

A Public Hearing was called to order by the Newstead Town Board on Monday ,  
November 13, 2000 at the Newstead Town Hall at 7:55 PM.

Present: Donald 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  
Jim Ebersole – Highway Superintendent  
Andrew Casolini – Town Engineer  
Nathan Neill – Attorney for the Town  
Carole D. Borchert – Town Clerk  
Kathleen McLeod Lang – Deputy Clerk

Roll Call was taken with all board members present.

Supervisor Holmes stated that this hearing was called to hear anyone speaking for or  
against a nine lot major subdivision of a parcel of land located on Dye Rd. and owned by  
Galen Weaver.

Clerk read Proof of Publication as it appeared in the Akron Bugle on October 26, 2000.  
She stated that letters were sent to surrounding residents, two letters were returned as  
undeliverable, Norvein Keller and David Norman.

Supervisor opened the hearing to the floor.

Mr. Weaver was present for questions. No one spoke.

There being no one to speak a motion was made by Councilman Summe, seconded by  
Councilwoman to close the public hearing at 8:00 PM.

Carried Unanimously

A Regular Meeting of the Newstead Town Board was called to order on Monday,  
November 13, 2000 at the Newstead Town Hall at 8:05 PM.

Present: All of the above.

Pledge to the flag was led by Supervisor Holmes.

Minutes from the previous meeting held on October 23, 2000 and Public Hearing held on  
November 6, 2000 were presented for approval. A motion was made by Councilman  
Summe, seconded by Councilman Cummings to approve as presented.

Carried Unanimously

Communications - Clerk presented the following:

A letter from Louis J. Nanni., 55 East Avenue, to all Village, Town and County  
governments with hope for a joint support to resolve a perceived safety problem in Akron  
Falls County Park at the playground complex near the main entrance. Cars parking on  
road edge makes for a dangerous situation for walkers. He is requesting widening  
shoulders on east side of Park View Drive from East Avenue to Buell Street. Also a  
repair of stairs on the Northwest corner of the bridge on Park View Drive.

A letter from Robert N. Scheib, 51 Brooklyn St., with concerns for a pile of tires that  
remains on the property adjacent to the Antique World complex at 11130 Main Road.

A letter from Akron PTA Vice President Marybeth Whiting asking support from the Town and Board Members for a very specific program called "The Community Hero Project. This project will focus on the characteristics of true heroes in our own Akron/Newstead community.

A letter from court clerk Diane Graziano giving her resignation from her position as Newstead Court Clerk effective November 10, 2000.

A notice from General Code Publishers with materials received on Local Law No. 2-2000 noting a change to the code is not necessary.

A letter from Peter J. Smith & Company, Inc., with review on Northeast Caissons Inc. rezoning of property at Indian Falls and Scotland Roads.

A letter from Hurwitz & Fine, P.C., Attorneys at Law, with a corrected Agreement for payment in Lieu of Real Property Taxes for 2000 Kreher's Poultry Farms Project, Erie County Industrial Development Agency.

A letter from Perry's Ice Cream Company with a list of employees to be contacted in cases of emergency at the Akron, NY facility.

A letter from Perry's Ice Cream Company, Inc. with a request for a 30 day extension on the Notice of Violation dated September 25, 2000. This extension will be used to properly collect, review and submit the data requested.

A letter from Wendel-Duchscherer regarding payment of 2" Permanent Blowoffs assemblies in Water District No.5.

A letter from Wendel-Duchscherer enclosing Payment Request No.13 from Ontario Specialty Contracting, Inc. and recommending payment.

A letter from Friedman & Ranzenhofer, P.C. Attorneys and Counselors at Law, in regards to a Restraining Notice with Information Subpoena on Angelica Boring Company, Inc. vs John B. Routledge, Jr. d/b/a KJR Construction Company.

A letter from EC Department of Public Works, Division of Highways, with an Amended Certificate and Notice of Highway Closure, Burdick Road between Rapids and Fletcher Roads effective November 6, 2000 until December 15, 2000.

A letter from the NYS Association of Towns with a notice of the 2001 Training School and Annual Meeting to be held in NYC, February 18-21, 2001.

A letter from NYS Department of State in regards to recent amendments to Title 19, N.Y.C.R.R., local code enforcement officials who have been employed as such prior to January 1,1985 and have not been certified by NYS must now comply and successfully complete an examination or attend five Code Enforcement Basic Training Courses at the NYS Fire Academy.

A certificate of training completion was presented to Donnal Folger for completion of Specified Workshop on Nov.8, 2000.

A fax transmission from the Town of Amherst – Central Fire Alarm Office with Akron responding to 25 total alarms and Newstead responding to 49 for the month of October, 2000.

A letter from the Erie County Sheriffs Department with a total of 51 complaints handled in the Village of Akron and 88 complaints handled in the Town of Newstead during the month of October, 2000.

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

Carried Unanimously

Supervisor Holmes reviewed the work session on November 6, 2000 . They discussed the Budget Hearing, Library with architects, Carl and Ken show on drainage(GIS), Code Enforcement Officer Folger with changes he wants to make in 2001, reviewed Water Authority letter, reviewed Perrys request for time extension, Water District#5, Lease Management revision for Water District #7A extension of time, Drainage improvement downstream from ADESA, contract for school tax collection and American Refuel.

