

**TOWN OF NEWFANE
TOWN BOARD WORK SESSION
NOVEMBER 9, 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 5:00pm.

Town Board Members Present: Supervisor John Syracuse, Councilman Troy Barnes, Councilwoman Sue Neidlinger, Councilwoman Laura Rutland

Excused Member: Councilman Rick Coleman

Others Present: Building Inspector/Code Enforcement Officer David Schmidt, Town Attorney Jim Sansone, Planning Board members: Bill Clark, Eoin Walsh, Peter Russell, Robert Horanburg and Paul Conrad. Zoning Board members: Fran Gilson, Phillip Baehr, Colleen Schultz, Tyler Finley, Marcy Ferington and Donna Lakes and 3 individuals.

Supervisor Syracuse welcomed everyone to the Work Session and thanked the Planning and Zoning Boards for their time tonight. He explained the duties and procedures of the two Boards to all present.

- Full attendance at all meetings. They are generally held once a month.
- The need to read and understand all material ahead of time and even physically go and research the properties that are being presented and have questions for the applicants ready.
- Lean on the Chairperson of the board for guidance and support.
- Understand the Town Codes and work with the Building Inspector and the Town Attorney.
- 4 hours of Continuing Education needs to be done each year to be compliant with State Zoning and Planning laws.

The Supervisor asked how the attendance was with both Boards, as far as the Board Members being there.

- Planning Board Chairman Bill Clark stated that things are getting better with training, especially with the County and State offering classes with some being online. Members can also receive credit hours through work if it's applicable.
 - The Clerks office keeps the records on the Continuing Education classes, as well as the Board Chairman.
 - It is understandable the absences can occur, and they appreciate the notification when someone cannot make a meeting.
 - The town people that had come to the Planning Board in prior years, never had the chance to get their paperwork in ahead of time, for review, but that has improved and will continue to. They are now working with developers to get drawings and specs to them ahead of time, before the meeting occurs.
 - Bill advised both Board Members to drive by the properties that are on the agenda and get a feel for the projects that are being presented ahead of time.
- Councilwoman Laura Rutland asked why training is "getting better" if it is a State Law for the Planning and Zoning Boards and that classes are offered online, virtually and at NCCC, to have Continuing Education Hours and are the certificates being received? Bill Clark stated, "Yes and are kept on file." Laura asked about training meeting knowledge and Bill responded that it's all through the Clerks office and it gets forwarded once he receives it. The members can pick and choose which courses they want to take.
- Zoning Board Chairman Fran Gilson stated that it is not a State Law but that each town's boards decide if training is to be done. He also stated that the training that is being offered right now is very basic, not

“a teaching” class but more of a “read to us” class. He feels not much learning can be done with this type of instruction.

- Bill Clark commented that the Planning Board training in Hartland is very informative and again any classes taken will be kept on file with the Clerks office. There are many classes out there that are being offered.
- Supervisor Syracuse read the Town Law that four (4) hours is a MUST and not an option but imperative to all the changes that can occur. There is a clause that states the required classes can be removed if a resolution is made towards this. Training may be carried over and training may be put on hold if the Town decides to waive training hours but this has never been done. Training is imperative.

Bill Clark was asked what can be improved, he stated that Connie Kyle, the secretary for the Building Inspector, has been very helpful in preparing information ahead of time and getting it out to the Board Members ahead of time. There is also a filing system finally being attended too that wasn't done before, and that the digital age will be helpful for future years.

- Eoin Walsh stated that training has been very well presented to the Planning Board. Interactive classes are coming up in December and ample time for awareness of these classes is being sent to the Board.
- Certifications that these classes were taken go to the Clerk's office for verification, and the Board Chairman should know this as well.
- Bill suggested a check list for all board members on both Planning and Zoning Boards including:
 - Training and Certification
 - Attendance at meetings
 - Sue Neidlinger thought this a great idea and it would help the Town Board too.

