

**TOWN OF NEWFANE
TOWN BOARD WORK SESSION 5-9-2023**

The Town of Newfane Town Board Work Session was held on May 9th, 2023, in the Town Hall, 2737 Main Street, Newfane, New York. The Session was called to order by Supervisor John Syracuse at 5:00 p.m.

The following Board Members were present:

Supervisor Syracuse, Councilwoman Rutland, Councilman Coleman, Councilman Barnes, and Councilwoman Neidlinger

Others Present:

James J. Sansone, Town Attorney, Mike Klock, Building Inspector/Code Enforcement Officer, 6 individuals and Thomas Tedesco from the Union Sun and Journal.

The supervisor welcomed everyone to the Work Session and started the meeting with an update to the Board regarding the open position in the Water Office. Supervisor advised that they have been working for well over a month interviewing potential candidates to fill the vacancy in the Water Office. Supervisor hoped all the members had seen the email he sent around indicating that the second round of interviews were conducted and is now asking the Town Council Members to accept his recommendation. Mike Mills, Water Superintendent and Lori Daniels Water Department Clerk were a part of this process, and he would like to hire Cailynn Feeley to work in the Water Department, pursuant to our established Work Rules, at a rate of \$21.54 per hour. She is providing her current employer with a two-week notice and we anticipate she will start sometime during the week of May 22nd. Supervisor entertained a Motion that the Board hire Cailynn Feeley to fill the position. Motion made by Councilwoman Rutland, second by Councilman Coleman on the question. Councilwoman Neidlinger asked how many applicants they had and if she was on a Civil Service List. Supervisor answered they interviewed 6 individuals. The job description was changed with input from Niagara County Civil Service. Cailynn was chosen, however, she will be hired as a provisional employee. She will need to take a test and she is aware of that. Supervisor asked if there were any further questions. There were no questions. Supervisor asked all in favor to signify by saying Aye. All were in favor, no one was opposed.

Motion Carried

Next is our yearly Resolution for the Olcott Beach Jazz Trail. Resolution No. 20-2023 of the Town Board, Town of Newfane, NY Resolution Sponsoring Jazz Festival called "Olcott Beach Jazz Trail" (see a copy of the Resolution attached hereto). Supervisor entertained a Motion to accept the Resolution. Motion made by Councilman Coleman, second by Councilman Barnes on the question. Supervisor asked if anyone had questions. There were no questions. Supervisor asked all in favor to signify by saying Aye. All were in favor, no one was opposed.

Motion Carried

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Supervisor asked Councilwoman Neidlinger if there was anything new on the topic of Rails To Trails. Councilwoman Neidlinger offered a very articulate explanation of the issues they are now facing concerning ownership, pending foreclosures and amounts of monies needed to make these properties whole. It will take an effort by the County, DEC and the State to try and rectify the situation. The State is the entity that really wants this through the Greenway Commission. We are hoping that the State will help with the necessary funds to bring this to an amicable resolution. We are in the process of having discussions with our representatives from all branches of government. Sheriff Fillicetti attended the Rails to Trails meeting covering concerns of all the off-road vehicles racing along the track lines. The Niagara County Legislature is meeting to discuss the proposal of a Law that will allow Law Enforcement to stop any illegal vehicles, confiscate them and impound them. If the vehicles are coming off property with a No Trespassing sign, they can also issue ticket violations. We are continuing to work on all these issues.

Supervisor advised that we are continuing with the Lake Water Revitalization Program (LWRP). We will be meeting here on May 11th at 6:30 p.m.

Supervisor met with Janet Steggles, our insurance carrier on April 4th. He advised the Board that he has signed on again to continue carrying our coverage through them. He indicated that he has been very pleased with the service they have provided to date. We have had several claims go through and everything went along just fine with no issues. Very pleased about that. Supervisor spoke about a topic that came up regarding adding an umbrella coverage to the policy. The amount for a five million dollar (\$5,000,000.00) rider would be fifteen (\$15,000.00) thousand dollars. Discussion was had amongst the Board Members which included an explanation that the umbrella kicks in when an amount exceeds the one million/three million policy limits we have in place. Supervisor said he is just providing the information to the Board for review and consideration and is not pressuring for an immediate decision. In today's society, the reality is that in the event of a lawsuit against the municipality, should we lose, we need to hope the verdict would be less than our maximum coverage. We are paying one hundred nine thousand (\$109,000.00) dollars for the policy we have in place. Fifteen thousand (\$15,000.00) dollars for an additional five million (\$5,000,000.00) in coverage is something to consider.

