

SEPTEMBER 27, 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 September 27, 2023. The following were present:

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

PRAYER AND PLEDGE

Supervisor Syracuse opened the meeting at 7:00 p.m. 14 residents were present.
 A prayer was read by the Town Clerk.

APPROVE PREVIOUS MINUTES

A MOTION was made by Councilwoman Neidlinger, seconded by Councilman Barnes to approve the minutes of the August 23, 2023, meeting as distributed.

All present voted Aye.

Motion carried.

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

Town of Newfane Tourism Committee, September 5, 2023

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

TOWN/RESIGNATION/ZONING BOARD SECRETARY/KYLE

A MOTION was made by Councilwoman Rutland, seconded by Councilman Coleman to accept the resignation from Connie Kyle, Secretary for the Zoning Board effective January 1, 2024.

All present voted Aye.

Motion carried.

TOWN/RESIGNATION/PART TIME/DOG CONTROL OFFICER/SMITH

A MOTION was made by Councilman Coleman, seconded by Councilman Barnes to accept the resignation of Ricky Smith part time dog control officer effective immediately.

All present voted Aye.

Motion carried.

TOWN/PART TIME SEASONAL 2023 HELP/MARINA/FISH PARK

A MOTION was made by Councilwoman Neidlinger, seconded by Councilman Coleman to allow Facilities Director, Nicholas Glosser to hire William Donovan and David Kramp as part-time help at Fish Park and the Town Marina at \$14.20 per hour.

All present voted Aye.

Motion carried.

ASSESSOR/UNPAID WATER/SEWER/MOWING CHARGES/ADDED TO 2024 COUNTY TAX ROLL

A MOTION was made by Councilman Coleman, seconded by Councilman Barnes to allow Town Assessor, Mary Hastings, to place the following unpaid water, sewer and mowing charges to the 2024 County Tax Rolls as follows:

Unpaid Water Charges	\$172,350.31
Unpaid Sewer Charges	\$ 92,015.17
Water/Sewer Mowing Charges	4,152.02
TOTAL	\$ 268,517.50

All present voted Aye.

Motion carried.

TOWN/APPOINTMENT FULL TIME CODE ENFORCEMENT OFFICER/BUILDING INSPECTOR

A MOTION was made by Councilman Coleman, seconded by Councilwoman Rutland to appoint David J. Schmidt Sr. as a full-time Town of Newfane Code Enforcement Officer and Building Inspector effective 10/2/2023, at an annual salary of \$50,000 per year.

All present voted Aye.

Motion carried.

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

Councilwoman Neidlinger: Voted: Aye.

COMMUNICATIONS AND PETITIONS-continued.

TOWN/APPOINTMENT FULL TIME CODE ENFORCEMENT OFFICER/BUILDING INSPECTOR

Councilman Barnes: Voted: Aye.
Councilwoman Rutland: Voted: Aye.
Councilman Coleman: Voted: Aye.
Supervisor Syracuse: Voted: Aye. Motion carried.
5 – Ayes. 0 – Nays. 0 – Absent.

REPORTS OF COMMITTEES AND DEPARTMENT HEADS

Code Enforcement Officer/Building Inspector, Mike Klock, working with new Code Enforcement Officer/Building Inspector office is busy.

Wastewater Treatment Plant Operator, Nick Irr, DEC did their yearly inspection at the compost plant and the plant passed, everything is running good at the wastewater plant.

Mike Mills, Water Superintendent, working on some landscaping and water taps, starting to winterize.

Jon Miller, Highway Superintendent, excused, Supervisor Syracuse read Highway Superintendent’s report, roads that were paved this summer: Jacques, Franklin, Michelle, Ridge Lea, Rounds, and part of West Creek between Ide and Wilson-Burt Roads. Chips seal roads south end of Coomer, McClew and north end of Transit. Currently working on shoulders, off road drainage ditch mowing, roadside drainage, also working with the Supervisor and Wendel on the west berm beach project. Wood chips are available to any town resident just call highway office to schedule delivery.

