

**TOWN OF NEWFANE  
TOWN BOARD WORK SESSION  
DECEMBER 7, 2023**

The Town of Newfane Town Board Work Session was held in the Town Hall, 2737 Main Street, Newfane, NY. The Session was called to order by Supervisor John Syracuse at 5:04pm

**Town Board Members Present:** Supervisor John Syracuse, Rick Coleman, Troy Barnes, Sue Neidlinger, Laura Rutland

**Others present:** Building Inspector/Code Enforcement Officer David Schmidt, Town Attorney Jim Sansone, Jeremy Irwin, Sadie & Brian Gunby, Larry Dormer, David LeGault, Bethany Maclam and Sarah Levin

Supervisor Syracuse welcomed all to the December Work Session. Councilwoman Laura Rutland made motion approve the November 9, 2023, Work Session minutes and Councilman Rick Coleman seconded. Mary Zeller noted a date correction on page 5, “next work session is 12-7-23”. All agreed and motion passed with correction.

There were 3 Resolutions on the table for tonight and Supervisor Syracuse and Attorney Jim Sansone agreed that the numbered order needed to change to keep things in perspective with the given resolutions.

- **RESOLUTION #59-2023** Negative Declaration Resolution Amendment to Chapter 255 Water Code Law
  - Councilwoman Sue Neidlinger made a motion to accept Resolution #59-2023 and Councilman Troy Barnes seconded it. A Roll Call vote was made:
    - Councilman Troy Barnes - Aye
    - Councilwoman Sue Neidlinger - Aye
    - Councilwoman Laura Rutland - Aye
    - Councilman Rich Coleman - Aye
    - Supervisor John Syracuse - Aye
  - Resolution #59-2023 Passed
- **RESOLUTION #60-2023** Resolution to Authorize the Passing of Local Law Amending Section 255-18 of the Code for the Town of Newfane, to redefine double check valve assembly, acceptable, and to require the installation of expansion tank onto the water service line all Customer’s water lines
  - Councilman Rick Coleman made a motion to accept Resolution #60-2023 and Councilwoman Laura Rutland seconded it. A Roll Call vote was made:
    - Councilman Troy Barnes - Aye
    - Councilwoman Sue Neidlinger - Aye
    - Councilwoman Laura Rutland - Aye
    - Councilman Rick Coleman - Aye
    - Supervisor John Syracuse - Aye
  - Resolution #60-2023 Passed
- **RESOLUTION #61-2023** Conveyance of Lakeview Cemetery, Olcott, New York to the Town of Newfane, New York. Discussions on this resolution were held at previous Work Sessions.
  - Councilwoman Sue Neidlinger made a motion to accept Resolution #61-2023 and Councilman Troy Barnes seconded.
  - Bethany Maclam, Lakeview Cemetery Representative, and Sarah Levine, Senior Accountant of the NYS Division of Cemeteries were invited to come up front.

