

July 26, 2023

REGULAR MEETING

The Town Board of the Town of Newfane, Niagara County, New York met at the Town Hall, 2737 Main Street, Newfane on July 26, 2023. The following were present:

Supervisor: John Syracuse
 Councilman: Troy D. Barnes
 Councilwoman: Laura L. Rutland
 Councilwoman: Susan L. Neidlinger
 Excused: Councilman Rick B. Coleman

Attorney: James J. Sansone, P.C.
 Town Engineer: Brian Sibiga, P.E.

PRAYER AND PLEDGE

Supervisor Syracuse opened the meeting at 7:00 p.m., 8 residents were present. A prayer was read by the Town Clerk. The pledge of the flag was given.

APPROVE PREVIOUS MINUTES

A MOTION was made by Councilwoman Neidlinger, seconded by Councilman Barnes, to approve the minutes of the July 26, 2023, Regular Board Meeting and Public Hearings.

All present voted Aye.

Motion carried.

COMMUNICATIONS AND PETITIONS

Minutes filed in the Town Clerk's Office:

June 13, 2023, Town of Newfane Work Session.

July 5, 2023, Town of Newfane Tourism Minutes.

July 11, 2023, Town of Newfane fire Prevention Bureau Minutes.

TOWN/UPDATE MILLER HOSE COMPANY, INC. ROSTER

A MOTION was made by Councilwoman Rutland, second by Councilman Barnes to remove from the active roster of Miller Hose Fire Company, effective immediately the following: Dakota Jeffords, Clayton Skye, Travis Killion and Paul Rader.

All present voted Aye.

Motion carried.

TOWN/UPDATE MILLER HOSE COMPANY, INC. ROSTER

A MOTION was made by Councilwoman Neidlinger, second by Councilwoman Rutland to add Jeanne Dunkelberger to the active roster of Miller Hose Fire Company, Inc. effective immediately.

All present voted Aye.

Motion carried.

REPORTS OF COMMITTEE AND DEPARTMENT HEADS

Water Superintendent, Mike Mills, A lot of leaks, working on Main Street, East Avenue, and Ketchum Avenue.

Waste Water Treatment Plant Operator, Nick Irr, Everything going good, DEC inspected no major problems.

Dog Control Officer, Jeffrey Newman, Answering a lot of dog calls.

Town of Newfane Tourism, Gina Guido-Redden, Two new restaurants in Olcott Maddy's and the Northern Pier. Shops are busy and Thursday night movies in the summer have started at the Carousel Park.

Highway Superintendent, Jon Miller, Excused.

Code Enforcement/Building Inspector, Mike Klock, Excused.

UNFINISHED BUSINESS – None.

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REGULAR MEETING – (con't)

NEW BUSINESS

TOWN/RESOLUTION NO. 33, 2023/AWARD ELECTRICAL CONTRACT TO DJ GERLING ENTERPRISES, INC. FOR UTILITY WORK AT ADA COMPLIANT RESTROOM ONTARIO STREET PARKING LOT

A MOTION was made by Councilwoman Rutland, second by Councilman Barnes to adopt the following Resolution No. 33, 2023 which was introduced by Supervisor Syracuse as follows: Award Electrical Contract to DJ Gerling Enterprises, Inc. for Utility Work at ADA Compliant Restroom Ontario Street Parking Lot, Whereas, the Town Board of the Town of Newfane selected an ADA compliant restroom per Resolution 23, 2022, and Whereas, the fabricated restroom facility, pursuant to said Resolution, was provided by Severson Environmental Services, Inc. and included improperly located electrical box, not meeting current code, Whereas, the restroom required electrical power delivery to this structure, and also required modification to the existing electrical box within the restroom utility closet, in order to comply with code requirements, and Whereas, DJ Gerling Electrical was hired to perform said electrical work, at a cost of \$9,775.00, the sum of \$4,925.00 of said amount being attributable to the cost of complying with the code requirements, Now Therefore Be It Resolved, The Town Board of the Town of Newfane approves payment to DJ Gerling Electrical in the amount of \$9,775.00, and Be It Further Resolved, the amount of \$4,925.00 be deducted from Severson Environmental Services, Inc. remaining retention to offset the cost of DJ Gerling Enterprises, Inc. to relocate electrical box from inside room to exterior wall to comply with current codes.