DCO, Jeffrey Newman, Excused.

Marina Director, Facilities Director, Nick Glosser, Excused.

Tourism, Gina Guido-Redden, social media over 9900 followers including town and/or tourism accounts for Barker, Wilson, Youngstown, Lewiston and Niagara Falls. Post reach is 94,200. Gina gave an end of Season Summary, Tourism Report is on file at the Town Clerk’s Office.

UNFINISHED BUSINESS – none.

NEW BUSINESS

TOWN/ADOPT RESOLUTION NO. 43, 2023/THE TOWN OF NEWFANE AWARD OF WASTEWATER TREATMENT PLANT CONSTRUCTION CONTRACTS

Town Engineer, Brian Sibgia, PE spoke about the award of the contracts. A MOTION was made Councilwoman Rutland, seconded by Councilman Coleman to adopt the following Resolution No. 43, 2023, The Town of Newfane Award of Waste Water Treatment Plant Construction Contracts, Whereas, the Town of Newfane (the “Town”) owns and maintains the Newfane Wastewater Treatment Plant, 6349 E. Lake Road, Burt, New York, wherein the Town is completing a capital improvement project to upgrade said wastewater treatment plant to replace aging equipment and to comply with an improvement schedule provided to the New York State DEC. Whereas, the Town of Newfane received public bids for contracts 21-3G, 21-3E and 21-3M on Thursday September 7, 2023 and Whereas, the Town’s engineer, Wendel, has compiled bids for each of the contracts and reviewed the contract requirements with the apparent low bidders and recommends award of Contract No. 21-3G to STC Construction Inc., in the amount of \$4,659,800; Contract No. 21-3M to Michael A. Ferraulio Plumbing and Heating, Inc., in the amount of \$345,000; and Contract No. 21-3E to Frey Electric Construction Co., Inc., in the amount of \$1,090,000 Resolved, that the Town hereby awards the construction bids as follows: Contract No. 21-3G to STC Construction Inc., in the amount of \$4,659,800, Contract No. 21-3M to Michael A Ferraulio Plumbing and Heating, Inc., in the amount of \$345,000 and Contract No.21-3E to Frey Electric Construction Co., Inc., in the amount of \$1,090,000, the Town

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REGULAR MEETING--(con't)

NEW BUSINESS – continued.

TOWN/ADOPT RESOLUTION NO.43, 2023/THE TOWN OF NEWFANE AWARD OF WASTEWATER TREATMENT PLANT CONSTRUCTION CONTRACTS

Supervisor is duly authorized to sign such contracts and other forms as required to enter into an agreement with said firms per the conditions of the contract documents and any funding sources and grants the Town has obtained. Further Resolved, that the Town of Newfane authorizes STC to issue purchase orders for the following materials to comply with CDBG contractual requirements for project completion:

- Structural Steel
- OH Monorail, trolley, hoist system.
- Ductile Iron Pipe & Fittings for the Sludge PS.
- Stainless Steel Pipe & Fittings for Aeration work associated with the new Blower.

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.
(Signed by Supervisor and Town Board)

