

October 25, 2023

PUBLIC HEARING

The Town Board of the Town of Newfane, Niagara County, New York met at the Town Hall, 2737 Main Street, Newfane, New York on October 25, 2023.

PUBLIC HEARING/Notice of Hearing was published on October 13, 2023 and posted on October 11, 2023.

Supervisor Syracuse opened the Hearing at 7:00 p.m. and 22 residents were present.

The following were present:

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

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

Supervisor Syracuse opened the Public Hearing:

Notice of the Public Hearing:

In the Matter of the Increase and Improvement of Facilities of the Town of Newfane Consolidated Sewer District No.1 in the Town of Newfane, County of Niagara, New York, pursuant to Section 202-b of the Town Law. Whereas, the Town Board of the Town of Newfane (herein called Town Board and Town, respectively), in the County of Niagara, New York, has, pursuant to Town Law, created the Town of Newfane Consolidated Sewer District No.1 (the District); and Whereas, in August of 2020, the Town Board directed Wendel, competent engineers licensed in New York, to prepare a map, plan and report for a sewer system capital improvements project within the District; and Whereas, in August and September of 2020, the Town approved, through Town Law Section 202-b proceedings and a bond resolution (dated September 23, 2020), the original capital improvements project in the District; and Whereas, the cost of such original project increased from \$3,875,000 to \$8,397,400 due to modification to the scope of the project and the receipt of higher than expected bids; and Whereas, the Town Board directed Wendel, competent engineers licensed in New York, to prepare a revised map, plan and report (dated July 2021) to reflect additional improvements to the District and the revised cost of the project; and Whereas, in October and November of 2021, the Town approved, through Town Law Section 202-b proceedings and other resolutions and adopted an amending bond resolution on November 17, 2021 (collectively, the 2021 Revised Project); and Whereas, in 2023, the Town determined that the cost of the 2021 Revised Project will be further increased from \$8,397,400 to \$9,662,000 due to further modification to the scope of the project and the receipt of higher than expected bids; and Whereas, the Town Board has directed Wendel to prepare an addendum to the 2021 revised map, plan and report to include further improvements in the District and to reflect the increase in the estimated maximum cost of the project; and Whereas, such revised map plan and report amends a certain prior map, plan and report (dated July 2021) for the purpose of (a) modifying the scope of the project, (b) increasing the estimated maximum cost of the project and (c) increasing the amount of bonds (and notes) for the project; and Whereas, such 2023 version of the sewer system capital improvements project will generally consist of improvements to the wastewater treatment plant including, but not limited to, grit system improvements, installation of a new mechanically cleaned bar screen and dual auger washer compactor system, installation of Preliminary Treatment Building and associated concrete tanks and channels, improvements to Secondary Clarifier No.2, installation of a new air supply blower and associated piping and valves, return sludge pump station improvements, rehabilitation of the wastewater treatment plant outfall, replacement of existing boiler with a new energy efficient boiler and associated controls, new SCADA system, new instrumentation, sitework, and mechanical and electrical system to support the improvements at the wastewater treatment plant. Further, the capital improvement project will include other such improvements as more fully identified in (or Contemplated by) such map, plan and report referred to above, all of the foregoing to include all necessary site work, equipment, apparatus and other improvements and costs incidental thereto and in connection with the financing thereof (collectively, the "District Improvement"); and

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PUBLIC HEARING -con't

Notice of the Public Hearing: -Continued.

Whereas, this amendment (a) modifies the scope of the project, (b) increases the cost from \$8,397,400 to \$9,662,000 and (c) increases the aggregate amount of bonds from \$8,397,400 to \$9,662,000; and Whereas, pursuant to the direction of the Town, the Engineer has completed and filed with the Town Board such preliminary map, plan and report (as so further amended) for such increase and improvement of facilities of the District and has estimated the total cost thereof to be an increased estimated maxim amount of \$9,662,000; said cost to be financed by the issuance of serial bonds of the Town in an increased aggregate principal amount not to exceed \$9,662,00, offset by any federal, state, county and/or local funds received; and Whereas, such further revised preliminary map, plan and report (hereinafter referred to as map, plan and report) has not been modified in any material respect other than as described above; Now, Therefore, Be It Ordered that a meeting of the Town Board of the Town of Newfane will be held at the Town Hall, 2737 Main Street, Newfane, New York, on October 25, 2023 at 7:00 p.m., seven o'clock p.m. (prevailing Time) or shortly thereafter to consider said increase and improvement of facilities of the District and to hear all persons interested in the subject thereof concerning the same and for such other action on the part of the Town Board with relation thereto as may be required by law; and be it Further Ordered, that the expense of said increase and improvement of the facilities shall be financed by the issuance of serial bonds of the Town in an increased aggregate principal amount not to exceed \$9,662,000, said amount to be offset by any federal, state, county and/or local funds received, and , unless paid from other sources or charges (including, but not limited to, sewer rents), the costs of said increase and improvement of facilities shall be pad by the assessment, levy and collection of special assessments from the several lots and parcels of land within the District, which the Town Board shall determine and specify to be especially benefited thereby, so much upon and from each as shall be in just proportion to the amount of benefit conferred upon the same, to pay the principal of and interest on said bonds as the same shall become due and payable, except as provided by law; and be it Furthered Ordered that the Town Board may establish sewer rents as provided in paragraph (1) of subdivision one of Town Law Section 198; and be it Further Ordered, that the Town Clerk publish at least once in each newspaper designated as the official newspaper of the Town for such publication, and post on the sign board of the Town maintained pursuant to subdivision 6 of Section 30 of the Town Law, a copy of this Order, certified by said Town Clerk, the first publication thereof and said posting to be not less than ten nor more than 20 days before the date of such public hearing. Dated: October 10, 2023. Town Board of the Town of Newfane. The adoption of the foregoing Order Calling for Public Hearing was duly put to a vote on roll call, which resulted as follows:

