

**AUGUST 28, 2024**

**REGULAR BOARD 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 August 28, 2024.

The following Board Members were present:

Supervisor: John Syracuse  
Councilwoman: Susan Neidlinger  
Councilman: Peter Robinson  
Councilman: Richard Coleman  
Councilman: Robert Horanburg

Others present: James Sansone, Town Attorney, Michael Mills, Water Superintendent, David Schmidt, Building Inspector/Code Enforcement Officer, Mary Zeller, Confidential Secretary to the Supervisor, Mike Mills, Water/Sewer Superintendent, Kenneth Nerber, Dog Control Officer, Gina Guido-Redden, Tourism Committee and 6 residents.

**PRAYER & PLEDGE**

Supervisor called the meeting to order at 7:00 p.m. A prayer was read by the Town Clerk and the Pledge to the flag was given.

**MINUTES FILED WITH THE TOWN CLERK**

Newfane Golden Agers Meeting Minutes for July 11, 2024, and July 25, 2024  
Town Planning Board Meeting Minutes July 23, 2024  
Town Board Work Session Meeting Minutes July 11, 2024  
Town of Newfane Tourism Committee Minutes August 6, 2024

**APPROVE PREVIOUS MINUTES**

Town Board Regular Meeting July 24, 2024

Supervisor Syracuse asked for a MOTION to approve the Minutes of the Town Board Regular Meeting held on July 24, 2024. Moved by Councilman Horanburg, second by Councilman Coleman on the question. Hearing no questions, all were in favor, no one was opposed.

All present voted Aye.

Motion Carried

**COMMUNICATIONS AND PETITIONS**

None

**REPORTS OF COMMITTEES AND DEPARTMENT HEADS**

The following department heads were in attendance and gave a report on their department. Mike Mills, Water/Sewer Superintendent stated that are very busy. They did a few water taps the past week, getting parts together for West Lake Road area and trying to finish up the East Lake Road before he departs at the end of November. Mike indicated he had a couple of jobs he wanted to finish, and they are very busy. They had good summer help taking care of the lawns for us, which freed up time for us to get more work done. David Schmidt, Building Inspector/Code Enforcement Officer advised the board that he has been busy. He was hoping to have a regular report prepared by now, however, he is still working on getting everything organized and ready, hopefully soon, it is getting there. The Supervisor thanked David for following through and sending out Notices for potential issues in the Town. He is hopeful that people will respond to them accordingly. Kenneth Nerber, Dog Control Officer advised that dog calls are up. They have been very busy running back and forth to the SPCA. Unfortunately, the kennels are full, so it has been going back and forth trying to deal with that. Working with the Code Enforcement Officer, we are going out on the weekends and if people don't get back with us, we are following up. It seems to be going well. Gina Guido Redden went through prior summer events as well as the upcoming events including the Bicentennial edition of Newfane Community Days and the Annual Olcott Beach Car Show on August 31<sup>st</sup>. In addition to the already in place Visitor Guides distribution they have enrolled in an AAA Distribution Plan which places our guides in all WNY AAA locations. Our online event calendar is very popular, having reached over 8,300 views in July and over 4,900 views so far in August. We have 11,000 online followers from multiple states and every region in WNY and we have seen sales from tourists from at least 19 countries and 29 states so far this year. Gina offered the Board an update on installing a web cam near the shops that will enable people to look online at the weather, temperature, current happenings, etc., in live stream. All were very pleased, and the Supervisor is going to investigate the possibility of having something like that at the Marina for all the fishermen who would greatly appreciate having a live stream of what's happening on the water.