Supervisor wished to follow up on previous discussion regarding a Lighting Nuisance Ordinance. Last time we addressed this we were given a Rough Draft from Attorney Sansone covering some of the issues we were facing. We had matters that were urgent and needed immediate attention and now we need to bring this back into discussion. Attorney Sansone addressed the Board indicating that, to his surprise, upon reviewing other townships, many actually have Light Ordinances. Councilman Coleman commented that we have had a number of harassment cases involving lighting and our Police have nothing on record to address the problem. The Town Supervisor is placed in the middle of neighbor disputes and Councilman Coleman feels that it's important to give our law enforcement the proper tools to allow them to do their job. Discussion was had on topics such as commercial lighting, shared services with other municipalities that may have a light meter reading device, security lights, beam lights, etc. Supervisor asked the Town Attorney if he thought he had enough input from the Board to redraft

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the proposed Ordinance. Attorney Sansone stated he would do a little more research and put a new proposed Draft together.

Next is a new Local Law that we are putting together for the Zoning and Planning Boards. This is due to the increase in the number of appeals in recent years and the increase in the costs and expenses incurred. Explanation was provided by both the Supervisor and the Town Attorney as to the costs associated with the Hearings as well as the State requirements as far as mailings and publications. The Town Attorney explained the requirements for time lines as well as dead lines for Applicants in order for him to appear before the County Board.

Supervisor wanted to the Board to know that a Vendor Agreement is being worked on. Supervisor indicated that he wants to work on language to avoid a vendor that may be selling or displaying something that is not appropriate.

Supervisor invited Mike Ritenour to speak briefly to the Board. Mike and the Supervisor recently had a conversation regarding the Short Term Rentals. It was brought to the Supervisor's attention that, while we were under the impression that the County was no longer doing inspections, and while the Supervisor hadn't seen anything in writing yet, that may not be the case. Our original fee was Fifty (\$50.00) for the Town's annual inspection and we added the Two Hundred (\$200.00) Dollar fee into our ordinance to cover the work we would be doing in place of the County. Mike Ritenour is questioning paying the Two Hundred (\$200.00) to the County as well as paying Two Hundred Fifty (\$250.00) Dollars to the Town. Discussion was had amongst the Board Members. If this is the case, Mike Klock, Building Inspector, will still need to do the annual inspection on behalf of the Town. This inspection has always been required as it covers items that have not been covered by the County inspection in the past. In addition, the short term rental renewals require an annual Planning Board Hearing which is a cost of One Hundred Fifty (\$150.00) Dollars. The Planning Board Hearings have costs such as, Chairman and Member fees, publications, mailings, etc. Discussion was had and the Board will try to determine what the out of pocket costs will be, if in fact the County is doing this, so the Town does not suffer a loss.

Mike Ritenour further spoke to the Board. He has been a commercial scuba diver throughout his professional career. In the late 80's he had been involved with an underwater design, which he campaigned for all along the Seaway Trail. There was extensive research conducted all along the shores of Lake Ontario. Unfortunately, the government determined that the economy could not support that expense at that time. In his opinion, the development now as a result of the Outer Harbor Project has really made our waterfront a jewel for tourism. He feels more so than any other town, perhaps with the exception of Youngstown. He feels we have great potential to develop an underwater tourism business. Admittedly, it's a lengthy process, it is a lot of work, a lot of research, and a lot of government involvement. The pinnacle of a scuba diver is a most desirable tourist. He invited the Board to take a look at his website seascan.com. If you wave through it there is a section called Underwater Design. If you have opportunity to take a look at it and you have any interest he stated he would be happy to sit down and talk further.

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Mike Klock introduced Mike Metzger, Engineer, to present to the Board the progress he has made on the proposed little home community on Ridge Road. These homes will be rentals. There will be a couple two bedrooms the rest will be one bedroom. This will be a 55 and over community. The homes will be built with high end materials and the goal is to have a quit community. The homes will be built on pads, there will be a whole new infrastructure. There will be all brand new Sewer and Water. Mike Mills, Water Superintendent, will be working on the plans for how he would like it to be laid out. Upon investigation, this community can not be classified as a Mobile Home Community. By looking at the Town's Code, there is one category that would allow these homes and that is the R2 zoning. With the property next to this property being zoned R2 and this property currently being zoned Mobile Home, we are actually taking away the "spot zoning" making it compliant with the properties around it. We have requested the rezoning to an R2 with the Application for a Planned Residential Development (PRD) on it. Attorney Sansone advised that moving forward we would need a Local Law to rezone the property. We would need a Public Hearing, we would need SEQR and need to appear before the Niagara County Planning Board for review which would probably be in June. Mike Klock suggested that in the interim, the Applicants send their site plan to the Niagara County Planning Board. If the Ordinance is ready for the next Board Meeting we can schedule the Public Hearing for the 13th of June at 5:00 p.m. which is the next Town Board Work Session. Mike Klock acknowledged that he will prepare the Notice to send to the County Planning Board. If all goes well the Board could act on the Local Law at the June 28th Regular Board Meeting.

Supervisor asked the Board Members if anyone had questions. Councilwoman Neidlinger indicated that she received the pictures the Supervisor sent of the Gazebo in Olcott. She asked what he thought about its condition. Councilman Coleman indicated that he felt the Gazebo could be shored up to get us through another season. Work is being done to stabilize the flooring and Structure. Supervisor indicated that we should take a look at this toward the end of the season and evaluate for next year.

