

REGULAR MEETING**MARCH 22, 2023**

The Town Board of the Town of Newfane, Niagara County, New York, met at the Town Hall, 2737 Main Street, on March 22, 2023.

Supervisor: John Syracuse
 Councilman: Troy D. Barnes
 Councilwoman: Susan Neidlinger
 Councilman: Rick Coleman
 Attorney: James J. Sansone, P.C.
 Councilwoman Rutland – Excused.

PRAYER AND PLEDGE

Supervisor Syracuse opened the meeting at 7:00 p.m. 28 residents were present. A prayer was read by the Town Clerk. The pledge of the flag was given.

SPECIAL GUEST SPEAKER

Supervisor Syracuse introduced C J Urlaub and Carolyn Moore from Mount St. Mary's Hospital. Mr. Urlaub gave a presentation on Mount St. Mary's Hospital partnerships, Integration and care delivery, in Niagara County, providing an update on the new hospital Catholic Health is constructing in Lockport. Mr. Urlaub said he is not affiliated with Lockport Memorial Hospital, had no idea they were closing in June, of 2023. Mr. Urlaub is associated with Catholic Health. There was a Question and answer after the presentation, Supervisor Syracuse thanked Mr. Urlaub and Mrs. Moore for the presentation.

APPROVE PREVIOUS MINUTES

A MOTION was made by Councilman Barnes, second by Councilman Coleman to approve the minutes of the February 22, 2023, meeting as distributed.

All present voted Aye.

Motion carried.

COMMUNICATIONS AND PETITIONS**MINUTES FILED BY THE TOWN CLERK:**

Town of Newfane Tourism – February 07, & March 07, 2023

Town of Newfane Work Session – February 07, 2023

Town of Newfane Planning Board – February 28, 2023

TOWN/ROSTER UPDATE/OLCOTT FIRE COMPANY, INC.

A MOTION was made by Councilman Coleman, second by Councilwoman Neidlinger to add Jeremy Ribbeck to the Olcott Fire Company Inc. active roster.

All present voted Aye.

Motion carried.

TOWN/WASTEWATER TREATMENT PLANT/HIRE NICHOLAS SUMMER HELP

A MOTION was made by Councilwoman Neidlinger, second by Councilman Barnes to allow Nicholas Irr, Chief Operator to hire Chris Nicholas as summer help at the Wastewater Treatment Plant.

Pay to start at \$15.00 per hour, beginning on May 1, 2023, and ending in September.

All present voted Aye.

Motion carried.

TOWN/PERMISSION HIGHWAY SUPERINTENDENT ATTEND SCHOOL

A MOTION was made by Councilman Coleman, second by Councilman Barnes to give permission to Jon Miller to attend the 2023 Highway School in Ithaca, New York on June 4th to June 7th 2023 at a cost not to exceed \$800.00.

All present voted Aye.

Motion carried.

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REGULAR MEETING –(con't)

NEW BUSINESS**TOWN/RESOLUTION 7, 2023/ CORRECTING THE TOWN OF NEWFANE ZONING MAP, UPDATED 2021, WHICH MISTAKENLY INDICATED TWO (2) PROPERTIES, S.B.L. NOS. 81.02-1-30.11, AND 81.02-1-30.12, LOCATED ON RIDGE ROAD, WERE LOCATED IN A RURAL RESIDENTIAL DISTRICT, WHEN THEY WERE ACTUALLY LOCATED IN A HIGHWAY COMMERCIAL DISTRICT**