**NEW BUSINESS**

**TOWN/ZONING/AMEND/RESOLUTION NO. 22/ RESOLUTION ISSUING A NEGATIVE DECLARATION FOR 6604-6590 RIDGE ROAD**

The Supervisor brought forward the following Resolution for Consideration by the Board. RESOLUTION ISSUING A NEGATIVE DECLARATION FOR 6604-6590 RIDGE ROAD, AMENDING THE ZONING MAP OF THE TOWN OF NEWFANE TO REZONE PREMISES KNOWN AS 6604-6590 RIDGE ROAD IN THE TOWN OF NEWFANE, NY FROM MULTI-FAMILY RESIDENTIAL DISTRICT (R-2) TO AGRICULTURAL/RESIDENTIAL DISTRICT (AR) UNDER THE TOWN OF NEWFANE ZONING ORDINANCE WHEREAS, the Town of Newfane has identified 2.54 acres of land known as 6604-6590 Ridge Road which is currently zoned Multi-Family Residential (R-2) under the Zoning Map of the Town of Newfane dated July 1999 and updated December 2021, that appear to be not zoned correctly, and WHEREAS, the Town of Newfane is desirous of rezoning the aforesaid premises to Agricultural/Residential (AR) to bring the property into conformance with the existing agricultural and residential character of the surrounding neighborhood, and WHEREAS, this rezoning is an unlisted action under SEQR and the Town has received a FEAF, and WHEREAS, the Newfane Town Board held the required public hearing on July 24, 2024; and WHEREAS, in accordance with Part 617 of the implementing regulations pertaining to Article 8 (State Environmental Quality Review Act – SEQRA) of the Environmental Conservation Law, the Town of Newfane has reviewed part 1 of the EAF and has completed part 2 and 3 of the FEAF and reviewed the criteria for determining significance in accordance with Section 617.7. NOW, BE IT RESOLVED THAT, the Newfane Town Board, in accordance with the State Environmental Quality Review Act (SEQRA), has determined that the proposed rezoning will not adversely affect the natural resources of the State and/or the health, safety and welfare of the public and is consistent with social and economic considerations and therefore issues a SEQR Negative Declaration in accordance with Section 617.7 of the SEQR regulations, and BE IT FINALLY RESOLVED THAT, the Supervisor is authorized to sign the Environmental Assessment Form (EAF), which will act as the Negative Declaration. The Supervisor entertained a MOTION to accept the Resolution. MOTION made by Councilman Robinson second by Councilwoman Neidlinger, on the question. Hearing no questions the Supervisor asked for a Roll Call Vote:

- Councilwoman Neidlinger: Aye
- Councilman Robinson: Aye
- Councilman Horanburg: Aye
- Councilman Coleman: Aye
- Supervisor Syracuse: Aye

Aye:   5        Nay:   0  

Motion Carried

**TOWN/ZONING/AMEND/RESOLUTION NO. 23/ RESOLUTION ISSUING A NEGATIVE DECLARATION FOR 6150 PROSPECT STREET**

The Supervisor brought forward the following Resolution for Consideration by the Board. RESOLUTION ISSUING A NEGATIVE DECLARATION FOR MEADOWBROOKE APARTMENTS, AMENDING THE ZONING MAP OF THE TOWN OF NEWFANE TO REZONE PREMISES KNOWN AS 6150 PROSPECT STREET IN THE TOWN OF NEWFANE, NY FROM SINGLE FAMILY RESIDENTIAL DISTRICT (R-1), TO MULTI-FAMILY RESIDENTIAL DISTRICT (R-2) UNDER THE TOWN OF NEWFANE ZONING ORDINANCE WHEREAS, premises, 6150 Prospect Street, Newfane, NY, has been used as an apartment complex for many years and is currently zoned Single Family Residential District (R-1), under the Zoning Map of the Town of Newfane, dated July 1999, and updated December 2021, and, WHEREAS, back in 1978, Meadowbrooke Apartment’s site was previously zoned single family residential, and the Town Board at that time, passed a Resolution to rezone the premises to allow apartment complexes. No Local Law has been found indicating premises was rezoned to allow apartment complexes on premises. Consequently, the current zoning map illustrates the property as being zoned R-1, which only allows single family homes, and WHEREAS, Meadowbrooke Apartments is therefore currently non-conforming, being a multi-residence dwelling, and the Town is looking to bring the property in conformance with the previous approval by Resolution of this apartment complex, and to allow for the owner of the property to expand, and WHEREAS, the Town of Newfane is desirous of rezoning the aforesaid premises to Multi-Family Residential District (R-2), which will, pursuant to the aforesaid previously passed Resolution, allow for the development of a proposed expansion, and also conform to the current use of the premises, and WHEREAS, this rezoning and subsequent expansion is an unlisted action under SEQR and the Town has received a FEAF from the Applicant, and WHEREAS, with such rezoning, the premises would be made a conforming use and would also be in harmony with the character of the neighborhood, and WHEREAS, in accordance with Part 617 of the implementing regulations pertaining to Article 8

