

JUNE 28, 2023

PUBLIC HEARINGS

The Town Board of the Town of Newfane, Niagara County, New York met at the Town Hall 2737 Main Street, Newfane on June 28, 2023.

PUBLIC HEARINGS Notice of hearings were published on the 22th of June, 2023 and posted on June 22, 2023.

Supervisor Syracuse opened the Hearings at 6:00 p.m. and 6 residents were present.

The following were present:

Supervisor: John Syracuse
 Councilwoman: Susan L. Neidlinger
 Councilman: Troy D. Barnes
 Councilwoman: Laura L. Rutland
 Councilman: Rich Coleman
 Attorney: James J. Sansone, P.C.
 Town Building Inspector: Michael Klock

Town Supervisor read the Notice of the Public Hearing:

Town Board Town of Newfane, Notice is hereby given, that, pursuant to Municipal Home Rule Law of the State of New York, and General Municipal Law of the State of New York, the Town Board of the Town of Newfane, will hold a public hearing at the Town of Newfane Town Hall, 2737 Main Street, Newfane, New York, on the 28th day of June, 2023, at a meeting commencing at 6:00 p.m., to consider the adoption of a proposed Local Law to amend Sections 13-2-2, to change the giving of notice of public hearing for Planning and Zoning Board applications to 5 days, 13-2-21 to change the method of mailing the aforesaid notices from certified mail to regular first class mail, and 13-2-2-2 to repeal the requirement of posting a sign on the property subject to said application containing the notice of public hearing, and to hear all interested persons for and against such law. The text of the proposed Local Law is on file in the Town Clerk's Office, where it may be examined during regular business hours. By Order Of The Town Board. (Dated: June 13, 2023.)

Supervisor opened the floor to comments – None.

A **MOTION** was made by Councilwoman Neidlinger, second by Councilman Barnes to adjourn Public Hearing at 6:03 p.m.

All present voted Aye.

Motion carried.

Town Supervisor read the Notice of the Public Hearing:

Town Board Town of Newfane, Notice is hereby given, that, pursuant to Municipal Home Rule Law of the State of New York, and General Municipal Law of the State of New York, the Town Board of the Town of Newfane, will hold a public hearing at the Town of Newfane Town Hall, 2737 Main Street, Newfane, New York, on the 28th day of June 2023, at a meeting commencing at 6:15 p.m., to consider the adoption of a proposed Local Law to regulate and control artificial lighting on property located within the Town of Newfane, so as not to create a nuisance to the community, and to hear all interested persons for and against such law. The text of the proposed Local Law is on file in the Town Clerk's Office, where it may be examined during regular business hours. By Order of the Town Board. (Dated June 13, 2023.)

Supervisor opened the floor to comments:

David Ball, 1772 Shorewood Drive, neighbor's bright light, glad for regulations.

Jeff Harding, Woodland Heights, neighbor extremely bright light shines in driveway.

A **MOTION** was made by Councilwoman Rutland, second by Councilman Coleman to adjourn the Public Hearing at 6:25 p.m.

All present voted Aye.

Motion carried.

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PUBLIC HEARINGS – (con't)

PUBLIC HEARINGS – continued.

Town Supervisor read the Notice of the Public Hearing:

Town Board Town of Newfane Notice is hereby given, that, pursuant to Municipal Home Rule Law of the State of New York, and General Municipal Law of the State of New York, the Town Board of the Town of Newfane, will hold a public hearing at the Town of Newfane, Town Hall, 2737 Main Street, Newfane, New York, on the 28th day of June, 2023, at a meeting commencing at 6:30 p.m., to consider the adoption of a proposed Local Law to amend Chapter 78, Building Construction and Fire Prevention of the Code of the Town of Newfane, to require installation of a Knox Box key system in all commercial, retail, industrial or multi-unit residential buildings and to hear all interested persons for and against such law. The text of the proposed Local Law is on file in the Town Clerk's Office, where it may be examined during the regular business hours.