All present voted Aye. (Board members present signed original Resolution) Motion carried.

A roll call vote was taken by the Town Clerk as follows:

- Councilwoman Rutland: Voted: Aye.
- Councilman Barnes: Voted: Aye.
- Councilwoman Neidlinger: Voted: Aye.
- Supervisor Syracuse: Voted: Aye. Motion carried.
- Councilman Coleman – Absent.

(4 – Ayes 0 – Nays. 1 – Absent.)

TOWN/ADOPT RESOLUTION NO. 34, 2023/ADOPTING A FAIR HOUSING PLAN AND DESIGNATING, SECTION 3 AND LABOR STANDAD OFFICERS FOR THE TOWN OF NEWFANE

A MOTION was made by Councilwoman Neidlinger, second by Councilwoman Rutland to adopt the following Resolution No. 34, 2023, Adopting a Fair Housing Plan and Designating, Section 3 and Labor Standards Officers for the Town of Newfane as follows which was introduced by Supervisor Syracuse: Whereas, the Town of Newfane is a recipient of Community Development Block Grant (CDBG) funding through the United States Department of Homes and Community Renewal, administered by the New York State Governor’s Office for Small Cities; and Whereas, the rules and regulations governing the Community Development Block Program require that the Town be responsible for taking specific actions to affirmatively further fair housing (AFFH) practices in the Town; and Whereas, the rules and regulations governing the Community Development Block Program require that the Town be responsible for ensuring compliance with Section 3 of the Housing and Urban Development Act of 1968, as amended including the appointment of a Section 3 Officer to oversee compliance; and Whereas, the rules and regulations governing the Community Development Block Program require that the Town be Responsible for ensuring compliance with Davis Bacon and Related Labor Standards Acts including the appointment of a Labor Standards Officer to review and/or oversee compliance; Now, Therefore, Be It Resolved, that it is the policy of the Town to implement programs to ensure equal opportunity in housing for all persons regardless of race, color, religion, sex, handicap, or disability, or familial status or national origin, and that discrimination in the sale, rental, leasing, financing of housing to be used for construction of housing, or in the provision of brokerage services, because of race, color, religion, ancestry, sex, national origin, handicap or disability, is prohibited by Title VIII of the Civil Rights Act of 1968 (Federal Housing Law); and Be It Further Resolved, that the Town will undertake the following AFFH actions within one (1) year of the award of CDBG funds; 1. Display fair housing posters and distribute fair housing materials prepared by New York state, the municipality, U.S. Department of Housing and Urban Development (HUD), or fair housing organizations to community residents, landlords, real estate professionals and lenders.

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REGULAR MEETING – (con't)

NEW BUSSINESS – continued.TOWN/ADOPT RESOLUTION NO. 34, 2023/ADOPTING A FAIR HOUSING PLAN AND DESIGNATING, SECTION 3 AND LABOR STANDARD OFFICERS FOR THE TOWN OF NEWFANE

2. Elected officials, municipality staff in charge of planning, zoning, building, housing, community and economic development, and their third-party consultants attend an online fair housing training seminar; and be it further. Resolved, that Supervisor shall be designated as the Section 3 Officer for the Town of Newfane for the 2023 Fiscal Year; and be it further.