A MOTION was made by Councilwoman Neidlinger, second by Councilman Barnes to adopt the following Resolution 7, 2023, Whereas, the Town of Newfane Zoning map was updated in December of 2021, and in that update, indicated that two (2) properties located on Ridge Road in the Town of Newfane, owned by Granchelli Developer, LLC, EA, and identified as Tax Numbers SBL81.02-1-30.11 (Vacant Land), and SBL 81.02-1-30.12 (currently leased to an automobile repair shop known as Jay's Auto) were located in a Rural Residential District (RR), and Whereas, said properties are actually located in a Highway Commercial District (HC), and were designated as being located in a Highway Commercial District (HC), in previous Town of Newfane Zoning Maps, 2006, and 2016, and Whereas, said properties were used commercially for many years prior to the 2021 Zoning map being updated, and Whereas, the designation of the properties as Rural Residential (RR), in the 2021 Zoning Map was due to a scrivener's error, Whereas, it is not the intent of this Board to change the zoning classification of these properties from Highway Commercial (HC) to Rural Residential (RR), and it is in the best interests of the Town that these properties remain in the Highway Commercial (HC) District, Now Therefore It Is Resolved, That 1. The Town does hereby CORRECT and CHANGE the designation on the Town of Newfane Zoning Map of these two (2) properties located on Ridge Road in the Town of Newfane, owned by Granchelli Developer, LLC, EA, and identified as Tax Numbers SBL 81.02-1-30.12 (Vacant land), and SBL 81.02-1-30.12 (currently leased to an automobile repair shop known as Jay's Auto), from Rural Residential (RR), to Highway Commercial (HC), and 2. The Town hereby directs the Town of Newfane Assessor and the Town of Newfane Code Enforcement Officer to take any and all steps necessary to effectuate the provisions of this 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.

Councilman Coleman: Voted: Aye.

Supervisor Syracuse: Voted: Aye.

Motion carried.

Councilwoman Rutland: Absent.

4-Ayes. 0-Nays. 1-Absent.

TOWN/RESOLUTION 8, 2023, AUTHORIZING SUPERVISOR FOR THE TOWN OF NEWFANE TO EXECUTE A GRANT AGREEMENT WITH THE NEW YORK STATE ENVIRONMENTAL FACILITIES CORPORATION

A MOTION was made by Councilman Coleman, second by Councilwoman Neidlinger to adopt the following Resolution No. 8, 2023 as follows: Whereas, the Town of Newfane has submitted an application for the engineering Planning Grant (EPG) Program through the Consolidated Funding Application (CFA) Round 12 Initiative (CFA Project No. 118154), and Whereas, Said Project No. 118154, the Sanitary Sewer Study Project has been selected to receive up to \$41,600.00 in funding through the EPG Program, and Whereas, said Project requires a designation of an authorized representative from the Town of Newfane to execute a Grant agreement with the New York State Environmental Facilities Corporation and any and all other contracts, documents and instruments necessary to bring about the Project-Sanitary Sewer Study to fulfill the Town of Newfane's obligation under the engineering Planning Grant Agreement. Whereas, it is in the best interests of the Town for Newfane to make said designation, Now, Therefore, Be It Resolved, that the Supervisor of the Town of Newfane is hereby authorized to execute a Grant agreement with the New York State Environmental Facilities Corporation and any and all other contracts, documents and instruments necessary to bring about the Project-Sanitary

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REGULAR MEETING- (con't)

NEW BUSINESS- continued.

TOWN/RESOLUTION 8, 2023, AUTHORIZING SUPERVISOR FOR THE TOWN OF NEWFANE TO EXECUTE A GRANT AGREEMENT WITH THE NEW YORK STATE ENVIRONMENTAL FACILITIES CORPORATION

Sewer Study to fulfill the Town of Newfane's obligation under the Engineering Planning Grant Agreement.

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.

Councilman Coleman: Voted – Aye.

Supervisor Syracuse: Voted – Aye.

Councilwoman Rutland: Absent.

4 – Ayes. 1 – Absent. 0 – Nays.

Motion carried.

TOWN/RESOLUTION NO. 9, 2023/AUTHORIZING AND APPROPRIATING A MINIMUM OF 20% LOCAL MATCH REQUIRED BY THE ENGINEERING PLANNING GRANT PROGRAM FOR THE TOWN OF NEWFANE'S SANITARY SEWER STUDY

