

## Newstead Town Board Meeting- December 9, 2002

A Public Hearing was called to order by the Newstead Town Board on Monday, December 9, 2002 at the Newstead Town Hall at 7:00 PM.

Present: Gerald F. Summe -Supervisor  
David Cummings- Councilman  
Joan M. Glor- Councilwoman  
Harold L. Finger- Councilman  
James Ebersole- Highway Superintendent  
Nathan Neill- Town Attorney  
Andrew Casolini- Town Engineer  
Dawn D. Izydorzak- Town Clerk  
Kathleen McLeod Lang- Deputy Clerk

Roll Call was taken with all board members present except Councilman George who is out of town on business.

Supervisor Summe called the public hearing to order at 7:00 PM for the review of the Final Draft of the Combined Comprehensive Master Plan.

The Town Clerk read the proof of publication.

Supervisor Summe explained all of the changes that were made over the three-year process with Peter J. Smith & Co. and since the previous draft this spring.

Comments received were:

Kevin Borth, 7553 Scotland Rd- questioned if there has been any other hearing since the June 2001 meeting. The Supervisor responded yes there was one earlier this year. Mr. Borth asked that the town and village boards delay any decisions until the public has an opportunity to see the changes made in the plan. He also questioned if geological studies are required to split off parcels. It was explained that they are required only for major subdivisions.

Carl Klingenschmitt, 11520 Howe Rd- questioned if there has been a deadline date set for public comments. The Supervisor said no because the end of the process is near. Carl proposed the Board set a date of December 31, 2002 for ending public comment.

Dale Cheavacci, Bloomingdale Rd- questioned if along the commercial district on route 5 there was any consideration in limiting the number of used car lots.

Charles Green, 7534 Scotland Rd- questioned what tax consequences are down the road from this plan. Could taxes skyrocket because of the plan? The Supervisor explained that industrial and commercial growth help to keep the tax rates lower than residential growth does.

Kevin Borth also questioned the purchase of additional recreational land for greenspace and what effect that would have on the tax rate. The response was none.

A motion was made by Councilman Finger, seconded by Councilman Glor to close the public hearing at 7:30pm.

The board returned to work session for 15 minutes.

Supervisor Summe called the public hearing to order at 7:45 PM for the proposed Local Law No. 5 of the Year 2002.

The Town Clerk read the proof of publication.

Supervisor Summe explained all of the changes that were made to the current zoning law.

Comments received were:

Kevin Borth, 7553 Scotland Rd- asked the Board to explain the current law and the changes that are being made. Town Attorney Nathan Neill explained.

A motion was made by Councilman Cummings, seconded by Councilwoman Glor to close the public hearing at 7:57pm.

Supervisor Summe called the public hearing to order at 7:58 PM for the proposed Local Law No. 6 of the Year 2002.

The Town Clerk read the proof of publication.

Supervisor Summe explained the rezoning changes that are to be made.

Comments received were:

Joe Mattioli, 13527 Bloomingdale Rd- questioned how this situation came to be. The Supervisor explained this rezoning is being done to correct a problem that has been ongoing for over 50 years. Mr. Mattioli questioned why this was never caught. Peter Henley was present and explained that the business on the property was grandfathered in prior to zoning law changes. This rezoning gives the Boards the ability to force any new buyers/businesses on the property to install the proper buffer zones and berms to the betterment of the neighbors. Mr. Mattioli then questioned if a variance was ever issued for the property. It is not known- the records are very poor and difficult to trace. Mr. Henley stated that if the rezoning were not done the property would still be grandfathered in to the same uses.

Anna Kraatz, 13391 Bloomingdale- questioned why the town is so worried about the business instead of being worried about the residents. The Supervisor stated that the Board is attempting to do this rezoning to better protect the neighbors in the future and to have some control over any business that moves onto the property.

Joe Mattioli stated concerns for children at the school and run-off of potential chemicals on the site.

Ann Falsioni, 13543 Bloomingdale- stated that the property is messy and dusty and needs to be cleaned up.

Laura Strollo, 13527 Bloomingdale- questioned whether the property could be changed back to an R-A use. The answer is only if the property lies vacant for 6 months or more then it loses its grandfathered status.

Kevin Borth, 7553 Scotland Rd- questioned if a non-rezoning restricts sale potential doesn't the town open itself up to possible liability issues from the current owner. Also the current owner if he doesn't sell the parcel could still lease it out to a same use business and the current situation could get worse because the town would still have no control.

Clara Varo, Bloomingdale Rd- stated she feels the town should make any buyer tear down the current buildings and make things presentable.