TOWN/RESOLUTION NO. 44, 2023/EMERGENCY RESOLUTION/OLCOTT BERM STABLIZATION EMERGENCY DECLARATION

A MOTION was made by Councilwoman Neidlinger, second by Councilman Barnes to adopt the following Resolution No. 44, 2023, Town of Newfane Emergency Resolution Olcott Berm Stabilization Emergency Declaration. (Town Engineer, Brian Sibiga PE spoke to explain the project.) Whereas, the Town of Newfane (the “Town”) has constructed a first phase of a hardened berm along the shorefront of Olcott, West of the Harbor to provide protection from elevated Lake Ontario water levels, and Whereas, there has been additional wave action and undermining of the beach area in front of the hardened berm, and Whereas, Town Engineers, Wendel, have analyzed the damaging effects of the wave action and the undermining and washing away of materials in the beach area and recommended that armor stone be placed instead of the REDI requirement of topsoil and grass for stabilization of materials surrounding the hardened berm, and Whereas, the Wendel report describes the importance of the hardened berm along with the placement of additional armor stone in front of the hardened berm to the life, health, safety and/or property of the residents of the Town of Newfane, and Whereas, Wendel opines that “It is Wendel’s opinion that these circumstances, if allowed to continue without emergency repair, could jeopardize the life, health, safety and/or property of the residents of the Town of Newfane. “Now Therefore Be It Resolved, that the undermining of the area in front of the hardened berm is a public emergency arising out of unforeseen occurrences or conditions whereby circumstances affecting the life, health, safety, or property of the customers of the Town, required and require immediate repair, and be it further Resolved, that pursuant to the provisions of section 103 (4) of the General Municipal Law of the State of New York, the Town does hereby find that such emergency required and requires immediate action that cannot await competitive bidding, and be it further, Resolved, that the Town authorizes the emergency repair and implementation of the proposed solutions outlined in the Wendel report, including the purchase of materials needed for installation by Town workforces, and is ratified as an emergency repair and that competitive bidding and/or procurement policy procedures are dispensed with prospectively and retroactively.

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.
(Signed by Supervisor and Town Board)

NEW BUSINESS – continued.

TOWN/ADOPT RESOLUTION NO. 45, 2023/PRO-HOUSING COMMUNITIES RESOLUTION

A MOTION was made by Councilwoman Neidlinger, seconded by Councilman Barnes to adopt the following Resolution No. 45, 2023 Pro-Housing Communities Resolution: Whereas, the Town of Newfane (hereinafter “Local government”) believes that the lack of housing for New York residents of all ages and income levels negatively impacts the future of New York State’s economic growth and community well-being: Whereas, the housing crisis has negative effects at regional and local levels, we believe that every community must do their part to contribute to housing growth and benefit from the positive impacts a healthy housing market brings to communities; Whereas, we believe that supporting housing production of all kinds in our community will bring multiple benefits, including increasing housing access and choices for current and future residents, providing integrated accessible housing options that meet the needs of people with sensory and mobility disabilities, bringing economic opportunities and vitality to our communities and allowing workers at all levels to improve their quality of life through living closer to their employment opportunities: Whereas, we believe that evidence showing that infill development that reduces sprawl and supports walkable communities has significant environmental and public health benefits and Whereas, we believe that affirmatively furthering fair housing and reducing segregation is not only required by law, but is essential for keeping our community strong and vibrant; Now, Therefore, It Is Hereby Resolved that Town of Newfane, in order to take positive steps to alleviate the housing crisis, adopts the Pro-Housing Communities pledge, which will have us endeavor to take the following important steps: 1. Streamlining permitting for multifamily housing, affordable housing, accessible housing accessory dwelling units, and supportive housing. 2. Adopting policies that affirmatively further fair housing. 3. Incorporation regional housing needs unto planning decisions. 4. Increasing development capacity for residential uses. 5. Enacting policies that encourage a broad range of housing development, including multifamily housing affordable housing, accessible housing, accessory dwelling units, and supportive housing.

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.

(Signed by Supervisor and Town Board)

TOWN/ADOPT RESOLUTION NO. 46, 2023/RESOLUTION BY THE TOWN OF NEWFANE ENGINEERING SERVICES FOR WASTEWATER TREATMENT PLANT UPGRADES