A MOTION was made by Councilman Barnes, second by Councilwoman Neidlinger to adopt Resolution No.9, 2023, Authorizing and a minimum of 20% local match required by the Engineering Planning Grant Program for the Town of Newfane's Sanitary Sewer Study. Whereas, the Town of Newfane has submitted an application fir the engineering Planning Grant (EPG) Program through the Consolidated Funding Application (CFA) Round 12 Initiative (CFA Project No. 118154), and Whereas, said Project No. 118154, the Sanitary Sewer Study Project has been selected to receive up to \$41,600.00 in funding through the EPG Program, and Whereas, said Project requires a minimum of 20% local match of the EPG award of \$41,600.00 required by the Engineering Planning Grant Program for the Town of Newfane's Sanitary Sewer Study, and Whereas, the source of the local match, and any amount in excess of the required match, must be paid using the available Town of Newfane Funds, and Whereas, the maximum local match appropriated subject to any changes agreed to by the Supervisor , cannot exceed \$8,320.00 based upon a total estimated project cost of \$49,920.00, and Whereas, it is in the best interests of the Town of Newfane to make this appropriation, Now, Therefore, Be It Resolved, that the Town of Newfane authorizes and appropriates a minimum of 20% local match as required by the Engineering Planning Grant Program for the Town of Newfane's Sanitary Sewer Study. Under the Engineering Planning Grant program, the local match must be at least 20% of the EPG award of \$41,600.00. The source of the local match, and any amount in excess of the required match, shall be paid using available Town Funds. The maximum local match appropriated, subject to any changes agreed to by the Supervisor, shall not exceed \$8,320.00, based upon a total estimated project cost of \$49,920.00. The Supervisor may increase this local match through the use of kinds services without further approval from the Town of Newfane.

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.

Councilman Coleman: Voted: Aye.

Supervisor Syracuse: Voted: Aye.

Councilwoman Rutland: Absent.

4 – Ayes. 1 – Absent. 0 – Nays.

Motion carried.

TOWN/RESOLUTION NO.10, 2023/SELECTION OF KIRK STARKWEATHER CONSTRUCTION TO PROVIDE EMERGENCY ROOF REPAIRS TO SHOPS 1-6 AT LAKE VIEW VILLAGE FAIR 5955 ONTARIO STREET, OLCOTT, NEW YORK 14126

A MOTION was made by Councilwoman Neidlinger, second by Councilman Coleman to adopt Resolution No. 10, 2023, Selection of Kirk Starkweather construction to provide emergency roof repairs to shops 1-6 at Lake View Village Fair, in Olcott, New York,

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NEW BUSSINESS-continued.TOWN/RESOLUTION NO.10, 2023/SELECTION OF KIRK STARKWEATHER CONSTRUCTION TO PROVIDE EMERGENCY ROOF REPARIS TO SHOPS 1-6 AT LAKE VIEW VILLAGE FAIR 5955 ONTARIO STREET, OLCOTT, NEW YORK,14126

Whereas, on March 8, 2023, roof damage to Shops1-6, in the Lake View Village Fair, in Olcott, New York which was reported immediately to the Town's insurance Carrier, and which was reported immediately to the Town's insurance Carrier, and Whereas, after investigation of this damage by the carrier's adjustor, issued a ruling indicating the damage as being covered under the Town's insurance policy, and Whereas, the Town received a quote from Kirk Starkweather Construction on March 9, 2023, for repair of said damage in the amount of \$13,138.00, which equals the cost of repairs as determined by the Town's insurance carrier, and Whereas, it is in the best interests of the Town to select Kirk Starkweather Construction to repair said damage, because the Town will not be required to expend any Town monies for said repair, and said expenditure will be in conformance with the Town's procurement policies, Now Therefore Be It Resolved, that the Town does hereby select Kirk Starkweather Construction to complete the repairs to the roof of shoppes 1-6 at Lake View Village Fair for the of \$13,138.00.

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.

Councilman Coleman: Voted: Aye.

Supervisor Syracuse: Voted: Aye.

Councilwoman Rutland: Absent.

(4 – Ayes. 0 – Nays. 1 – Absent.)

TOWN/RESOLUTION NO.11, 2023/AWARD OF CONTRACT LAKEVIEW VILLAGE FAIR SHOPS 12,13,14,15 &16 ROOF CONSTRUCTION AND REPLACEMENT

A MOTION was made by Councilman Barnes, second by Councilwoman Neidlinger to adopt Resolution No.11, 2023, Award of contract Lakeview Village Fair Shops 12, 13, 14, 15 and 16 roof construction and replacement, Whereas, the Town of Newfane had authorized Mike Klock, Building Inspector/Code Enforcement Officer to gather bids for the roof construction and replacements on Lakeview Village Fair Shops located at 5955 Ontario Street, Olcott, New York, and Whereas, all three bids on the above referenced project were obtained on March 22, 2023, and were reviewed by the Town Building Inspector/Code Enforcement Officer, and Whereas, one Contractor abstained from providing a bid and the remaining 2 were reviewed, and Whereas, one contractor, Working Hands contracting, Inc., 5604 Ide Road, Burt, New York 14028, provided the lowest bid in the amount of \$15,045.00, and Whereas, construction can begin early April and set to be finished before the May opening of the Lakeview Village Fair Shops, and Now, Therefore, Be It Resolved, that the Town of Newfane Board authorizes award of contract for the Lakeview Village Fair Shops roof construction and replacement project to Working Hands Contracting, Inc., 5604 Ide Road, Burt, New York 14028 in the amount of \$15,045.00, contingent upon the Town Attorney's review of the Contractor's Bonds and Insurances.