Resolved, that Supervisor shall be designated as the Section 3 Officer for the Town of Newfane for the 2023 Fiscal Year; and be it further Resolved, that Supervisor shall be designated as the Labor Standards Officer for the Town of Newfane for the 2023 Fiscal Year; and be it further Resolved, that the positions of Section 3 Officer and Labor Standards Officer shall be renewed annually. Resolved, this solution will be deemed the Town's Fair Housing Plan. Resolved that the Town Board may, on its own initiative or on petition, amend, supplement, or repeal the provisions of this resolution in conformity with applicable rules and regulations and in their interpretation and application, the provisions of this resolution shall be held to be minimum requirements, adopted for the promotion of the public health, morals, safety, or the general welfare. Whenever the requirements of this resolution are at variance with the requirements of any other lawfully adopted rules, regulations, or ordinances, the most restrictive, or that imposing the highest standards, shall govern; and be it further Resolved, that this Resolution shall take effect immediately.

All present voted Aye. (All Board members present signed original Resolution.) Motion carried.

A roll call vote was taken by the Town Clerk as follows:

Councilwoman Rutland: Voted: Aye.

Councilman Barnes: Voted: Aye.

Councilwoman Neidlinger: Voted: Aye.

Supervisor Syracuse: Voted: Aye.

Councilman Coleman: Absent.

(4 – Ayes. 0 – Nays. 1 – Absent)

All Present voted Aye.

Motion carried.

TOWN/ADOPT RESOLUTION NO.35, 2023/AUTHORIZING THE TOWN OF NEWFANE, HEREIN AFTER CALLED TOWN, TO APPOINT JEFFREY J. NEWMAN, RICHARD SMITH, AND KENNETH NERBER, AS CODE ENFORCEMENT OFFICERS FOR THE TOWN OF NEWFANE

Resolution No. 35, 2023 was removed from the agenda for further reconsideration with Town Attorney, James Sansone and Code Enforcement Officer, Michael Klock.

TOWN/ADOPT RESOLUTION NO. 36, 2023 /TOWN OF NEWFANE EMERGENCY RESLOUTION/WASTEWATER TREATMENT PLANT SLUDGE PUMP STATION EMERGENCY DECLARATION

A MOTION was made by Councilman Barnes, seconded by Councilwoman Rutland to adopt the following Resolution No. 36, 2023, Wastewater Treatment Plant Sludge Pump Station Emergency Declaration in which Town Engineer, Brian Sibiga explained the work that needs to be done.

Whereas, the Town of Newfane (the "Town") owns and maintains the Newfane Wastewater Plant, 6349 E Lake Road, Burt, New York, wherein the plant has a sludge pumping station that contains various pumps, valves and piping to convey waste activated and return active sludge to various areas of the plant, and Whereas, the Town of Newfane wastewater treatment staff has reported leaking pipes and deterioration of the existing facilities in the pump station, and Wendel, the Town Engineer of the Town of Newfane examined the facilities in the Sludge Pump Station, and Whereas, Town engineers, Wendel, have analyzed the system failure and have prepared the attached report referenced as 'MEMO RE: Wastewater Treatment Plant-Emergency Repair' (the "Wendel report") which is referenced and incorporated hereto, and Whereas, the Wendel report describes the importance of the Sludge Pump Station System(S) to the life, health, safety and/or property of the residents of the County of Niagara, and Whereas, Wendel opines that "It is Wendel's opinion that these circumstances, if allowed to continue without emergency repair, could jeopardize the life, health, safety and/or property of the customers of the Town of Newfane." Now Therefore Be It Resolved, that the Sludge Pump Station Failure at the Town's Wastewater Treatment Plant is a public emergency arising out of unforeseen occurrences or conditions whereby circumstances affecting the

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REGULAR MEETING-(con't)

NEW BUSINESS – continued.TOWN/ADOPT RESOLUTION NO.36, 2023/TOWN OF NEWFANE EMERGENCY RESOLUTION/WASTEWATER TREATMENT PLANT SLUDGE PUMP STATION EMERGENCY DECLARATION

life, health, safety, or property of the customers of the Town, required and require immediate repair, and be it further Resolved, that pursuant to the provisions of section 103(4) of the General Municipal Law of the State of New York, the Town does hereby find that such emergency required immediate action that cannot await competitive bidding; and be it further, Resolved, that the Town authorizes the emergency repair and implementation of the proposed solutions outlined in the Wendel report, at a cost not to exceed \$186,600.00 as provided in the Koester Associates proposal and that such repair is ratified as an emergency repair and that competitive bidding and/or procurement policy procedures are dispensed with prospectively and retroactively and the Supervisor is directed to sign the Koester Associates proposal as needed to enter an agreement.