By Order of the Town Board. (Dated June 13, 2023.)

Supervisor opened the floor to comments:

Peter Russell, Hess Road asked what is a Knox-Box?

Building Inspector said in case of fire you don't have to wait for the owner to come there it is a box with key.

A **MOTION** to adjourn was made by Councilman Coleman, second by Councilwoman Rutland to adjourn the Public Hearing at 6:45 p.m.

All present voted Aye.

Motion carried.

Town Supervisor read Notice of the Public Hearing:

Town Board of Newfane Notice is hereby given, that, pursuant to Municipal Home Rule Law of the State of New York, and General Municipal law of the State of New York, the Town Board of the Town of Newfane, will hold a public hearing at the Town of Newfane, Town Hall, 2737 Main Street, Newfane, New York on the 28th day of the June, 2023, at a meeting commencing at 6:45 p.m. to consider the adoption of a proposed Local Law to amend the Town of Newfane Zoning Ordinance and Zoning map to rezone Premises known as 6520 Ridge Road Town of Newfane, New York from Mobile Home Park District (MHP) to Multi-Family Residential District (R-2), and to hear all interested persons for and against such law.

Supervisor introduce Mike Metzger, Civil Engineer and Mr. Aaron Adams, owner of the property, regarding the Mobile Home Park with a proposal to put cottage homes on the property. Most of the mobile homes have been removed and will be replaced with stick built cottage homes.

Supervisor opened the floor to comments – None.

A **MOTION** was made by Councilwoman Neidlinger, second by Councilman Barnes to adjourn the Public Hearing at 6:55 p.m.

All present voted Aye.

Motion carried.

JUNE 28, 2023

REGULAR MEETING – (con't).

UNFINISHED BUSINESS – none.**NEW BUSINESS****TOWN/RESOLUTION NO. 26, 2023/RESOLUTION BY THE TOWN OF NEWFANE FOR SCOPE OF WORK (SOW) CHANGE OF AWARD OF CONTRACT FOR GRINDING OF BRUSH PILE LOCATED AT 1659 PHILLIPS ROAD NEWFANE, NEW YORK**

A **MOTION** was made by Councilwoman Rutland, seconded by Councilman Coleman to adopt the following Resolution No. 26, 2023 as follows: Resolution by the Town of Newfane for scope of work (SOW) change of award of contract for grinding of brush pile located at 1659 Phillips Road, Newfane, New York, Whereas, Resolution No. 45-2022 awarded Lardon Construction Corporation its bid to perform the grinding of the brush located at 1659 Phillips Road in the Town of Newfane, New York; and Whereas, further consultation between the Town of Newfane Highway Superintendent, the Town of Newfane Supervisor and Town of Newfane Waste Water Treatment Plant Chief Operator, resulted in the decision to increase the original scope of work (SOW) from 24 hours to 69.50 hours of operation to grind the entire brush pile; and Whereas, supply chain interruptions caused a delay in the start of this work and required the Town to utilize rates from 2023 Eire County DPW Summer Maintenance Bid Pricing which saw an increase in cost per hour from \$695 an hour, to \$515/hour for the Horizontal Wood Grinder & Operator usage of 65 hours and the Excavator with Operator at \$270.00/hour for 69.50 hours, and Now, Therefore Be It Resolved, that the Town Board of the Town of Newfane hereby accepts this scope of work change from Lardon Construction Corporation in the amount of \$52,240.00 and Be It Further Resolved that \$30,000.00 of funds will be transferred from the contingency account, 001-1990-0500-0000, and that the remaining balance of \$22,240.00 will be allocated from the general fund unassigned fund balance, 001-0000-0909-0000.

All present voted Aye.

Motion carried.

(All Board Members present signed original Resolution.)

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

Councilwoman Neidlinger: Voted: Aye.

Councilmen Barnes: Voted: Aye.

Councilwoman Rutland: Voted: Aye.

Councilman Coleman: Voted: Aye.

Supervisor Syracuse: Voted: Aye.