Fran Gilson, who has served the Zoning Board for 43 years, was asked on the Zoning Board attendance, preparation and training. He stated that the issues that did come up are due to the fact that the new members came on the board at a late date, and they were not able to handle the knowledge of the situations being presented. Fortunately, the Town Attorney can answer questions when there is not enough knowledge about an application and approaching the Attorney is good.

- Fran felt that it “is not stated in writing” that classes and certifications are necessary to be on the Zoning Board. Supervisor Syracuse read Town Law #267-7A that 4 hours is mandatory, unless the Town Board stated that is not necessary, and the Town Board has not waived this.
- Councilwoman Laura Rutland asked if the Boards receive their information in advance, and they answered “Yes. Mostly in electronic form. Things have changed since Mike Klock started 2 years ago.
- Fran was asked by the Supervisor if the training that is required would be beneficial to the public? Meaning that they could be knowledgeable as a Board and that this knowledge could be passed down to new comers.
- Attorney Jim Sansone spoke on the Areas, Variances: use Variance or Interpretation:
 - The Zoning Board is like a board of appeals, a court case. Having a Board of Educated Members makes this a much smoother process.
 - The training addresses these issues and interpretation. Mike Klock has offered interpretations, but it has never been done in previous years. These training sessions would be helpful for all to be knowledgeable in all of these areas. There is specific training for the items stated above.
 - “Self-created hardship” training would be very helpful.
- Pete Russell stated that past training has been very helpful, and it has even been offered here at that Community Center for others to attend. He suggested that the Town offer classes here every other year and invite surrounding community boards. He has been to local meetings that addressed specific matters on current issues and this raised some great discussions.

- Eoin Walsh stated that there are “absolutely classes out there” for the subjects that are being addressed. You also learn a lot from the actual Board meetings when these items arise. Training can be consistently taken, but the learning you learn from your Board.
- Marcy Ferington stated that she feels communication could be a lot better as she didn’t even know that a 4 hour training was mandatory, and hosting classes here would be best. “Work as a team for goals moving forward, even meeting at a separate time other than a board meeting to go over things and be more prepared.”
- Jim Sansone stated the importance of training classes as a lot of issues arise at these meetings. Outside training is very important and extra training is necessary! Especially as different cases are presented. The Zoning Board issues are more like a court case and issue specific results, where the Planning Board is more of compliance issues.
- Councilwoman Sue Neidlinger commented on Marcy’s statement that a prior meeting would be nice, however they have to comply, as we have an “Open Meeting Law” as stated in our Town Law. These need to be made public, but multiple meetings can be called [ex: 7-10 days apart to discuss different issues that are attached to an application] but no decision can be made. Jim Sansone stated they have 62 days to rule on a case and the cases need to be made public.

Bill Clark stated that an open training may draw outside people in that may later be interested in serving on one of these boards. And Laura Rutland asked if other towns have issues with training.

- Fran Gilson stated that other towns cannot have or afford a 7-member board, even though it is State Law. Some towns have dissolved their Planning Board and gone straight to a Zoning Board.
- Supervisor Syracuse mentioned that training is State mandated. Other towns are now taking scripts from our new STR Law that was just passed, and they could also reflect on other items we deal with here in Newfane. People are looking at our boards and their work! He also asked the Chairmen of both boards to look into classes for their members and that attendance is strong and that the materials are read ahead of time.
- Laura Rutland asked if board members get their information ahead of time again.
 - The Planning Board gets emails and/or hard copies per their preference, 2 weeks prior and then a 3-day reminder goes out.
 - The Zoning Board gets emails and packets from Connie 3 weeks ahead of time. Then has packets are ready for pickup too.
 - Donna Lakes stated that prior to the new Building Inspector, nothing was given out ahead of time but now it has been much better prepared and with Connie’s help, things are going well.
- Phil Baehr stated that the appropriate amount of material is being handed out for the Zoning Board. He feels the State is trying to control all of the small towns and he is against the “mandated training.” He had met with previous Supervisor when this mandate came out and it was felt that these mandates would not be followed here in Newfane. He feels that experience is training in itself.
- There was discussion about having in-house training based for Planning and Zoning Boards.
- Sue Neidlinger clarified that the State suggested that it should be recommended to take these classes and in 2016, the community agreed to establish these 4 hours training classes for our Boards.
- Councilman Troy Barnes stated that the number of years of experience should be very helpful as a training tool and to look to the longer serving board members for guidance. He even asked if the Chairmen would be willing to hold training classes.