All present voted Aye. (All Board members present signed original Resolution) Motion carried.

A roll call vote was Taken by the Town Clerk as follows:

Councilwoman Neidlinger: Voted: Aye.

Councilman Barnes: Voted: Aye.

Councilwoman Rutland: Voted: Aye.

Supervisor Syracuse: Voted: Aye.

Councilman Coleman: Absent.

Motion carried.

(4 – Ayes. 0 – Nays. 1 – Absent)

TOWN/ADOPT RESOLUTION NO. 37, 2023/ RESOLUTION BY THE TOWN OF NEWFANE STANDARDIZATION RESOLUTION

A MOTION was made by Councilwoman Neidlinger, second by Councilman Barnes to adopt the following Resolution No. 37, 2023 as follows: Whereas, the Town of Newfane (the "Town") owns and maintains the Newfane Wastewater Treatment Plant, 6349 E Lake Road, Burt, New York, wherein the plant has an aeration system that includes air supply blowers, valves, appurtenances and actuators and Whereas, the Town of Newfane has one existing positive displacement by Gardner Denver with associated valves, actuators and appurtenances and Whereas, the Town engineer, Wendel, have submitted a recommendation letter, attached and incorporated to this resolution, dated July 25, 2023, which recommends standardization on Gardner Denver for the air supply blower, valves, actuators and appurtenances as part of one supply package at the Newfane Wastewater Treatment Plant aeration system, and sets for the reasons why the Town will benefit economically as well as gained efficiencies if such standardization is declared, now therefore be it Resolved, that the Town hereby accepts and incorporates the findings and recommendations set forth in Wendel's July 25, 2023 letter, attached hereto, and be it further Resolved, that the Town, for reasons of efficiency and economy as authorized by Section 103 (5) of the General Municipal Law, and for the reasons set forth in the attached recommendation letter, does hereby standardize on the use of Gardner Denver for all air supply blowers and associated equipment for the aeration system at Newfane Wastewater Treatment Plant, at this time or any time in the future, until such time as this resolution is rescinded. Further Resolved, the Koester Associates is the sole source supplier of Gardner Denver blowers in New York and the Town Supervisor is authorized to sign documents required to purchase the blower package from Koester Associates in an amount not to exceed \$92,375.

All present voted Aye. (All Board members present signed original Resolution) Motion carried.

A roll call vote was taken by Town Clerk:

Councilwoman Neidlinger: Voted: Aye.

Councilman Barnes: Voted: Aye.

Councilwoman Rutland: Voted: Aye.

Supervisor Syracuse: Voted: Aye.

Councilman Coleman: - Absent.

Motion carried.

(4 – Ayes. 1 – Absent. 0 – Nays.)

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REGULAR MEETING-(con't)