Motion carried.

5 – Ayes. 0 – Nays. 0 – Absent.

TOWN/RESOLUTION NO. 27, 2023/ESTABLISHING A LOCAL LAW TO AMEND SECTIONS 13-2-2, 13-2-2.1 AND REPEALING SECTIONS 13-2-2.2 IN IT'S ENTIRETY OF THE TOWN OF NEWFANE ZONING ORDINANCE

A **MOTION** was made by Councilwoman Neidlinger, seconded by Councilman Barnes to adopt Resolution No. 27, 2023, Whereas, the Town Board of the Town of Newfane has carefully considered the proposed amendments of the to the above Sections of the Newfane Zoning Ordinance, and the proposed repeal of Section 13-2-2.2 of the Newfane Zoning Ordinance, has held, pursuant to law, a public hearing regarding same, has received approval on June 20, 2023 of this proposed Local Law by the Niagara County Planning Board, which Local Law is attached hereto and made a part hereof, and Now Therefore Be It Resolved, the Town Board of the Town of Newfane pass this Local Law concerning the proposed amendments of the to the above Sections of the Newfane Zoning Ordinance, and the proposed repeal of Section 13-2-2.2 of the Newfane Zoning Ordinance. (All Board Members present signed original Resolution)

All present voted Aye.

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.

Councilman Coleman: Voted: Aye.

Supervisor Syracuse Voted: Aye.

Motion carried.

5 – Ayes. 0 – Nays. 0 – Absent.

JUNE 28, 2023

REGULAR MEETING

The Town Board of the Town of Newfane, Niagara County, New York met at the Town Hall, 2737 Main Street on June 28, 2023. The following were Present:

Supervisor: John Syracuse
 Councilwoman: Susan L. Neidlinger
 Councilman: Troy D. Barnes
 Councilwoman: Laura L. Rutland
 Councilman: Rick B. Coleman
 Attorney: James J. Sansone P.C.
 Town Engineer: Brian Sibiga

PRAYER AND PLEDGE

Supervisor Syracuse opened the meeting at 7:00 p.m., 12 residents were present. A prayer was read by the Town Clerk. The Pledge to the flag was given.

APPROVE PREVIOUS MINUTES

A MOTION was made by Councilwoman Rutland, seconded by Councilman Coleman to approve the minutes of the May 24, 2023, meeting as distributed.

All present voted Aye.

Motion Carried.

COMMUNICATIONS AND PETITIONS

MINUTES FILED BY THE TOWN CLERK

Town of Newfane, Tourism Meeting, June 6, 2023

Town of Newfane, Work Session, June 13, 2023

TOWN/INSURANCE

Maureen Pelose, Insurance Broker/Consultant of Gilroy, Kernan & Gilroy, Rochester New York, was present at the meeting and gave a presentation on Employees Independent Health Insurance.

Supervisor Syracuse thanked Maureen Pelose for attending the meeting.

RECOVERY CENTER NIAGARA

Joseph Chelales, Compliance Officer was present with an update on the Recovery Center. The center has 40 beds at the present time and we are increasing it to 60 more beds, there will be some more construction in the near future.

Supervisor Syracuse thanked Joseph Chelales for attending the meeting.

REPORTS OF COMMITTEE AND DEPARTMENT HEADS

Water Superintendent, Mike Mills, very busy with water taps and water leaks.

Waste Water Treatment Plant Operator, Nick Irr, plant is in good working condition, compost and wood chips are available.

Code Enforcement/Building Inspector, Mike Klock busy with new construction, pools and inspections.

Dog Control Officer, Jeffrey Newman, signed new agreement with SPCA, applied for Grant for bullet proof vests, been busing with dog calls.

Town of Newfane Tourism, Gina Guido-Redden, Village Shops are doing good, all shops are rented. Two new shops, Dragon Fly Coffee Shop and Three Sisters Garlic Shop. The Carousel Park Thursday movie night is starting July 20, 2023.

