

A Regular Meeting was called to order by the Newstead Town Board on Monday, August 13, 2001 at the Newstead Town Hall at 8:00 PM.

Present: Donald Holmes – Supervisor
Gerald Summe – Councilman
Thomas George – Councilman
Joan M. Glor – Councilwoman
Fred Pask- Assessor
James Ebersole – Highway Superintendent
Nathan Neill – Town Attorney
Andrew Casolini- Town Engineer
Carole D. Borchert – Town Clerk

Roll Call was taken with all board members present with the exception of Councilman Cummings who was out of town.

Pledge to the Flag was led by Supervisor Holmes.

Minutes from the previous meetings held on July 23, 2001 were presented for approval. A motion was made by Councilman Summe, seconded by Councilman George to approve as presented.

Carried Unanimously

Communications – Town Clerk presented the following:

A letter and copy of minutes of the construction safety meeting from Passero Associates.

A faxed letter from Passero Associates regarding Akron Airport – Reconstruct R/W 7-25 detailing the results of Phase 1A and 1B archaeological survey of Akron Airport.

A letter from Senator Mary Lou Rath regarding proposed Williamsville Toll Barrier Relocation and suggesting that board members attend several of the public hearings being held in various communities and expressing opinions on behalf of town residents.

A copy of a letter from Assemblyman Brain Higgins to NYS Thruway Authority regarding the Williamsville Toll Barrier Improvement Project asking for a detailed update of study.

A letter from NYS Thruway Authority John Platt in answer to Supervisor Holmes' letter voicing concerns of the Newstead Town Board on the Williamsville Toll Barrier.

A letter from Akron Central School District Superintendent Ron DeCarli on the selection as a 21st Century Community Learning Center grantee.

A letter from EC Legislator Mike Ranzenhofer regarding the Transportation Enhancement Program which provides capital funds for non-traditional transportation projects such as bike paths, historic preservations, landscaping, etc.

A letter from EC Comptroller Nancy Naples regarding pooling of cash balances for investment purposes.

A letter from American Ref-Fuel regarding solid waste disposal agreement.

A letter from Wendel-Duchscherer to Ontario Specialty regarding water district #5 punch list.

A designation of restricted highway received from NYS Department of Transportation on the Route 5 rebuilding project to expire 12-31-2002.

A letter from EC Dept. of Highways stating that they will pave the open cuts on Fletcher Road between Moore and Tonawanda Creek Roads.

A letter from NYS Real Property Services with a Final State Equalization Rate of 100.00.

A letter and copy of legal notice from the Town of Lancaster with additional Planning Board comments on the Town of Lancaster Master Plan.

Also a corrected copy from the Town of Lancaster of the future land use map on the proposed regional comprehensive plan.

Information from NYS Public Service Commission on consideration of the basis tier service rates.

A faxed transmission from the Town of Amherst Central Fire Alarm Office of operations in July.

A 2001 Annual Report from Joel Giambra's office on 2000 Equalization rates and 2001 tax rates.

A copy of the Supervisor's report for July listing revenues and expenditures.

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

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

Carried Unanimously

Supervisor Holmes reported on work session items. Park Master Plan, response to Erie County Water Authority letter, toll barrier letter, Alden contract for Assessor services, American Ref-Fuel, Appraisal REP request for proposals, policy on speed limit requests, code revisions, Stainless Steel site plan, facility study proposals, county park and sharing of services, resident cost on Water District #5, joint Town/Village meeting and a web site.

Privilege of the Floor – Louis Nanni, 55 East Avenue, presented a letter to the board for review, with additional signatures, and asking the Town Board to delay any action on the airport until a binding commitment is received from the Airmen's Association. They are requesting no touch and go flights, hours of operation not past 9 PM, helicopter restrictions, and a noise ordinance for airport noise. He again asked the Town Board to table any action until the quality of life for the residents can be maintained.

Francis Springer, 12345 Stage Road, spoke to the board regarding the ATV dirt bikes being used across the street at the Pitts residence. She brought a video tape in for the board to review. There is excessive noise, dust and fumes. This goes on everyday from 6 PM until late and has been since June. She would like it curbed. She was told that there is no ordinance to prohibit this, but that the Code Enforcement Officer Don Folger is working with the DEC on the matter. He was not present, but the video tape was left for review. Several other neighbors were in attendance.

Approval of Bills – Councilwoman Glor reviewed Abstract #13 of the audited vouchers and found them to be in order.

She presented the following vouchers numbered 605 through 680, Abstract #14, as follows: General Fund "A" – \$105,095.12, Fund "B" - \$1,595.47, Highway Outside Village "DB" \$2,244.34, Capital Projects – WD# 5 "HC" \$10,130.36, Library "HE" \$114,117.06, Fire Protection "SF" \$78,158.13, Refuse "SR" \$18,670.78, Sewer Fund "SS" \$53.80, Water Districts "SW#1" \$56.75, "SW#2" \$76.53, "SW#3" \$21.75 "SW#4" \$97.52, "SW#5" \$983.45, "SW#6" \$264.71, "SW#7" \$1202.08, "SW8" \$27.86, "SW#9" \$76.63, totaling \$332,872.44. A motion was made by Councilwoman Glor, seconded by Councilman Summe to approve, as presented.