(State Environmental Quality Review Act – SEQRA) of the Environmental Conservation Law, the Town of Newfane has reviewed part 1 of the EAF and has completed part 2 and 3 of the FEAF and reviewed the criteria for determining significance in accordance with Section 617.7. NOW THEREFORE, BE IT FURTHER RESOLVED THAT, the Newfane Town Board, in accordance with the State Environmental Quality Review Act (SEQRA), has determined that the proposed rezoning will not adversely affect the natural resources of the State and/or the health, safety and welfare of the public and is consistent with social and economic considerations and therefore issues a SEQR Negative Declaration in accordance with Section 617.7 of the SEQR regulations, and BE IT FINALLY RESOLVED THAT, the Supervisor is authorized to sign the Environmental Assessment Form (EAF), which will act as the Negative Declaration. The Supervisor entertained a MOTION to accept the Resolution. MOTION made by Councilwoman Neidlinger second by Councilman Robinson, on the question. Hearing no questions the Supervisor asked for a Roll Call Vote:

- Councilwoman Neidlinger: Aye
- Councilman Robinson: Aye
- Councilman Horanburg: Aye
- Councilman Coleman: Aye
- Supervisor Syracuse: Aye

Aye:   5        Nay:   0  

Motion Carried

TOWN/LOCAL LAW/AMEND CHAPTER 270 OF TOWN CODE/ZONING/ 6604-6590 RIDGE ROAD

The Supervisor entertained a MOTION to adopt a Local Law to amend Chapter 270 of the Newfane Town Code entitled “Zoning“ to provide for a rezoning of premises known as 2.54 acres of 6604-6590 Ridge Road, Newfane, New York, from R-2 Multi-Residence to AR Agricultural Residential. MOTION moved by Councilman Robinson, second by Councilman Coleman, on the question. Hearing no questions the Supervisor asked for a Roll Call Vote:

- Councilwoman Neidlinger: Aye
- Councilman Robinson: Aye
- Councilman Horanburg: Aye
- Councilman Coleman: Aye
- Supervisor Syracuse: Aye

Aye:   5        Nay:   0  

Motion Carried

TOWN/LOCAL LAW/AMEND CHAPTER 270 OF TOWN CODE/ZONING/ 6150 PROSPECT STREET

The Supervisor entertained a MOTION to adopt a Local Law to amend Chapter 270 of the Newfane Town Code entitled “Zoning“ to provide for a rezoning of premises known as Meadowbrooke Apartments, 6150 Prospect Street, Newfane, New York, from R-1 Single Family Residential to R-2 Multi-Family Residential. MOTION moved by Councilman Horanburg, second by Councilwoman Neidlinger, on the question. Hearing no questions the Supervisor asked for a Roll Call Vote:

- Councilwoman Neidlinger: Aye
- Councilman Robinson: Aye
- Councilman Horanburg: Aye
- Councilman Coleman: Aye
- Supervisor Syracuse: Aye