Ayes: Hon. John Syracuse, Supervisor
 Richard Coleman, Councilmember
 Laura Rutland, Councilmember
 Susan Neidlinger, Councilmember
 Troy Barnes, Councilmember

Noes: None

Absent: None

The Order Calling for Public Hearing was declared adopted.

After the Public Hearing the Supervisor open the Hearing to the Public. No questions.

A MOTION was made by Councilman Barnes, seconded by Councilwoman Neidlinger to close the Public Hearing at 7:03 p.m.

All present voted Aye.

Motion carried.

OCTOBER 25, 2023**REGULAR MEETING**

The Town Board of the Town of Newfane, Niagara County, New York met at the Town Hall, 2737 Main Street, Newfane, New York on October 25, 2023. The following were present:

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

PRAYER AND PLEDGE

Supervisor opened the meeting at 7:04 p.m., 22 residents were present.

A prayer was read by the Town Clerk. The pledge of the flag was given.

PRESENTATIONS

Newfane School Superintendent, Dr. Lisa Krueger, gave a presentation, introduced herself, her accomplishments and goals for the future.

Lily Cultrara, owner, Freedom Reins Occupational Therapy, and Kristen Murray, owner Red Barn Therapy, East Aurora, gave a presentation on their new business Therapeutic Horse Riding at the former EquiStar they hope to open in December.

APPROVE PREVIOUS MINUTES

A MOTION was made by Councilwoman Rutland, seconded by Councilman Coleman to approve the minutes of the September 27, 2023, meeting as distributed.

All present voted Aye.

Motion carried.

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

September 9, 2023, Town of Newfane Work Session Minutes.

September 26, 2023, Town of Newfane Planning Board Minutes.

September 5, 2023, Town of Newfane and Olcott Tourism Minutes.

September 19, 2023, Town of Newfane Fire Prevention Bureau.

TOWN/ROSTER CHANGE/MILLER HOSE FIRE COMPANY, INC.

A MOTION was made by Councilman Coleman, seconded by Councilwoman Neidlinger to remove April Finn and Mike Becker from the active membership immediately.

All present voted Aye.

Motion carried.

TOWN/WATER DEPARTMENT/REIMBURSE \$41.19 J. STEWERT

A MOTION was made by Councilwoman Neidinger, seconded by Councilwoman Rutland to reimburse Judith Stewert, who moved from 6021 Ketchum Avenue #14 for \$41.19 resulting in payment on the water account she had linked to her checking account for an ACH payment. (Automated Clearing House)

All present voted Aye.

Motion carried.

TOWN/WATER DEPARTMENT/REFUND \$101.47 OVERPAYMENT

A MOTION was made by Councilman Barnes, seconded by Councilman Coleman to refund Countryside Mobile Home Park in amount of \$101.47 due to overpayment.

All present voted Aye.

Motion Carried.

COMMUNICATIONS AND PETITIONS – continued.

TOWN/ASSESSOR/REQUESTING REFUND \$30.00 /COLLINS

A **MOTION** was made Councilman Coleman, seconded by Councilwoman Rutland to refund a check for \$30.00 to Glen Collins, 7145 Lake Shore Terrace, Appleton, New York. The check is the cost awarded to the petitioner for filing a Small Claims Assessment Review.
All present voted Aye. Motion carried.

TOWN/HIRE ASSISTANT DOG CONTROL/ORDINANCE ENFORCEMENT OFFICER

A **MOTION** was made by Councilwoman Neidlinger, second by Councilman Coleman to hire Joe Flagler as Assistant Dog Control Officer/Ordinance Enforcement Officer at a rate of \$18.00 per hour, starting immediately. To replace Ricky Smith who has resigned.
All present voted Aye. Motion carried.