The Supervisor stated that no action would be taken at this time. He would like to form a committee with town board members; concerned resident representatives and Peter Henley to try to negotiate a compromise that will serve everyone involved.

A motion was made by Councilman Cummings, seconded by Councilman Finger to close the public hearing at 8:34pm.

A regular meeting of the Newstead Town Board was called to order at 8:35pm with all the same present as listed above.

David Wakeman led the pledge to the flag.

Minutes from the previous regular board meeting held on November 25, 2002 were presented for approval along with the joint Village/Town Board meeting minutes from November 18, 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 November 18, 2002 were received.

A letter to the town board from resident John Burke of 4820 Crittenden Road was distributed to Board members regarding how complaints in the town are handled now and how they should be handled in the future.

A letter of resignation was received from Code Enforcement Officer Donnal D. Folger. Effective December 31, 2002 Don will be retiring from his position with the Town after 27 years of service.

A Monthly Activity Report from the Amherst Central Alarm Office reporting the November 2002 calls for the Akron Fire Company- 33 and Newstead Fire Company- 24.

A letter from Erie County Dept of Public Works regarding the information required for the 2002-2003 Snow Removal and Ice Control Contract.

A letter from Erie County Division of Highways regarding the traffic study request on Stage Road. The request has been forwarded to the NYS DOT.

Three letters from Wendel Duchscherer: One providing a copy of the Storm Water Phase 2 survey, One an authorization letter regarding the Lateral Restriction Policy for Water District #5 and the last a letter regarding their 2003 Contract with the Town for services.

A letter from Forster Construction Management expresses interest in the Senior Center project.

Councilwoman Glor stated that it is with great regret that the Newstead Town Board accepts the resignation of Don Folger after 27 years of service and the Board wishes him the best in his retirement. The remainder of the Board members concurred.

A motion was made by Councilwoman Glor, seconded by Councilman Finger to receive and file correspondence as presented. Carried Unanimously

**Work Session:** Supervisor Summe reported that no work session was held on December 2, 2002 due to the Town's annual Safety Dinner.

**Privilege of the Floor** –

John Burke of Stage Road questioned if Councilman Cummings had the figures on County Line Stone he promised to provide him with. Councilman Cummings had e-mailed them to Mr. Burke this afternoon.

**Approval of Bills** -Councilwoman Glor reported that she had reviewed the Abstract from Batch #83 & 85 from the 11/25/02 meeting with the previously UN-audited vouchers and found everything in order. She presented Abstract Batch #88 & 89. Vouchers on Abstract Batch #88 & 89 numbered 1227-1275 totaling \$22,259.74 and were presented for payment approval by Councilwoman Glor, seconded by Councilman Finger to approve payment.

Abstract Batch 88 & 89:

General Fund "A" -\$10,238.60, Fund "B" \$409.68, Highway "DA" -\$0.00, Highway: Outside Village (DB) \$1,628.53, Capital Projects- WD#5-Phase II (HC) \$122.10, Capital Projects- WD#7 A (HD) \$0.00, Library Project (HE) \$0.00, Fire Protection (SF) \$1,384.78, Refuse (SR) \$0.00, Sewer Fund (SS) \$1,500.00, and Water Districts (SW1) \$18.75, (SW2) \$80.45, (SW3) \$27.66, (SW4) \$102.40, (SW5) \$1,076.81, (SW6) \$277.93, (SW7) \$5,282.34, (SW8) \$29.26, (SW9) \$80.45, Trust & Agency (TA) \$0.00, totaling \$22,259.74

Carried Unanimously

## COMMITTEE AND DEPARTMENT HEAD REPORTS

Highway – Superintendent Ebersole stated that they have been out several time already plowing and sanding. They have also already replaced several mailboxes. Next fall in his advertisements his office will be very specific on what type of mailboxes will be replacing ones that are knocked over. Residents are putting large boulders around their mailbox posts and using structural steel posts on their boxes. He will begin removing any and all of these items as soon as possible as they pose a danger to the public, his drivers and it ruins the plows thereby costing the town money. He also stated that they do not replace paper boxes.

Assessor – Not present due to a family emergency.

Code Enforcement Officer –the following building report was presented:

Brian Hubbard	12469 McNeeley	One Family Home
John Wargo	5055 Havens	Rear Storage Area
Robert Bojanowski	11601 Rapids	Garage
Howard Brucker	Greenbush Rd	Ag Building Pole Barn
Craig Kelkenberg	11611 Rapids	One Family Home
Jeff Mages	13061 Main Rd	Showroom, Warehouse
Peter Henley	5191 South Newstead	Gazebo
Peter Henley	6263 Scotland Rd	Gazebo
Rattles To Reading	6263 Scotland Rd	Sign

A motion was made by Councilman Cummings, seconded by Councilwoman Glor to accept and approve the building report as presented. Carried Unanimously

It was also reported that beginning with the next board meeting Christine Falkowski would be representing the Building Department at Board meetings.