Aye:   5        Nay:   0  

Motion Carried

TOWN/WWTP/FEES/INCREASE SEPTIC HAULING FEES

The Supervisor entertained a MOTION to raise the septic hauling fees to Fifty (\$50.00) Dollars per 1,000 gallons of septic waste in 2025. The MOTION was moved by Councilman Coleman, second by Councilman Horanburg on the question. The Supervisor advised the Board that he had met with Nick Irr, Chief Operator of the Wastewater Treatment Plant. There appears to be an increase in the traffic as well as our costs involved to service the Septic Companies. The fee seems to be in line with the other companies in the area. This appears to be a fairly good revenue stream for the Plant. We are looking to continue this service while keeping a decent revenue coming in to be fair to our residents who pay sewer tax as well as assist with the costs at the Plant. None of the Board

Members had questions. Hearing no questions, the Supervisor asked for a roll call vote.

- Councilwoman Neidlinger: Aye
- Councilman Robinson: Aye
- Councilman Horanburg: Aye
- Councilman Coleman: Aye
- Supervisor Syracuse: Aye

Aye:   5        Nay:   0  

Motion Carried

**TOWN/SUPERVISOR/CONTRACT WITH WENDEL GIS SERVICES**

The Supervisor entertained a MOTION to allow him to enter into a Contract with Wendel for our 2025 GIS Services. This is something we do on a year-to-year basis. MOTION moved by Councilman Coleman, second by Councilwoman Neidlinger on the question. The Supervisor advised that our departments rely on this mapping system, for a variety of different reasons. The layers provide information that is needed and used to identify issues, for example, our water and sewer department in identifying infrastructure issues. We have been using this system for a number of years and the cost is paid out of the department’s budget that utilizes this service. Hearing no questions from the Town Board Members the Supervisor requested a roll call vote.

- Councilwoman Neidlinger: Aye
- Councilman Robinson: Aye
- Councilman Horanburg: Aye
- Councilman Coleman: Aye
- Supervisor Syracuse: Aye

Aye:   5        Nay:   0  

Motion Carried

**TOWN/SUPERVISOR/CONTRACT/GRANT WRITING/WENDEL/DRI/NY FORWARD**

The Supervisor entertained a MOTION to direct the Supervisor to enter into a Contract with Wendel for up to \$5,000.00 to provide a grant writing service for the DRI/NY Forward Program. Motion moved by Councilman Robinson, second by Councilwoman Neidlinger on the question. The Supervisor indicated that the Town has been applying for the DRI/NY Grant for the past three years. This is a multi-million-dollar grant. The paperwork for this grant is extremely taxing on the Supervisor’s Office, the Tourism Board and the stakeholders. The Supervisor indicated that he felt the importance of having a technical, professional Grant Writer from Wendel, who is a specialist in Infrastructure Grant Writing is needed. This gentleman was instrumental in writing and securing our LWP Grant, we are taking this grant seriously and would like to win. The Supervisor asked the Board Members if they had any questions. There were none and the Supervisor requested a roll call vote.

- Councilwoman Neidlinger: Aye
- Councilman Robinson: Aye
- Councilman Horanburg: Aye
- Councilman Coleman: Aye
- Supervisor Syracuse: Aye

Aye:   5        Nay:   0  

Motion Carried

**TOWN/WATER/SEWER/APPOINT MICHAEL BROWN DEPUTY SUPERINTENDENT**

The Supervisor entertained a MOTION to appoint Michael Brown to Deputy Superintendent of Water and Sewer effective September 3, 2024. MOTION moved by Councilman Coleman, second by Councilman Horanburg on the question. The Supervisor advised that Mike Mills is planning his retirement. While we are excited for him, he will be greatly missed. Jon Miller, our Highway Superintendent has all the qualifications, licensure and credentials to fill that position and would remain as both the Highway Superintendent and the Water/Sewer Superintendent. We would certainly need an individual in somewhat of a foreman’s role as it will be impossible for him to be in so many places at one time. Jon Miller has a Deputy Superintendent for the Highway Department which works very well and we worked both with the Civil Service Department as well as the Union to create the Deputy Superintendent position. Mike Brown has stepped up to take that position and the Supervisor requested the support of the Board Members to appoint Michael Brown as the Deputy Superintendent of Water and Sewer effective September 3, 2024. Mike has been with the Town for a long time working in the water/sewer department and is well trained. Having had a

first and second on the MOTION, the Supervisor asked for all those in favor. All were in favor, no one was opposed.