TOWN/TOWN COURT ATTENDANTS/INCREASE HOURLY RATE

A **MOTION** was made by Councilman Barnes, Councilwoman Neidlinger to increase the hourly rate for Newfane Town Court Attendants to \$18.00 per hour effective 10/30/2023.
All present vote Aye. Motion carried.

REPORTS OF COMMITTEES AND DEPARTMENT HEADS

Highway Superintendent, Jon Miller, been busy mowing ditches, pipe work, put plows on the trucks and working on the berm.

Water Department Superintendent, Mike Mills, Busy getting service taps done and winterizing, the department is shorthanded we are busy.

Wastewater Treatment Plant Operator, Nick Irr, Plant is in good condition, there is still compost.

Code Enforcement Officer/Building Inspector, David Schmidt answering a lot of calls, working on sending out letters and working on the short-term rentals (STR).

Dog Control Officer, Jeffrey Newman, it been quiet, the dog control department received the grant for the body armor.

Town Marina, Facility Director, Nick Glosser, the Marina had a good year. Fish Park is open and very busy. Thank you to the Highway Department for helping at Fish Park.

Tourism, Gina Guido-Redden, gave a report on looking ahead to 2024 which is on file in the Town Clerk's Office.

UNFINISHED BUSINESS – none.

NEW BUSINESS

TOWN/ADOPT RESOLUTION NO. 48, 2023/UPDATE TO TOWN OF NEWFANE TELEPHONE INFRASTRUCTURE

Mark Brown, Rel-Comm Representative gave a presentation on the update.

A **MOTION** was made by Councilman Coleman, seconded by Councilwoman Rutland to adopt the following Resolution No. 48, 2023 as follows: Update To Town of Newfane Telephone Infrastructure Whereas, the Town of Newfane is in need of updating its telephone infrastructure within the Town offices, and Whereas, Rel-comm is the Town's current telephone and maintenance contract supplier, and Whereas, the Town has assessed its needs and has met with Re-Comm on numerous occasions and has come to the conclusion that Rel-Comm has the most cost-effective package to offer the Town, now therefore be it, Resolved, the Town of Newfane accept the quote of \$14,955.00 to provide the aforementioned services, and be it further Resolved, the Town Board of the Town of Newfane direct the Town of Newfane Supervisor to sign the contract hereto attached with this Resolution, and be it further, Resolved, the funds to

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REGULAR MEETING – (con't)

NEW BUSINESS – continued.TOWN/ADOPT RESOLUTION NO. 48, 2023/UPDATE TO TOWN OF NEWFANE TELEPHONE INFRASTRUCTURE

cover this will be allocated from ARPA Funds. (Supervisor and Town Board in attendance signed 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.

TOWN/ADOPT RESOLUTION NO. 49, 2023/AUTHORIZE THE SUPERVISOR/ENTER INTO CONTRACT/ SECURITAS CORPORATION

David LeGault, representative of Sonitrol gave a presentation on the updated equipment.

A MOTION was made by Councilwoman Neidlinger, Seconded by Councilman Barnes to adopt the following Resolution No. 49, 2023 as follows: Authorize the Supervisor of the Town of Newfane to Enter into Contract with Securitas Corporation the parent Company of Sonitrol of WNY to Provide Updates to Existing Town-Wide Security Cameras, Internal Monitoring and Service of Equipment in the Amount of \$31,497.03, Whereas, the Town of Newfane is desirous to upgrade its current 3G monitoring system which is out of date, and transition to 5 G system, and Whereas, this new 5G monitoring system will see upgrades to most cameras and their placement along with the repressing of others currently utilized, and Whereas, the Town will also purchase the necessary servers which will further allow upgrades from the antiquated “dial-up” program to a more efficient “internet-enhanced” communication, and Whereas, it is in the best interests of the Town to enter into this contract, and Now, Therefore, Be It Resolved, the Town Board of the Town of Newfane approves said contract attached hereto, and does hereby direct the Town Supervisor to enter into said contract, and be it further Resolved, the funds used to pay for these goods and services will come from the dollars ascribed from ARPA.

All present voted Aye.

Motion carried.

(Supervisor and Board in attendance signed Resolution)

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. 50, 2023/AFTER PUBLIC HEARING APPROVING THE INCREASE AND IMPROVEMENT OF FACILITIES OF THE TOWN OF NEWFANE CONSOLIDATED SEWER DISTRICT NO. 1

A MOTION was made Councilwoman Neidlinger, seconded by Councilman Barnes to approve Resolution 50, 2023, After Public Hearing Approving the Increase and Improvement of Facilities of the Town of Newfane Consolidated Sewer District No. 1.

All present voted Aye. (Supervisor and Board in Attendance signed 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.

Councilman Coleman: Voted: Aye.

Supervisor Syracuse: Voted: Aye.