Privilege of the Floor – No one spoke

Approval of Bills – Councilwoman Glor reported that Abstract #20 has been reviewed and found to be in order. The following vouchers on Abstract #21 numbered 983 through 1080 were presented for payment by Councilwoman Glor, seconded by Councilman Summe: General Fund “A” – \$11,461.26, General Fund “B” - \$1,767.75, Highway “DA” - \$0, Highway Outside Village “DB”\$63,048.37, Capital Projects “HC” WD#5 – \$66,782.51, Capital Projects “HD” WD #7A - \$82,850.17, Capital Projects“HE” Library, \$0, Fire Protection “SF” \$11,235.30 Refuse “SR” \$170.41, Sewer “SS” \$402.42 and Water Districts “SW” - \$4,716.86 totaling \$242,435.05

Carried Unanimously

#### COMMITTEE AND DEPARTMENT HEAD REPORTS

Highway – He reported that he has received a letter from Nextel on the radio system and he has until 5-31-2001 to make the change. He would like to discuss at work session. He has concerns on Clarence Center Road plowing and sanding and will be meeting with the County tomorrow. He has 4 vehicles ready for snow and ice to hit.

Assessor – He has been doing field work review with a representative from OPRS.

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

David Mietz – 6777 Cedar Street – Storage Shed  
Leonard Schie – 10995 Keller Road – 2 Car Garage  
Daniel Kirst – 12284 Tonawanda Creek Road – Horse Shelter  
Fran Bell – 7200 Sandhill Road – Fill Permit  
Kevin Gaik – 11678 Main Road – Fill Permit

He reported the school he attended was presented by Simpson on fasteners and was required by the new code. He has organized a driving school to be held on November 16<sup>th</sup> at the Village Hall at 9 AM.

Town Clerk – She read the Dog Control Officer’s report for October, 2000.

Attorney for the Town – Nothing to report.

#### COUNCILMAN

Summe – He will be attended an EMS Board Meeting and has drafter two resolution for new street light locations per the Highway Superintendent’s request. Street light outages have been reported to Niagara Mohawk.

George – Nothing to report

Cummings – He and Councilman George have met with the Highway Employees to discuss their list of concerns. He would like to discuss with the board before January 1<sup>st</sup>.

Glor – Nothing to report.

SUPERVISOR – Nothing to report.

#### UNFINISHED BUSINESS

Water District #5 – Andrew reported that the hardship application has been mailed. He will be doing a walk through soon. A motion was made by Councilman Summe, seconded by Councilman Cummings to authorize the Supervisor to sign release on Barnum and Clarence Center Roads.

Carried Unanimously

Water District # 7A –.The last service was installed last Friday. Restoration to be completed in the Spring. A motion was made by Councilman Cummings, seconded by Councilwoman Glor to grant a 3 week extension to the contractor on this project.

Carried Unanimously

A motion was made by Councilman Cummings, seconded by Councilman George to schedule a public hearing for Monday, November 27, 2000 at 7:45 PM to include Water District #7A in the Lease Management Agreement with ECWA.

Carried Unanimously

Library Project – Councilman George reported that the signs were installed on the site by the Highway Department. Fences are to be moved back for winter snow removal access. A meeting with the Architects on the 16<sup>th</sup>, design on 12/20 with bids out the first week in January for Spring construction.

Rezoning for Scotland Road – Councilman Summe reported he would like work session time, as comments are back from Peter J. Smith Co.

Wastewater Update – Andrew is forwarding information received. A motion was made by Councilman Summe, seconded by Councilwoman Glor to grant a 30 day extension as requested, expiring on December 1<sup>st</sup>.

Carried Unanimously

Buffalo Drilling Site Plan – Lot has been blacktopped. Code Enforcement Officer is keeping watch of progress.

Weaver Sub-division – Awaiting SEQR, 60 days to act, resolution to be ready for next meeting.

Assessment Challenge – Postponed until December, per Assessor.

Master Plan Update – A motion was made by Councilman Cummings, seconded by Councilman Summe to adopt the attached resolution on the Comprehensive Plan:

(Resolution Attached)

Carried Unanimously

2001 Budget – In reviewing the proposed budget the auditors found an error and correcting same. The new town tax rate is now \$1.73. A motion was made by Councilman Summe, seconded by Councilwoman Glor to approve the 2001 Budget, including the Special Districts.

Other – Nothing

#### NEW BUSINESS

Court Clerk – A motion was made by Councilwoman Glor, seconded by Councilman Cummings to accept Diane Graziano resignation with regrets.

Carried Unanimously

A motion was made by Councilman Summe, seconded by Councilman Cummings to appoint Sandra Pietrowski as Court Clerk to fill the vacancy, as recommended by the two Judges.

Carried Unanimously

Tax Collector Contract – The attached resolution was moved by Councilman George, seconded by Councilwoman Glor for the 2000-2001 school tax period.

(Resolution Attached)

Carried Unanimously

Community Development Block Grant Application – The attached resolution was moved by Councilwoman Glor, seconded by Councilman Summe to submit same:

(Resolution Attached)

Carried Unanimously

GIS Software – A motion was made by Councilman Summe seconded by Councilwoman Glor to authorize the Supervisor to purchase the necessary software for the GIS in an amount not to exceed \$2000. Amount to be taken from the contingent account of the General Fund, as it was not a budgeted item.

Carried Unanimously

Other – Nothing

Question Period – Richard Raykowski, 13899 Indian Falls Road, asked about the Peter J. Smith letter pertaining to the Scotland Road rezoning. Councilman Summe stated it has a list of recommendation and will be discussed at the work session next week. Clerk to give him a copy of the letter and he is welcomed to come to the work session.

There being no further business to come before the board a motion was made by Councilwoman Glor, seconded by Councilman Cummings to adjourn at 8:50 PM.

Carried Unanimously

Carole D. Borchert, RMC  
Town Clerk