Motion Carried

**PAY BILLS**

The Supervisor entertained a MOTION to approve the payment of claims totaling \$663,937.09, bills paid in August, 2024, Vouchers #36060-36346, as audited by the Supervisor and Department Heads and as per Abstract Sheets dated 08/27/2024 which will be filed with the official record.

|                                |                     |
|--------------------------------|---------------------|
| General Fund .....             | \$ 189,943.00       |
| Highway Fund .....             | \$ 191,059.12       |
| Water Fund .....               | \$ 23,384.75        |
| Sewer Fund .....               | \$ 54,353.90        |
| Lighting District .....        | \$ 11,181.03        |
| Refuse District .....          | \$ 134,945.34       |
| Fire Prevention District ..... | \$ 3,540.42         |
| Trust & Agency .....           | \$ 4,226.44         |
| Capital Projects .....         | \$ <u>51,303.09</u> |
| TOTAL APPROVED .....           | \$ 663,937.09       |

Motion made by Councilman Robinson, second by Councilwoman Neidlinger, on the question. There were no questions, all were in favor, no one was opposed.

Motion Carried

**PUBLIC COMMENTS**

Jeanette Miller, 5770 McKee Road, asked where a property owner can place their mobile homes, either pulled behind trailers or motorized should be placed on homeowner’s property when not in use.

Justin Naylor, 3249 Lockport Olcott Road, wanted to thank the Board for the opportunity to speak as well as the Bicentennial Parade. He and his son really enjoyed it. On or around August 10<sup>th</sup>, a racist comment was placed on a business in Town and wanted to make the Town aware in case they were not. His comment surrounded how one can bring a resolution forward to the Board.

**ANNOUNCEMENTS/COMMENTS FROM THE BOARD**

Town Attorney, James Sansone, welcomed everyone to Olcott on Sunday, September 1<sup>st</sup> from 12:00 noon to 7:00 p.m. for a day filled with Jazz Music. There will be four bands playing throughout the day, two at the Olcott Gazebo and two at the Lakeview Village Fair Shops. They are all amazing professional bands and sure to please. There will be food, beer and wine available so please come out and join us for a fun filled day.

The Supervisor announced a Public Meeting will be held on Thursday, September 12<sup>th</sup>, 2024, at 5:30 p.m., just prior to the Work Session, on the DRI/NY Forward Grant Opportunity Program to update the community.

The Supervisor announced the Work Session will be held on Thursday, September 12<sup>th</sup>, 2024, at 6:30 p.m.

The Supervisor announced the next month Board Meeting is Wednesday, September 25<sup>th</sup>, 2024 at 7:00 p.m.

The Supervisor wanted to thank everyone for their participation in our Bicentennial Parade on August 24<sup>th</sup>. The various bands that participated as well as Richard Leader, who put up a YouTube Video out for all to enjoy. Thank you to Roger Phillips for the Parade organization, Niagara Implement for allowing us to borrow their flat-bed truck for our stage announcing, everyone came together to make it a great day. So many individuals to thank; it really was a great weekend.

**AUGUST 28, 2024**

**REGULAR BOARD MEETING cont.**

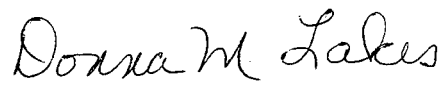
**ADJOURN**

The Supervisor entertained a MOTION to adjourn. Motion made by Councilwoman Neidlinger, second by Councilman Coleman. All were in favor, no one was opposed.

Motion Carried

Meeting adjourned at 7:58 p.m.

Respectfully submitted,

A handwritten signature in cursive script that reads "Donna M. Lakes".

Donna M. Lakes  
Town Clerk