- Informative discussion took place:
  - Lakeview Cemetery is a Historical Cemetery, going back to the Civil War. Since 2016, it has been “bleeding money” as they are out of spaces to sell plots and that is a cemetery’s only means of income. They cannot make any more money. What appears to be "open spots" are "Pauper's Graves", no head stones.
  - The State has stepped in and there are two options when no more plots can be sold.
    - “A Conveyance” of the cemetery property to the Town it resides in, voluntarily, transferring to the Town, the property and any funding that may be available, so that the Town can now maintain the cemetery. It will be allowable for the Town to use any existing funds, approximately \$30,000, for the maintenance of said property.
    - “Abandonment”, where the Cemetery Board just walks away from the duties of the cemetery. No money will be transferred. The Town ends up with the property to care for.
  - Bethany Maclam stated that they are just “one big snowstorm away from bankruptcy.” If we literally have a big storm that brings down trees and branches and does damage within the cemetery, then that can destroy the funding that they are allowed. Right now, the cemetery is “pristine.” The funds that they will be giving the Town will last 15-20 years to keep it maintained.
  - As a Board, they would not accept Abandonment, as they want to continue to do the maintenance there, however, per the State, they can no longer call themselves a “Board.”
  - NYS Cemetery Law states that it is a Non-For Profit organization. The 10% Lot Sales and the \$35.00 internment are allocated to funding. They have been out of lots to sell for 10 years. A permanent Maintenance fund can only be used as operating funds, (not maintenance) and at this point there are no funds to bring in. The interest being earned is not enough to survive on.
  - Lakeview Cemetery currently has 20 lots pre-sold, but that is the last of them. Public fund-raising has helped raise funds for the maintenance of the cemetery for the last 10 years.
- The Cemetery must be voluntarily Conveyed to the Town along with the current funds that can be used for maintenance, as they will become "unrestricted funds." Other funds can continue to come in to support the Cemetery even though it is in the Towns ownership. Currently there are 2 separate Trusts that are being used that will be transferred to the Town and held separately.
  - There is currently a Personal Will, and there is no restriction on the money that can be used, but it's for maintenance of 2 family plots.
  - One is in a CD for the Clark Family and the interest can be used for maintenance, but not the principle, so that the CD keeps earning interest.
- Sarah Levine, Senior Accountant, for the Cemetery, will supply auditing paperwork for all involved. Beth stated that they want to “manage the cemetery before it manages us!”
- As for the Town, there is no liability needed on anything, as it will be maintained per the cemetery way, on a volunteered basis right now. It is better to take on as a volunteer basis right now, rather than go through abandonment. They have insurance but do not have an Attorney. Jim Sansone stated that it is a transfer of property, not a purchase. He stated that we may need a Permissive Referendum in the Resolution and he will check into this, but it will not hold us up.
- The Lakeview Cemetery had a special Lot Meeting in October to see if anyone objected to the Conveyance and there were no objections.
- Discussion closed and a Roll Call vote was made:
  - Councilman Troy Barnes - Aye
  - Councilwoman Sue Neidlinger - Aye

- Councilwoman Laura Rutland - Aye
  - Councilman Rich Coleman - Aye
  - Supervisor John Syracuse - Aye
  - Jim Sansone stated this passes with the caveat of the possibility of the Permissive Referendum.
- Resolution #61-2023 Passed

Supervisor Syracuse asked Sadie Gunby and her dad, Brian, to come up and talk about the letter that she submitted to him a few months ago, regarding the need for a Dog Park here in Newfane. The Supervisor has previously made the Town Board aware of this letter and has done some investigating on his own. He did ask Sadie how she came up with this idea. She drew up a wonderful map and diagram for the Dog Park. She stated that many people around Newfane walk more than one dog at a time and that a spot to allow them to run would be great. The closest Dog Park is in Wilson, and it's a little hard to get to, as it is not accessible on foot. So having something here in Newfane, in town, would be great!

- Supervisor Syracuse mentioned that he has spoken to the Recovery Center of Niagara, and they are very interested and willing to allow the property to the south of the Recovery Center, known as 6037 Ketchum Ave., that is at the end of Maple Ave, to be used as this possible Dog Park. The Supervisor has met with Joe Chalales from the Recovery Center.
- He stated that he and the Board would like to work with her for fund raising, connect her to the SPCA so that they are aware of this. She will need to find people to help start this and work together to complete this project. Special fencing will be needed as well. There are a lot of options out there to make this project successful! A Field Trip to the Wilson Dog Park, to check it out may need to take place. A teacher has even stated that Community Involvement is now being considered as Regents credits for upcoming students. This is the perfect opportunity and could help her further herself in schooling!
- Laura Rutland asked if she has friends that are interested in helping with the Dog park and Sadie said "Yes!" Laura also mentioned the Lions Club would be a wonderful organization to reach out to and they would be very helpful. It was the "Leo's" group that installed all the "Poop Bag Stations" or waste bags, all around Newfane. Sadie and her dad both stated that Sadie had just participated in a Leo's Club gathering the day before at school. Sadie has already been recruiting family and friends for this idea!
- Sadie is naming the park after her previous dog that has passed...Harper. (Harper Park)

The Board thank them both for coming and presenting this idea to the Town! It is a wonderful idea, Sadie! Great job!