Fran Gilson stated why he doesn’t pick up the information early and it is because of the phone calls that he gets, asking for his thoughts and wanting tips and other questions that arise when the applicants call him. He doesn’t want to show favoritism or prejudice on any case. Jim Sansone told him he shouldn’t be talking to the applicants prior to meetings, anyhow. Sue Neidlinger mentioned that reading the material ahead of time for preparation is best and he could still give the same answer to anyone that called him.

- It was discussed that the reading of materials prior to the meeting should happen to get them all familiarized with the applications and would keep everyone well informed for the meeting.

At 6:04 Supervisor Syracuse thanked all the Board members for their attendance and participation in discussion and interactions, but we the Town Board need to determine mandated training and how things are handled and pass that along to the Planning and Zoning Boards. Once again, he thanked them all for their services to the Town.

Donna Lakes then approached the Town Board and inquired on her current position on the Zoning Board, as she currently serves on the board but was recently elected Town Clerk starting 2024. The Town Board advised her to give notice of resignation as of December 31, 2023.

Rachel Maziarz from the Newfane Central School Alumni Association spoke on the “Giving Tree” that they are doing at the school for needy families for Christmas. The new Superintendent, Lisa Krueger, is willing to help the Alumni Association by helping choose 100-150 students that are in need of gifts. They are seeking 2 gifts per child but last year, they received 5-6 gifts per child. They have already started the application process. They will kick this off on the same night as the Light Up Newfane Parade on December 1st in the Community Center at the Mistletoe Market. She is asking the Town Board if they can use the Town Hall as a “drop-off” site for gifts. The drop off dates would be December 3rd to the 15th. Mary Zeller suggested the Conference Room as it is accessible to everyone and can keep items more securely in there. The Alumni could also come and sort the donated items. Town Board was in agreement to support this wonderful project and work with the School District.

Supervisor Syracuse presented a letter from the group at Town Hall regarding the 2024 Holiday schedule. They proposed that they drop Election Day as a day off but take an additional floating holiday. This way the Town Hall doesn't have to close and the employees can take individual days off.

- Sue Neidlinger made a motion to accept the schedule as presented, keeping Town Hall open on Election Day and giving the employees a floating holiday. Troy Barnes seconded it. All agreed and motion passed.

Labella Associates, the company that we work with to submit the REDI construction invoices to DASNY for reimbursements, is requesting an increase in their contract pricing as the project has gone beyond the 3 years that was initially planned on. The initial contract was for \$16,000 and they are requesting another \$9,000 and will not propose any future fees after this one. Laura made the motion to accept this change and Troy Barnes seconded it. All agreed and the motion passed.

Supervisor Syracuse was reassessing the security upgrades with David LeGault from Securitas - Sonitrol, that have been proposed. Given the fact that the WWTP has Capital Improvements being done, it came to light that WWTP and Compost Facility security should occur. John Syracuse and David LeGault walked through both facilities so that they could get some prices for security cameras in these locations.

- Securitas-Sonitrol presented 2 packages for Town review.
 - Compost package for upgrades to cameras for \$3,124.82.
 - Sue Neidlinger made a motion to pass this proposal and Troy Barnes seconded it. All agree and motion passed.
 - WWTP package for upgrades to cameras for \$7,139.31.
 - Laura Rutland made a motion to pass this proposal and Sue Neidlinger seconded it. All agree and motion passed.
- Supervisor Syracuse stated that this will all be covered with ARPA Funds and will present 1 Resolution to cover both of these items.