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REGULAR MEETING – (con't)

NEW BUSINESS – continued.**TOWN/RESOLUTION NO. 30, 2023/SEQR WASTEWATER TREATMENT PLANT IMPROVEMENTS**

completion of these improvements are subject to the New York State Environmental Quality Review Act, SEQRA; and WHEREAS, the Town Board of the Town of Newfane has classified the action as Type II action which are not subject to SEQR review; and Whereas, the Town of Newfane has determined that the proposed project, which is a Type II action based on Section 617.5 part c (2) replacement, rehabilitation or reconstruction of a structure or facility, in kind, on the same site, including upgrading buildings to meet building, energy, or fire codes unless such action meets or exceeds any of the thresholds in section 617.4 of this Part, and Section 617.5 part c(9) construction or expansion of a primary or accessory/appurtenant, nonresidential structure or facility involving less than 4,000 square feet of gross floor area and not involving a change in zoning or a use variance and consistent with local land use controls, but not radio communication or microwave transmission facilities, will not have a significant impact on the environment or are otherwise precluded from environmental review under Environmental Conservation Law, article 8. Therefore, Be It Resolved, that the Town Board of the Town of Newfane, after considering the action proposed herein, reviewing the criteria contained in Section 617.5 part c2 and c9 of the Rules and Regulations of the SEQRA Regulations for the Wastewater Treatment Plant Improvements Project, determines that the action is a Type II action and is not subject to SEQR review; and Now, Therefore, Be It Resolved, that the Town of Newfane Board hereby determines that the proposed project is a Type II action and therefore is not anticipated to result in any significant adverse impact, and in accordance with SEQR, no SEQR determination of significant, EIS or findings statement is required.

(All Board members present signed original Resolution)

All present voted Aye.

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.

Councilman Coleman Voted: Aye.

Supervisor Syracuse Voted: Aye.

Motion carried.

5 – Ayes. 0 – Nays. 0 – Nays.

TOWN/ADOPT RESOLUTION NO. 31 – 2023/THE TOWN OF NEWFANE FOR AWARD OF COURT HOUSE ROOF REPLACEMENT

A **MOTION** was made Councilwoman Rutland, seconded by Councilman Coleman to adopt Resolution No. 31, 2023, Town of Newfane for award of Court House roof Replacement as follows: Whereas, The Town of Newfane Court House has a roof that has failed and is not repairable. The Town recently has experienced several repeated and unexpected failures of the roof which has resulted in leaking into the Town offices as well as other areas of the building rented by tenants. The failure is significant, and each rainfall causes additional damage to both the roof as well as to the interior contents of the building, and Whereas, as the roof in question is not protecting the contents of building and is not able to be repaired, Wendel recommends that the roof replacement is handled as an emergency repair to replace the failed roof and to protect the building contents as soon as possible, and Whereas, the Town declared the performance of this work a public health emergency at the June 28, 2023 Town Board Meeting, and Whereas, the Town Engineer obtained proposals from two contractors for the performance of the roof replacement work; and Now, therefore, Be It Resolved, that the Town Board of the Town of Newfane hereby accepts the proposal from Progressive Roofing, Inc., in the amount of \$40,000 for the provision of a new roof per their proposal and associated documents as well as authorizes a \$10,000 allowance to be utilized for any unanticipated work related to the performance of the project including the replacement of additional insulation as agreed upon by the Town Supervisor, Town attorney and Town Engineer. Be It further Resolved, the Town of Newfane Town Board authorizes and directs the Town attorney working with the Town Engineer, to prepare a contract for the performance of this work the Supervisor to execute any and all documents and take whatever other actions may be necessary to give effect to this resolution. (All Board members present signed original Resolution)

JUNE 28, 2023

REGULAR MEETING- (con't)

NEW BUSINESS – continued.**TOWN/ADOPT RESOLUTION NO. 28, 2023/AUTHORIZE THE PASSING OF A LOCAL LAW TO SET FORTH RESTRICTIONS ON ARTIFICIAL LIGHTING AND ILLUMINATION IN THE TOWN OF NEWFANE**