Supervisor asked for a Motion to adjourn. Motion made by Councilwoman Rutland, second by Councilwoman Neidlinger. All were in favor, no one was opposed.

Motion Carried

Meeting adjourned at 6:40 p.m.

Next Work Session will be held June 13, 2023 at 5:00 p.m.

Respectfully submitted,



Donna M. Lakes
Deputy Town Clerk

SUPERVISOR
716-778-8531

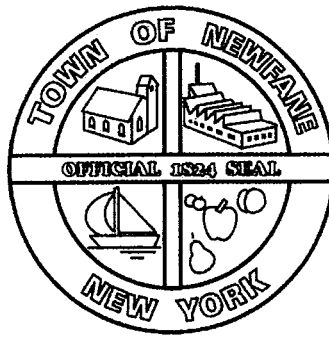
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TAX COLLECTOR
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BUILDING INSPECTOR
716-778-5947

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716-778-8132



TOWN OF NEWFANE

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716-778-8844

WATER/SEWER
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716-778-8587

6176 McKee Street
Newfane, New York
14108

TDD 1-800-662-1220

RESOLUTION NO. 20 - 2023

OF THE TOWN BOARD, TOWN OF NEWFANE, NY RESOLUTION SPONSORING JAZZ FESTIVAL CALLED “OLCOTT BEACH JAZZ TRAIL”

WHEREAS, Olcott Beach is a major tourist area in the Town Of Newfane, due to its location on Lake Ontario, and the many attractions it offers tourists, such as being a premier fishing location in New York State, being the location of the Olcott Beach Carousel Park, having the most beautiful park in Niagara County, a freshly sanded beach with lifeguards for swimming, numerous bed and breakfasts, many cottages and motels for tourists and fishermen, fine restaurants, the location of the Lakeside Village Shoppes, a unique and vibrant shopping center; and

WHEREAS, Olcott Beach has many events in the summertime to attract tourists and citizens of the community, in order to bolster the businesses of Olcott Beach and the Town of Newfane in general, and thereby improve the economy of the area; and

WHEREAS, the “Olcott Beach Jazz Trail” is a jazz festival to be held on September 3, 2023 in various locations in Olcott Beach, which will bring thousands of people to Olcott Beach, which will help the businesses and enhance the economy of same; and

WHEREAS, it is in the best interests of the Town of Newfane to sponsor this jazz festival;

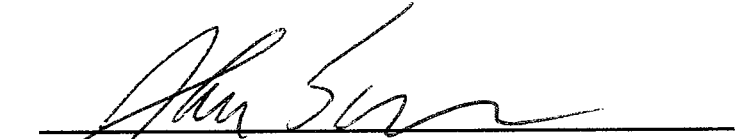
NOW, THEREFORE, BE IT RESOLVED,

that the Town of Newfane does hereby sponsor the jazz festival called the “Olcott Beach Jazz Trail”, to be held on September 3, 2023, at various locations at Olcott Beach; and


BE IT FURTHER RESOLVED,

that the Town of Newfane selects James J. Sansone, as an independent contractor to organize said jazz festival, to serve without compensation or fee, and does hereby authorize James J. Sansone to select a committee to assist him in this endeavor, and further authorizes him to take any and all actions necessary, on behalf of the Town, including the closing and blocking of streets and /or sidewalks, the placing of bands, food trucks, signs or any other items necessary for the proper operation of the festival onto the sidewalk, street, and road rights of way of the Town the obtaining and hiring of performers, and the obtaining of funding for said festival, towards the successful accomplishment of same.

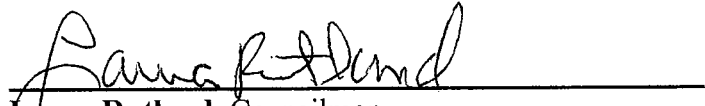
Dated: May 9, 2023



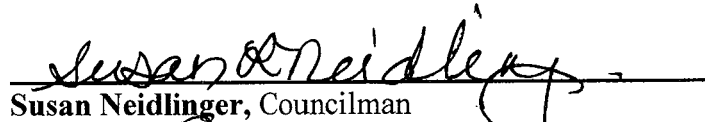
John Syracuse, Supervisor



Richard Coleman, Councilman



Laura Rutland, Councilman

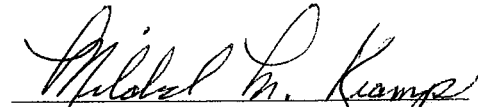


Susan Neidlinger, Councilman



Troy Barnes, Councilman

I hereby CERTIFY that the above is a true, accurate and complete copy of a resolution passed by the Newfane Town Board on May 9, 2023.



Mildred M. Kramp, RMC, CMC
Town Clerk
Town of Newfane, NY
Certified to on May 9, 2023