Supervisor Syracuse next brought up an item presented to him by Highway Superintendent, Jon Miller. He has been renting a 2023, large excavator for the continued Berm Project in Olcott, on the west beach and he would like to purchase it. It can accomplish many different jobs, and his men are used to working with it. The rental company has credited any rental payments already made and will use it as a down payment in hopes of selling this to the Town. The Supervisor has already spoken with Carl Witmer, at Dresher & Malecki, and he verified that we do have the appropriate funding to allow this purchase. This would come from the 2024 Budget, as there are unused funds that can be rolled over to the coming year. The original cost is \$225,000 and the offer submitted is \$211,000, which they are still working on. \$52,000 additional for a mowing attachment, that will make the mowing and ditching more efficient. The Town Highway dept also received a \$50,000 SAM Grant in September, that could be applied to this purchase. (Those funds were for the Road Widener, which is now paid off.) There are currently surplus funds too, that can be applied to this purchase. The 2024 Budget has \$156,396 in the Equipment line and there is \$50,000 unused funds in the 2023 budget that can be rolled over. The Highway Budget has \$23,000 that is leftover in the OT budget line, that can be used as well. The total is \$279,000 to \$280,000 and we will only need \$265,000.

The HGWY Dept has a yearly payment of 71K which matures in 2028. Jon Miller feels that using his entire equipment line for this, this year is a good decision. Town Council stated that he has never steered them wrong.

- The Supervisor stated that he will have a Resolution ready for the January 2024 Meeting for purchasing this excavator. They reviewed the memo submitted by Jon Miller.
  - Councilwoman Laura Rutland made a motion for the Highway Superintendent to move forward with the purchase of this excavator, including excavator. Councilman Rick Coleman seconded.
  - A Roll Call vote was made:
    - Councilman Troy Barnes - Aye
    - Councilwoman Sue Neidlinger - Aye
    - Councilwoman Laura Rutland - Aye
    - Councilman Rich Coleman - Aye
    - Supervisor John Syracuse - Aye
  - Motion Passed.

Supervisor Syracuse reviewed the upcoming NIACAP Contract for 2024. We continue to support the Niagara County Action Program, as we have in years past.

- The board agreed to allow John to sign it and the \$2,500 will be sent in after the first of the year.

Supervisor Syracuse read aloud new appointments that are to be made.

- Megan Snyder has submitted her request to take on the Fire Prevention Board Secretary position, effective, January 1, 2024.
  - Supervisor Syracuse made a motion to accept her request and appoint Megan Snyder as of January 1, 2024.
  - Troy Barnes made a motion to accept this request.
  - Rick Coleman seconded.
  - No questions, All in favor.
  - Motion Passed

Regarding the Zoning Board of Appeals, Supervisor Syracuse read the appointments that are to be made as of today, December 7, 2023.

- Jeremy Irwin and Charles W. Maynard are effective immediately, December 7, 2023, and they will need to report to the Clerk's office as soon as possible to sign their oath.
  - Sue Neidlinger made a motion to accept these two appointments.
  - Laura Rutland seconded.
  - Motion was carried and passed.
- Daniel Whorley will be replacing Robert Horanburg after the first of the year, as Robert is now on the Town Board, effective January 1, 2024.
  - Sue Neidlinger made a motion to accept this appointment.
  - Troy Barnes seconded.
  - Motion passed.

David LeGault from Securitas (Sonitrol) was invited forwarded to speak on the current quotes for updating the security cameras in the Town. Unfortunately, the quotes that were previously submitted were inaccurate and incomplete. He is embarrassed and apologized with deep regret. The new system upgrade that Securitas/Sonitrol had came with "bugs" in it, causing inaccurate pricing on the quotes. There are 3 things that took place:

- 1.) David mentioned the new quoting tool at Securitas, runs differently than he had previously used, did not include the labor and of course, that needs to be added.

- 2.) The Network Video Recorders (NVR) that record from the camera, are now selling their hard-drives separately, basically all-a-cart, they are no longer included in the NVR. Hard drives are needed.
- 3.) He also missed a needed NVR in pricing.