A **MOTION** was made by Councilman Coleman, seconded by Councilwoman Rutland to adopt Resolution No. 28, 2023, To Authorize the Passing of a Local Law to Set Forth Restrictions on Artificial Lighting and Illumination in the Town of Newfane, Whereas, the Town Board of the Town of Newfane has carefully considered the proposed Local Law to set forth restrictions on artificial lighting and illumination in the Town of Newfane, and has held, pursuant to law, a public hearing regarding same, has received an approval on June 20, 2023, of this proposal Local Law by the Niagara County Planning Board, which Local Law is attached hereto and made a part hereof, and Now Therefore Be It Resolved, the Town Board of the Town of Newfane pass this Local Law to set forth restrictions on artificial lighting and illumination in the Town of Newfane. (All Board members present signed original Resolution)

All present voted Aye.

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.

Councilman Coleman Voted: Aye.

Supervisor Syracuse Voted: Aye.

5 – Ayes. 0 – Nays. 0 – Absent.

Motion carried.

TOWN/ADOPT RESOLUTION NO. 29, 2023/TO AUTHORIZE THE PASSING OF A LOCAL LAW TO AMEND CHAPTER 78 OF THE CODE OF THE TOWN OF NEWFANE, TO INCLUDE A KNOX-BOX RAPID ENTRY SYSTEM FOR COMMERCIAL, RETAIL, INDUSTRIAL BUSINESS AND MULTI-UNIT RESIDENTIAL BUILDINGS

A **MOTION** was made by Councilwoman Barnes, seconded by Councilman Neidlinger to adopt the following Resolution No. 29, 2023, Whereas, the Town Board of the Town of Newfane has carefully considered the proposed Local Law to Amend Chapter 78 of the Code of the Town of Newfane, to include a Knox-Box Rapid Entry System for Commercial, Retail, Industrial Businesses and Multi-Unit Residential Buildings, and has held pursuant to law, a public hearing regarding same, has received an approval on June 20, 2023, of this proposed Local Law by the Niagara County Planning Board, which Local Law is attached hereto and made a part hereof, and Now Therefore Be It Resolved, the Town Board of the Town of Newfane pass this Local Law to Amend Chapter 78 of the Code of the Town of Newfane, to include a Knox-Box Rapid Entry System for Commercial, Retail, Industrial Businesses and Multi-Unit Residential Buildings.

(All Board members present signed original Resolution)

All present voted Aye.

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.

Councilman Coleman Voted: Aye.

Supervisor Syracuse Voted: Aye.

5 – Ayes. 0 – Nays. 0 – Absent.

Motion carried.

TOWN/RESOLUTION NO. 30, 2023/SEQR WASTEWATER TREATMENT PLANT IMPROVEMENTS

A **MOTION** was made by Councilwoman Neidlinger, seconded by Councilman Barnes to adopt Resolution No. 30, 2023, SEQR Wasterwater Treatment Plant Improvements: Whereas, in compliance with Part 617 of the implementing regulations pertaining to Article 8 (State Environmental Quality Review Act-SEQR) of the Environmental Conservation Law, the Newfane Town Board has reviewed the Wastewater Treatment Plant Improvements Project proposed in the Town of Newfane, and Whereas, the

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REGULAR MEETING – (con't)

PUBLIC COMMENTS

Larry Dorman, 6072 Exchange Street, fireworks over Lake Ontario on July 3, 2023.

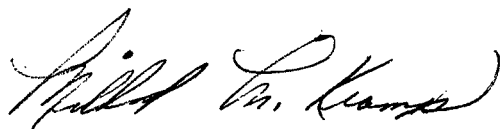
ADJOURN

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

All present voted Aye.

Motion carried.

Meeting adjourned at 8:00 p.m.



Mildred M. Kramp, RMC, CMC
Town Clerk

Next Regular Meeting
July 26, 2023 – 7:00 p.m.