Fran Gilson asked about the sewer enhancements on Route 18, but Mike Mills clarified it was water line improvements that were enhanced and that the sewer project with Wilson is null and void.

The Know Box system was next as they need to order a “Master Key” that will help the Building Inspector program any of the Know Boxes that will be used in the Town. A master key was never ordered originally.

- David Schmidt, Building Inspector stressed the need for this master key.
- Laura Rutland made the motion to order this Master Key and Troy Barnes seconded. All agree and motion passed.

Supervisor Syracuse discussed the Cemetery Meeting he recently attended with Janet Steggles and Bethany Maclam. The Lakeview Cemetery located on the west side of Lockport-Olcott Road across from the Olcott Post Office is in consideration of being given to the Town along with its dwindling remaining funds. Subject to an attorney review, Supervisor Syracuse is recommending that the Town takes control of this cemetery now, rather than later. They are making improvements of signs and other items around the cemetery and currently have a healthy bank account that would help us maintain it in the future.

- Sue Neidlinger made a motion to accept this proposal of Lakeview Cemetery being given to the Town and Troy Barnes seconded.
 - Fran Gilson asked about the plots that have been purchased but not used. Bill Clark stated that the town will reach out to proper people for these grave sites.
- All agreed and motion passed.

Supervisor Syracuse asked if there were any other questions, and no one responded. He offered to adjourn.

- Laura Rutland made the motion to adjourn the meeting and Sue Neidlinger seconded. Meeting adjourned at 6:32pm.

Pete Russell did ask if our Work Sessions should have voting and passing of Resolutions at them. It was discussed that the Work Sessions are open meetings, made public and listed on the Town Sign, but not advertised on the Town Website. It was clarified that the previous month’s Board Meeting Agenda states the next Work Session on it but people do not know enough to look at the previous month’s minutes to locate the dates of the Work Sessions on these agendas. Attorney Jim Sansone stated that a Work Session is a “Meeting” but not as formal, with Supervisor Syracuse in agreement. They also allow Public Comments at these Work Sessions and there is a resolution stating that fact.

- This brought up a discussion on the need for a Town Calendar on the website.
- Pete stated that he has been to Albany, and he will forward “Publicity Rules” to the Town Board in regard to Website, Face Book and the electronic sign.

There were 2 Public Hearings scheduled for tonight and they were delayed due to the length of the Work Sessions, but it was confirmed that they could be held late, but not start early.

Meeting adjourned at 6:40pm.

The next Work Session will be held on Thursday, December 9th at 5:00pm.

Respectively Submitted,

Mary Zeller
Confidential Secretary to the Supervisor

PUBLIC HEARING #1 – PRESENTATION OF TENTATIVE TOWN OF NEWFANE 2024 BUDGET

Supervisor Syracuse called the Public Meeting to order at 6:42pm.

He read the following:

**TOWN OF NEWFANE
NOTICE OF PUBLIC HEARINGS
2024 PRELIMINARY BUDGET**

PLEASE TAKE NOTICE that the Town Board of the Town of Newfane will hold separate public hearings on the matters referred to herein at the Town Hall, 2737 Main Street, Newfane, New York, on the 9th, day of November, 2023, at 6:00 p.m. Said public hearings shall be as follows:

1. Amount to be raised by taxation in Special Districts are as follows:

Newfane Water District	\$ 298,751.00
Newfane Sewer District	\$ 788,079.00
Newfane Light District	\$ 82,500.00
Newfane Refuse District	\$ 790,600.00
Newfane Fire District	\$ 782,745.00

All persons interested shall be heard at the public hearing to be held by the Town Board as aforesaid relative to assessments and amounts to be raised in said districts.

2. The Town Board of the Town of Newfane will hear any person in favor of or against the Preliminary Budget as filed with the Town Board of Newfane. Said budget is on file with the Town Clerk.