5 – Ayes. 0 – Nays. 0 – Absent.

Resolution 50, 2023 is attached to Town Clerks Original Minutes.

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REGULAR MEETING – (con't)

TOWN/ADOPT RESOLUTION NO. 51, 2023/AN AMENDING AND RESTATING BOND RESOLUTION DATED OCTOBER 25, 2023, OF THE TOWN OF BOARD OF THE TOWN OF NEWFANE, NIAGARA COUNTY, NEW YORK (“THE TOWN”) FURTHER AMENDING THE BOND RESOLUTION THAT WAS ADOPTED ON SEPTEMBER 23, 2020 AND AMENDED ON NOVEMBER 17, 2021, AND AUTHORIZING A CAPITAL IMPROVEMENTS PROJECT WITHIN THE TOWN OF NEWFANE CONSOLIDATED SEWER DISTRICT NO.1 (WASTEWATER TREATMENT PLANT) AT AN ESTIMATED MAXIMUM COST OF \$9,662,000 AND AUTHORIZING THE ISSUANCE OF SERIAL BONDS IN AN AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED \$9,662.000 PURSUANT TO THE LOCAL FINANCE LAW TO FINANCE SAID PURPOSE, SAID AMOUNT TO BE OFFSET BY ANY FEDERAL, STATE, COUNTY AND/OR LOCAL FUNDS RECEIVED, AND DELEGATING THE POWER TO ISSUE BOND ANTICIPATION NOTES IN ANTICIPATION OF THE SALE OF SUCH BONDS TO THE TOWN SUPERVISOR.

A MOTION was made by Councilwoman Neidlinger, Second by Councilman Barnes, to adopt Resolution No. 51, 2023, An Amending and Restating Bond Resolution Dated October 25, 2023, of the Town Board of the Town of Newfane, Niagara County, New York (The Town) Further Amending the Bond Resolution that was Adopted on September 23, 2020 and Amended on November 17, 2021, and Authorizing a Capital Improvements Project within the Town of Newfane Consolidated Sewer District No.1 (Wastewater Treatment Plant) at an Estimated Maximum Cost of \$9,662.00 and Authorizing the issuance of Serial Bonds in an Aggregate Principal amount not to exceed \$9,662.00 Pursuant to the Local Finance Law to Finance said purpose, said amount to be Offset by any Federal, State, County and/or Local Funds Received, and Delegating the Power to Issue Bond Anticipation.

(Supervisor and Town Board in Attendance signed 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.

(Resolution No. 51, 2023 is attached to the Original Town Clerk’s Minutes.)

TOWN/SET PUBLIC HEARING/AMEND LOCAL LAW TO AMEND SECTION 255-18

A MOTION was made by Councilwoman Neidlinger, second by Councilman Barnes to set a Public Hearing to amend section 255-18 of the Town of Newfane New York Town Code to refine double check valve assembly, acceptable, and to require the installation of expansion tank onto the water service line of all customers water line, on November 9, 2023 at 6:15 pm.

All present voted Aye.

Motion carried.

PAY BILLS

A MOTION was made by Councilman Barnes, seconded by Councilwoman Rutland to approve the payments of claims totaling \$410,939.05 as audited by the Supervisor and Department Heads and as per Abstract Sheets dated October 25, 2023, which will be filed with the Official Record:

General Fund.....	\$ 106,977.27
Voucher #'s 33616 – 33782	
Highway Fund.....	41,241.51
Voucher #'s 33616 – 33782	
Water Dist.....	127,372.93
Voucher #'s 33616–33782	
Sewer Dist...33616 -33782.....	43,452.50
Fire Prevention Dist.33616-33782.....	384.26
Lighting Dist.....33616 –33782.....	5,954.68
Trust & Agency....33616-33782.....	2,978.32
Capital Projects....33616-33782.....	15,580.49
Refuse District.....33616 –33782	66,997.09
TOTAL APPROVED	\$ 410,939.05

All present voted Aye.

Motion carried.

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REGULAR MEETING – (cont.)

ANNOUNCEMENTS/COMMENTS FROM THE BOARD

Supervisor Syracuse:

Trick or Treat Hours – Monday, October 31, 2023, 4-7 pm

Work Session, November 9, 2023, 5:00 pm, Public Hearing, Proposed Tentative 2024 Town Budget. Public Hearing, November 9, 2023, 6:00 pm, amending Local Law Section 255-18.

GENERAL DISCUSSION – None.**ADJOURN**A **MOTION** was made by Councilwoman Neidlinger, seconded by Councilman Barnes, to adjourn the meeting.

All present voted Aye.

Motion carried.

Meeting adjourn at 8:00 p.m.

NEXT MEETING

November 15, 2023

7:00 p.m.

Respectfully submitted:

Mildred M, Kramp, RMC, CMC
Town Clerk