They do use Source-Well, which provides lower cost in goods, but because of this jump in pricing, David worked with Securitas and they did waive the labor charges on these quotes, they will absorb these charges due to their mistake, except for two sites that require a lot of labor for new installs. They will not be making any money, but they will not lose any money either. Because of these additions, they are adding \$15,766.33. This offer will not last too long though, per David. If time passes and new contracts will have to be written, then labor WILL be added into the pricing. Supervisor Syracuse made mention that the previously submitted quotes were now "Null and Void" as far as the Town is concerned and "we will let this information settle for now." David mentioned that holding off may change the labor fees, depending on how long we wait.

- David mentioned that the past contract was not under Source-Well, so we have been paying more.
- He likes the Town and feels good about the pricing he was doing, priding himself on the pricing, but obviously now there is a change, and he genuinely feels terrible. But by using Source-Well he is saving the Town \$231.39 on services per month, over-all with the 60 month contract it is \$13,883 savings. This will not change with whichever way the Town goes.
- Supervisor Syracuse stated he wants to step back and reassess the plans and rethink what is REALLY needed around the Town. Wipe everything out and restart the process.
  - David stated that the Company (Securitas) will void the previously signed contracts.
- David also stated that the Lakeview Village Shoppes (LVS) have NOT been signed, so some of the work will be considered Change Orders, but LVS will be a new contract. As would the WWTP and Compost Plant.
- The Town is now looking at \$56K, which is a lot higher than initially quoted.

Regarding New Building/Planning Code Fees: Supervisor Syracuse and Building Inspector, David Schmidt and former Building Inspector, Mike Klock, have spoken in regard to the Building Planning Code fees that have been talked about. A Planning and Zoning discussion that took place today made progress with things that have been charged over the years. These fees need to be updated to the times.

The Supervisor has spoken with Zoning Board members, and Marcy Ferington, wants to stay on and he let her know that training is necessary, as the State law says it is a must and the Town Law does not want to opt out of this, as training is important.

- Town Attorney, Jim Sansone stated that he can set "a basic primer" list for the Zoning Board, so that the entire Board has all the same training right from the start here at the Town, and then formal training needs to be done. It needs to be reviewed and with what issues have come about, formal training will help cover a lot of things and what evidence is needed in preparing the decisions that come about at Zoning Board meetings.
- Councilman Troy Barnes and Supervisor Syracuse both agreed that when the right training happens, the right decisions will be made and explained, backed up, carried through. Then the proper files can be closed and put away.
- Notifications will go to everyone on the Zoning and Planning Boards. The Fire Departments Chiefs, Assessor, Building Inspector and Clerks office all get notified of these decisions, and the Town Clerk will get all these things in order as Custodian of the records.
- For publications of meetings, Jim Sansone will still be doing the publications to the newspaper. We can also post it on the Town website, electronic sign for the public's knowledge. "When it goes from application, to Board, to Building Inspector, to Assessor, to Attorney, etc....everyone is knowledgeable with the same information."

- Sue Neidlinger brought up that the Planning and Zoning Boards should have the same announcement prior to the meeting that notifies the Public on the Speaking decorum, that the Town Board hears. All were in agreement.

The Supervisor asked Jim Sansone about discussions on Litigation, and he advised to go into Executive Session. Sue Neidlinger made a motion and Rick Coleman seconded.

- All were in favor and The Work Session went into Executive Session at 6:19pm. It ended at 6:53pm and all guests were invited back into the Work Session.

Sue Neidlinger inquired about Sara Capen and any news with the Rails to Trails. Supervisor Syracuse stated Shawn Foti is currently in Albany, but he and the County are looking at the Rails to Trails program, and he will follow-up with Shawn when he returns from Albany.

Laura Rutland made a motion for the meeting to adjourn, and Rick Coleman seconded. All in favor, motion passed. Meeting ended at 6:55pm.

A quick verbal note was made by Supervisor Syracuse to appoint Bill Koller to the Zoning Board effective January 1, 2024, replacing outgoing Donna Lakes.

- Laura Rutland made the motion.
- Sue Neidlinger seconded it.
- All in favor, Motion passed.

Sue Neidlinger made a motion to adjourn, and Rick Coleman seconded. All in favor. Motion passed. Meeting adjourned at 6:59pm.

The next Work Session will be held on Thursday, January 11, 2024 at 5:00pm.

Respectfully submitted,

Mary L Zeller  
Confidential Secretary to the Supervisor