Carried Unanimously

COMMITTEE AND DEPARTMENT HEAD REPORTS

Highway – Superintendent Ebersole reported that they did South Ayers Road and Havens Road paving shoulders and will be helping the Village this week do Skyline, Townsend and Exchange Streets.

Assessor – He attended a conference seeing a demo of aerial photography, and IBM plotter scanner and was impressed with the great technology.

Code Enforcement Officer – Not in attendance. The following building permit report was presented for the record:

David Cummings – 12353 Clarence Center Road – One family home
Joseph Frey – 12282 Clarence Center Road – Gazebo
James DeYoung – 13201 Carney Road – Pole Barn
Cynthia Wesolewski – 13079 Dorsch Road – Barn Addition
Robert Galbo – 11157 Crego Road – Shed
John Klodzinski – 7019 Draper Road – Pole Barn
Steven Hill – 12926 Carney Road – Above ground pool with deck
William Whitlocke – 7655 Maple Road – Addition
Dan Blachaniec – 5028 South Newstead Road – Shed
Gordon Miller – 7324 Sandhill Road – Breezeway/Porch
James Marfurt – 4870 North Millgrove Road – Attached Garage
Sprint Spectrum, LP – 4678 South Newstead Road – Monopole Cell Tower
ADESA – 12200 Main Road – Car Wash

Town Clerk – She stated that she has filed the final paperwork for the final reimbursement on the NYS Archives grant for the completed GIS Study. Final payment should be forthcoming.

She asked for prayers of concern for Deputy Clerk Kathy Lang who is having serious testing done all this week.

Attorney for the Town – Nothing at this time.

COUNCILPERSONS

Summe – Attended a walk through with the Drainage Committee last week.

George – Nothing at this time.

Glor- Nothing at this time.

SUPERVISOR – Stated that it is budget time and he is reviewing all the budget sheets.

UNFINISHED BUSINESS

Water District #5 – The attached resolution was moved by Councilman George, seconded by Councilman Summe for the waterline connection and hydrant approval for the district.

(Resolution Attached)

Carried Unanimously

Library Project – Councilman George reported that the last foundations were completed today and that the steel for the building is being fabricated. This fall hope to be able to announce an opening date.

Assessment Challenge – A motion was made by Councilman Summe, seconded by Councilwoman Glor to hire an appraisal firm to do the appraisal.

Carried Unanimously

Comprehensive Plan Update – The attached resolution was moved by Councilman Summe, seconded by Councilwoman Glor to accept the final generic environmental impact statement prepared in connection with the preparation of the combined

comprehensive plan for the Town of Newstead and the Village of Akron.

(Resolution Attached)

Carried Unanimously

The attached resolution was moved by Councilman Glor, seconded by Councilman Summe directing that County Planning be notified as required under General Municipal Law Section 239-M with respect to the adoption of a combined comprehensive plan for the Town of Newstead and Village of Akron.

(Resolution Attached)

Carried Unanimously

Water/Sewer Hook up at Park – Awaiting power at the hot box per Andrew Casolini.

Park Master Plan – Councilman Summe talked with Wendel and is awaiting a rendering. He will be scheduling an information meeting in September.

Rothland's Site Plan – Awaiting the final drainage report.

AOL/Time Warner franchise – Attorney is awaiting information on review of comments.

Christian Airmen Re-Zoning – Attorney stated he has a sample ordinance and will be meeting with Mr. Forrestel to address conditions.

Airport Site Plan – The attached SEQR resolution was moved by Councilman George, seconded by Councilwoman Glor declaring a negative declaration on the proposed runway project.

(Resolution Attached)

Carried Unanimously

The attached resolution was moved by Councilman George, seconded by Councilman Summe approving the site plan from Christian Airmen, Inc. for the reconstruction of Akron Airport runway 7-25.

(Resolution Attached)

Carried Unanimously

Board comments were as follows: Councilman George stated that important issues were presented tonight and that there are other avenues to be addressed. The Board is looking at a rezoning process with restrictions. Supervisor stated that these items should be addressed in a rezoning process. Councilman Summe stated he has had a conversation with the Town Attorney and it is evident that many conditions can be placed on the zoning.

Facility Study RFP – Selection Committee met for interviews and should have a report for the next work session.

Stainless Steel Brake Site Plan – The attached resolution was moved by Councilman Summe, seconded by Councilwoman Glor approving the site plan for same.

Carried Unanimously

Toll Barrier – Supervisor Holmes stated that a copy of a letter to Brian Higgins and NYS Thruway would be in the board members boxes this week.

NEW BUSINESS

Speed limit request policy – The attached resolution was moved by Councilman Summe,

seconded by Councilman George:

(Resolution Attached)

Carried Unanimously

ECWA request to hook up to Water District #5 lines – A motion was made by Councilman Summe, seconded by Councilwoman Glor to allow ECWA Contract CP-1 Waterline installation on Main Street and Crittenden Road.

Carried Unanimously

Other – West Nile Virus – A new contract has been presented. A motion was made by Councilman Summe, seconded by Councilman George to authorize the Supervisor to sign the new contract.

Carried Unanimously

Carpeting – Councilman Summe reported that he has received two bids for carpeting in the Court Room. He will be going with C & E Carpeting for the job.

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 Summe to adjourn at 9:00 PM.

Carried Unanimously

Carole D. Borchert, RMC
Town Clerk