

**Highway** – Not present, at a seminar.

**Assessor** –Tentative roll at the County of Erie. It will be available for viewing Thursday, June 2 from 6-8 PM, Saturday, June 4<sup>th</sup> from 8am-12 noon.

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

Pat Kerl	6289 Dye Rd	I.G. pool
James Salzbach	13800 Main Rd	One Family Home-log
Chad Crofford	7421 Cedar St	Deck
Robert Froese	11701 Clarence Center	Shed, patio, deck
Leonard Schie	11066 Keller	Chicken coop
Walter Duff	11063 Clarence Center	I.G. pool

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

Councilman George questioned how the Junk Car list is proceeding. Zoning Officer Baker stated that about a quarter have been done and they are still working on list.

**Town Clerk**- Received notification that the SPCA is no longer licensing dogs as they are adopted. The owner is now responsible for going to the towns for their license application.

**Attorney for the Town** –He will be recording the deed on the Water Tower property this week. The Title insurance amount will be adjusted with construction as it progresses.

**COUNCILPERSONS**

**Chaffee**-Last Saturday the drainage committee toured 6 areas- 2 with projects this year. They looked at problem areas and ditches that needed to be cleared and re-routed.

**George**-Nothing at this time

**Finger**-Nothing at this time

**Decker**-Nothing at this time

**SUPERVISOR**-Correspondence from DEC on the tire pile was received and indicated that 650,000 tires will be disposed of during this year. They investigated the log jam on Bruning Rd and it is an enormous project which is being scheduled for clean-up. The April Supervisor's report is on file. The County meetings on snowplowing contracts are on going.

**UNFINISHED BUSINESS**

**Water District #10/Water Tank**- Miland Road is in progress and they will be moving to Meahl Road after that. They are continuing boring samples on the project and will go back to 2 crews working once weather is better. They are still somewhat on schedule with an update due beginning of June.

**Town Wide Drainage**-Time for public referendum is over.

**Town Hall Project: Handicapped Accessible Entrance**-They are waiting for curtain walls with completion still set for the beginning of June.

**Route 5 Zoning**-They need to have some pictures taken along Transit Road by the Building Department. Town Engineer Casolini will get them some mapping which is needed also.

**Plumber's License**-The revised copies of agreement are to the board members and a public hearing will be set at the June 13<sup>th</sup> meeting with adoption tentatively set in July. This would enable a tentative effective date of 01/01/06.

**Shared Public Works Facility Committee**-There is progress on RFP and it will be ready for next work session discussion.

**NEW BUSINESS:**

**Final Approval- Newstead Drainage District:**

A motion by Councilman Chaffee, seconded by Councilman George approving the Final Order for Establishment of the Newstead Drainage District and that the Clerk shall file the final order with the Department of Audit & Control and the Erie County Clerk.

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

A motion by Councilman Chaffee, seconded by Councilman George to remove Town of Newstead Drainage District from the agenda

   Ayes-5      Nays-0      Carried Unanimously

**Public Hearing- Local Law No. 2 of 2005 – Fences & Walls:**

A motion by Councilman Decker, seconded by Councilman Finger authorizing the calling of a public hearing on proposed Local Law No. 2 of 2005 entitled Zoning Law Amendment on fences, walls and decorative markers on June 13, 2005 at 7:50pm at the Newstead Town Hall.

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

**Site Plan Approval/Neg Dec- Dollar General:**

A motion by Councilman Finger, seconded by Councilman George approving the final site plan for the Dollar General project to be located at 12968 Main Road and issuing a negative SEQRA declaration on the project, subject to adherence to all stipulations set forth in the resolution.  
(Resolution Attached)      Ayes-4      Nays- 1      Carried

**Public Hearing-Discontinuance of Wahl Rd:**

A motion by Councilman George, seconded by Councilman Decker authorizing the calling of a public hearing on the proposed discontinuance of Wahl Road on June 13, 2005 at 7:40pm at the Newstead Town Hall per the recommendation of the Highway Superintendent.  
Ayes-5      Nays-0      Carried Unanimously

**Highway Equipment Purchase**

A motion was made by Councilman George, seconded by Councilman Decker approving the purchase of a Bobcat Skid Steer Loader Model S220 and attachments for the Highway Department in an amount of \$56,144.00.  
Ayes-5      Nays-0      Carried Unanimously

**July 4<sup>th</sup> Town Park Use**

A motion by Councilman Finger, seconded by Councilman George approving use of Newstead Town Park Facilities of July 4<sup>th</sup> fireworks and ride staging. The Akron Village Police will be allowed to enter for crowd control.  
Ayes-5      Nays-0      Carried Unanimously

**Question Period-** Bruce Pacyon requested copy of minutes from May 9<sup>th</sup> meeting. He was given a copy and stated he felt the minutes are incorrect regarding the "Paper Road" issue.

There being no further business to come before the board a motion was made by Councilman Decker, seconded by Councilman George to adjourn the meeting at 9:07 PM.  
Carried Unanimously

Respectfully Submitted,  
Dawn D. Izydorzak, Town Clerk