Town Clerk- Tax collection has been completed for the 2002-2003 Akron Central and Clarence Central School taxes. All final unpaid reports and invoices have been sent to the County and the school. The drop box has been received and is now installed in front of the Town Hall on the front walkway. Lettering for the box and instruction plate has been ordered. An announcement is being prepared to run in each of the area papers.

Attorney for the Town- he has received the ECWA contract from Pembroke.

## COUNCILPERSONS

George – Not present

Cummings – Thanked Andrew Casolini for new town map for the website. New items and information are being added each week.

Glor- Nothing at this time.

Finger- Thanked Jim Ebersole for his dispatch lessons this past weekend with the plow drivers. The Denio was finished today and all items are moved for work to begin.

SUPERVISOR – Presented Councilman Cummings with a 20 Year Service Award from the Town of Newstead.

**UNFINISHED BUSINESS**

Water District #5- Phase 2 & 3: had a meeting last week with Sergi Construction on phase 3. Emphasized clean up issues at winter season. Contacting homeowners for the holiday season schedule. Testing and chlorinating must be held off for good days in January. Timing issue at this point for additional minimum 1,700'.

Comprehensive Master Plan Update – work session to finalize comments.

Christian Airmen Re-Zoning- nothing new.

Henley & Murphy Re-Zoning- work session to discuss comments at public hearing.

LOSAP Proposals- work session to finalize items.

Senior Center- had a meeting last week with architect at Wendel. Design presented and committee finalized with the addition of Russ Rosenberg of Newstead Fire Co.

Other- Nothing

**NEW BUSINESS**

ECWA Amendment to Lease Management Agreement:

A motion was made by Councilman Cummings, seconded by Councilwoman Glor approving the proposed Amendment No. 3 to the ECWA Lease Management agreement and authorizing the Supervisor to execute all necessary documents.

{Resolution Attached)           Ayes- 4                           Nay- 0                           Carried Unanimously

A motion was made by Councilman Finger, seconded by Councilman Cummings authorizing the following with regard to Wendel Duchscherer: the Supervisor to sign the necessary agreements approving the 2003 contract with Wendel Duchscherer to provide engineering services for the Town of Newstead, authorizing the \$1,800.00 expenditure for the Lateral Restriction Policy for Water District #5 and authorizing the \$9,800.00 expenditure for the Phase 3 extension of Water District #5.

Carried Unanimously

A motion was made by Councilman Cummings, seconded by Councilwoman Glor authorizing the Supervisor to sign the necessary contracts approving the 2002 STOP-DWI services with Erie County.

Carried Unanimously

NYS State Police Contract renewal:

A motion was made by Councilman Cummings, seconded by Councilwoman Glor authorizing the Supervisor to execute a renewal contract with the NYS Police for office space within the Town Hall to be used as a sub-station for the New York State Police and their officers.

{Resolution Attached)           Ayes- 4                           Nay- 0                           Carried Unanimously

Other:

A motion was made by Councilwoman Glor, seconded by Councilman Finger to authorize the Supervisor to obtain a credit card from the Bank of Akron in the amount of \$5,000.00 for town use, with the cards to bear his name and the name of his secretary/ bookkeeper Kathleen Strobele.

Carried Unanimously

Local Law No. 5 of the Year 2002- Non-Significance:

A motion was made by Councilman Cummings, seconded by Councilwoman Glor adopting a Determination of Non-Significance for the proposed amendment to the Zoning Law of the Town of Newstead titled Local Law No. 5 of the Year 2002- "Zoning Law Amendment".

{Resolution Attached)           Ayes- 4                           Nay- 0                           Carried Unanimously

Adoption Local Law No. 5 of the Year 2002:

A motion was made by Councilman Cummings, seconded by Councilwoman Glor adopting the amendment to the Zoning Law of the Town of Newstead titled Local Law No. 5 of the Year 2002- "Zoning Law Amendment".

{Resolution Attached)           Ayes- 4                           Nay- 0                           Carried Unanimously

**Question Period-**

Brian Wight of Scotland Rd questioned the number of unlicensed vehicles now allowed under the new zoning law. The Supervisor responded one vehicle actively for sale for up to one year.

There being no further business to come before the board a motion was made by Councilwoman Glor, seconded by Councilman Finger to adjourn at 9:13PM

Work session will continue after the meeting.

Carried Unanimously

Respectfully Submitted,

Dawn D. Izydorczak, Town Clerk