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.

Councilman Coleman: Voted: Aye.

Supervisor Syracuse: Voted: Aye.

Councilwoman Rutland: Absent.

(4 – Ayes. 0 – Nays. 1 – Absent.)

Motion carried.

MARCH 28, 2023

REGULAR MEETING – (con't)

NEW BUSINESS – continued.

TOWN/SET PUBLIC HEARING/LOCAL LAW NO.1, 2023

A **MOTION** was made by Councilman Coleman, second by Councilwoman Neidlinger to set a Public Hearing on April 26, 2023 at 6:30 p.m., to adopt Local Law No.1, 2023, A Local Law establishing restriction for the creation and operation of all existing and future Short Term Rental Establishments in the Town of Newfane, New York.

All present voted Aye. Motion carried.

A roll call vote was taken as follows:

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

(4 – Ayes. 0 – Nays. 1 – Absent.)

REPORTS OF COMMITTEES AND DEPARTMENTS HEADS

The following Department Heads were in attendance and gave a report on their departments:

Jon Miller, Highway Superintendent-Excused.

Mike Mills, Water/Sewer Superintendent, Everything going well, finishing up winter projects.

Nicholas Irr, Waste/ Water Treatment Plant Operator, everything is going good, new boiler is installed.

Mike Klock, Code Enforcement/Building Inspector – very busy issuing a lot of building permits.

Jeffrey Newman, Dog Control Officer, Excused.

Facility Director, Nick Glosser, Excused.

Supervisor Syracuse said the Fishing Expo was great well attended, getting ready to put fishing pens in at the marina. Getting ready for Spring.

Gina Guido-Redden, Tourism Committee, The new Visitor Guides are in we had them at the Fishing Expo where a lot of them were given out. All the shops at Lakeview Village Fair are rented out. There will be family night movies at the Carousel Park in the Summer again.

UNFINISHED BUSINESS –None.

PAY BILLS

A **MOTION** was made by Councilwoman Neidlinger, second by Councilman Barnes, to approve the payment of claims totaling \$267,944.00 as audited by the Supervisor and Department Heads and as per Abstract Sheets dated March 22, 2023, which will be filed with the official record:

General Fund.....	\$ 61,006.71
Voucher #'s 32192-32313	
Highway Fund.....	63,217.92
Voucher #'s 32192-32313	
Water Dist.	16,261.43
Voucher #'s 32192-32313	
Sewer Dist.	29,001.33
Voucher #'s32192-32313	
Lighting District.....	719.72
Voucher #'s 32192-32313	
Refuse District.....	63,370.92

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PAY BILLS – continued.

Voucher #'s 32192-32313	
Trust & Agency.....	1,051.00
Voucher #'s 32192-32313	
Capital Projects.....	33,056.97
Voucher #'s 32192-32313	
Fire Prevention District.....	<u>258.00</u>
Voucher #'s 32192-32313	
TOTAL APPROVED	\$267,944.00
All present voted Aye.	Motion carried.

ANNOUNCEMENTS/COMMENTS FROM THE BOARD

Councilman Barnes:
Announced that the Newfane Town Court has been awarded a grant under the 2022-23 cycle of the Justice Court Assistance Program (JCAP). The total amount of the grant was \$30,000.00. (The letter is attached to the Town Clerk's original minutes)

GENERAL DISCUSSION - None.

ADJOURN

A MOTION was made by Councilwoman Neidlinger , seconded by Councilman Coleman, to adjourn the meeting.
All present voted Aye. Motion carried.

Meeting adjourned at 8:40 p.m.

Next Regular Meeting
April 26, 2023, at 7:00 p.m.

Public Hearing at 6:30 p.m.

Respectfully Submitted,



Mildred M. Kramp, RMC, CMC
Town Clerk