3. Pursuant to Section 108 of the Town Law, proposed salaries of Town Officers are hereby specified:

Supervisor (1)	\$ 48,690.00
Councilman (4)	\$ 7,100.00 (each)
Town Clerk (1)	\$ 46,540.00
Superintendent of Highways (1)	\$ 72,000.00
Town Justice (2)	\$ 25,465.00 (each)
Receiver of Taxes & Assessments	\$ 10,045.00

ALL PARTIES IN INTEREST AND CITIZENS WILL BE HEARD AT THE PUBLIC HEARINGS TO BE HELD AS AFORESAID.

BY ORDER OF THE TOWN BOARD
OF THE TOWN OF NEWFANE
OCTOBER 25, 2023

Supervisor Syracuse asked for any Public Comments are there were none. He thanked all the Department Heads and their secretaries, the Town Board and Dresher & Malecki for all the help and guidance that he was given during this process. They stayed under Tax Cap, worked with and finalized a Teamster Agreement that will transition smoothly for the next 4 years.

Public Hearing #1 was closed at 6:47pm

Sue Neidlinger motioned to close Public Hearing and Troy Barnes seconded. Motion carried.

PUBLIC HEARING #2 – LOCAL LAW AMENDING SECTION 255-18 OF THE TOWN OF NEWFANE NY TOWN CODE TO REDEFINE DOUBLE CHECK VALVE ASSEMBLY, ACCEPTABLE, AND TO REQUIRE THE INSTALLATION OF EXPANSION TANK ONTO THE WATER SERVICE LINE OF ALL CUSTOMERS WATER LINES

Supervisor Syracuse called the Public Meeting to order at 6:47pm.

He read the following:

“Notice is hereby given, that, pursuant to the Municipal Home Rule Law of the state of New York, and General Municipal law of the State of New York, the Town Board or the Town of Newfane will hold a public hearing at the Town of Newfane Town Hall, 2737 Main Street, Newfane, NY. On the 9th day of November 2023, at a meeting commencing at 6:47pm to consider the adoption of a proposed Local Law for the Town of Newfane, entitled “A 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”, 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.

A summary of the major provisions of the proposed Local Law is as follows:

The proposed Local Law would authorize the use of Best Value purchase contracts as is defined in Section 163 of the State Finance Law.

BY ORDER OF THE TOWN BOARD

Dated: October 25, 2023

Supervisor Syracuse asked if there are any public comments relative to this proposed change.

Fran Gilson asked that the Town come and inspect his check valve and expansion tank and they did. He is wondering if this will need to be done again, according to this Law.

Attorney Jim Sansone verified that it is being codified and this Law is basically catching up with this practice. These practices are being required by the Town upon Transfer of Title.

Fran asked if the line coming into home will be ¾” line coming into the house. He referred to the issues in Lockport but Mike Mills stated that the minimum line size into the house is ¾”.

Dick Bowers wanted to know what the cause of putting this into Law is necessary when this is already a State Law, and they are already doing this practice. Mike Mills, Supervisor Syracuse and Jim Sansone reassured that they are just putting things in place as this is already in practice. Mike stated that the double check valve has been a law since 1984-1985. It was questioned if the people selling their homes are being held accountable for this prior to the sale. Most towns have the Building Inspector take care of these issues, not the Water Dept. Is all the water coming in from Niagara County having all these valves checked as well? It was clarified that the

Building Inspectors look at these, but the Water Department does the inspection, as per state code and also so that no cross-contamination is happening. Mike Mills clarified that the safety of water is on his licensure. The Water Dept. has to have these inspections in writing for the homeowners. Sump pump is checked, double check valve is checked. Attorney's need these on file before closing on houses. This needs to be a Law since it's already being enforced.

Supervisor Syracuse appreciated all the discussion and asked if there were any other questions. There were none and he asked if there was a motion to adjourn.

Laura Rutland made a motion to adjourn and Sue Neidlinger seconded it. All agreed and motion passed. Meeting adjourned at 7:03pm.

Respectively Submitted,

Mary Zeller
Confidential Secretary to the Supervisor