NEW BUSINESS – continued.TOWN/RESOLUTION NO. 38, 2023/RESOLUTION BY THE TOWN OF NEWFANE
STANDARIZATION RESOLUTION

A MOTION was made by Councilwoman Neidlinger, second by Councilwoman Rutland to adopt the following Resolution No. 38, 2023, Town Engineer, Brian Sibiga, P.E. explained the work that needs to be done, Resolution by the Town of Newfane Standardization Resolution Whereas, the Town of Newfane (the "Town") owns and maintains the Newfane Wastewater Treatment Plant, 6349 E Lake Road, Burt, New York, wherein the plant has headworks facilities that include bar screens and associated appurtenances and Whereas, the Town of Newfane has to install one new mechanical bar screening system and associated appurtenances and Whereas, the Town's engineer, Wendel, have submitted a recommendation letter, attached and incorporated to this resolution, (letter attached to Town Clerk's original minutes) dated July 5, 2023, which recommends standardization on Duperon Mechanical Cleaned Bar Screens and appurtenances as part of one supply package at the Newfane Wastewater Treatment Plant headworks facilities and sets for the reasons why the Town will benefit Economically as well as gained efficiencies if such standardization is declared, now therefore be it Resolved, that the Town hereby accepts and incorporates the findings and recommendations set forth in Wendel's July 25, 2023 letter, attached hereto, and be it further RESOLVED, that the Town, for reasons of efficiency and economy as authorized by Section 103 (5) of the General Municipal Law, and for the reasons set forth in the attached recommendation letter, does hereby standardize on the use of Duperon for all mechanically cleaned bar screens and associated equipment for the headworks at Newfane Wastewater Treatment Plant, at this time or any time in the future, until this resolution is rescinded. Further Resolved, the Town Supervisor is authorized to sign documents required to purchase the bar screen package from Duperon in the amount of \$298,000 as per their proposal.

All present voted Aye. (All Board members present signed original Resolution) Motion carried.

A roll call vote was taken by Town Clerk:

Councilwoman Neidlinger: Voted: Aye.

Councilman Barnes: Voted: Aye.

Councilwoman Rutland: Voted: Aye.

Supervisor Syracuse: Voted: Aye.

Councilman Coleman: - Absent.

(4 – Ayes. 0 – Nays. 1 – Absent)

TOWN/RESOLUTION NO.39, 2023/RESOLUTION BY THE TOWN OF NEWFANE
AUTHORIZATION OF BIDDING FOR WASTEWATER TREATMENT PLANT UPGRADES

A MOTION was made by Councilman Barnes, second by Councilwoman Rutland to adopt the following Resolution No. 39, 2023, Resolution by the Town of Newfane Authorization of Bidding for WasteWater Treatment Plant Upgrades, Whereas, the Town of Newfane (the "Town") owns and maintains the Newfane Wastewater Treatment Plant, 6349 E Lake Road, Burt, New York and the Town of Newfane has commenced a capital improvement project to upgrade equipment past its useful life and correct deficiencies noted by the New York State DEC, and Whereas, the Town of Newfane has previously authorized a bond resolution to fund such improvements to upgrade equipment and address NYSDEC concerns while also receiving a grant from the NYS CFA CDBG program and financing from NYSEFC and, Whereas, the Town of Newfane desires to make available for public bid contract documents prepared by the Town Engineer, Wendel, on or after Thursday, July 27, 2023, with bids received and read aloud on August 24, 2023 at 11:00 AM, now therefore be it Resolved, that the Town Board of the Town of Newfane hereby sets documents to be available on or after July 27, 2023 and bids to be received on August 4, 2023 at 11:00 AM at the Town of Newfane, Town Hall, 2737 Main Street, Newfane, New York 14108, and the Supervisor, Town Clerk and Town Engineer are directed to take actions as required to publicly bid this project.

All present voted Aye.

Motion carried.

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REGULAR MEETING – (con't)

ADJOURN

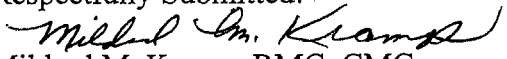
A MOTION was made by Councilman Barnes, seconded by Councilwoman Neidlinger to adjourn the meeting.

All present voted Aye.

Motion carried.

Meeting adjourned at 7:35 p.m.

Respectfully Submitted:



Mildred M. Kramp, RMC, CMC
Town Clerk

Next Regular Meeting:

August 23, 2023 at 7:00 p.m.

Public Hearing at 6:45 p.m.