A MOTION was made by Councilwoman Neidlinger, seconded by Councilman Coleman to adopt the following Resolution No. 46, 2023 Resolution by the Town of Newfane Engineering Service for Wastewater Treatment Plant Upgrades: Whereas, the Town of Newfane (the “Town”) owns and maintains the Newfane Wastewater Treatment Plant, 6349 E Lake Road, Burt, New York, wherein the Town is completing a capital improvement project to upgrade said wastewater treatment plant to replace aging equipment and to comply with an improvement schedule provided to the New York State DEC, Whereas, the Town of Newfane issued a Request for Qualifications (RFQ) per funding agency procurement requirements for professional engineering services and selected Wendel for completion of those services and Whereas, Wendel, has prepared and submitted a proposal for professional services in the amount of \$795,000 which will be funded by a combination of grant from various funding agencies and a low interest loan from New York State EFC, Resolved, that the Town hereby approves the engineering services proposal, and the Town Supervisor is duly authorized to sign such contracts and other forms as required to enter into an agreement per the requirements of any funding sources and grants the Town has obtained.

All present voted Aye. Motion carried.

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

Councilwoman Neidlinger: Voted: Aye.

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NEW BUSINESS – continued.**TOWN/ADOPT RESOLUTION NO.46, 2023/RESOLUTION BY THE TOWN OF NEWFANE ENGINEERING SERVICES FOR WASTEWATER TREATMENT PLANT UPGRADES**

Councilman Barnes: Voted: Aye.

Councilwoman Rutland: Voted: Aye.

Councilman Coleman: Voted: Aye.

Supervisor Syracuse: Voted: Aye.

Motion carried.

5- Ayes. 0 – Nays. 0 – Absent.

(Signed by Supervisor and Town Board)

TOWN/APPROVE NEW MAIN STREET HOLIDAY LIGHTSA **MOTION** was made Councilwoman Rutland, seconded by Councilman Coleman to approve \$5,884.56 for Holiday outdoor decoration for Main Street.

All present voted Aye.

Motion carried.

PAY BILLSA **MOTION** was made by Councilman Coleman, seconded by Councilwoman Neidlinger to approve the payments of claims totaling \$995,794.02 as audited by the Supervisor and Department Heads and as per Abstract Sheets dated September 27, 2023, which will be filed with the Official Record:

General Fund.....	\$ 110,193.80
Voucher #'s 33400 - 33564	
Highway Fund.....	346,556.91
Voucher #'s 33400 - 33564	
Water Dist.....	23,425.09
Voucher #'s 33400-33564	
Sewer Dist.....	57,326.54
Voucher #'s 33400-33564	
Lighting Dist.....	573.61
Voucher's # 33400-33564	
Refuse Dist.....	69,624.52
Voucher #'s 33400-33564	
Trust & Agency.....	4,241.57
Voucher #'s 33400-33564	
Capital Projects.....	<u>383,851.98</u>
Voucher #'s 33400-33564	
TOTAL APPROVED	\$ 995,794.02
All present voted Aye.	Motion carried.

ANNOUNCEMENTS/COMMENTS FROM THE BOARD

Supervisor Syracuse:

Town Hall closed October 9, 2023, in observance of Columbus Day.

Work Session, Tuesday, October 10, 2023, at 5:00 p.m.

Board Meeting, Wednesday, October 25, 2023, at 7:00 p.m.

Halloween Trick or Treating, Tuesday, October 31, 2023, 4-7p.m.

November 22, 2023, Board Meeting rescheduled to November 15, 2023, at 7:00 p.m.

December 27, 2023, Board Meeting rescheduled to December 29, 2023, at 6:00 p.m.

GENERAL DISCUSSION

Connie Waters, 1884 Transit Road, Burt, New York, commented on a new build.

Brian Hellner, Fuller Road, Burt, New York, commented liking the Town's Web Site, E-Codes.

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REGULAR MEETING – (con't)

ADJOURN

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

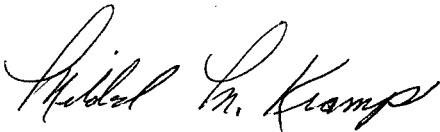
All present voted Aye.

Motion carried.

Meeting adjourned at 7:45 p.m.

Next Regular Meeting

October 25, 2023, at 7:00 p.m



Mildred M. Kramp, RMC, CMC
Town Clerk