

SUPERVISOR
716-778-8531

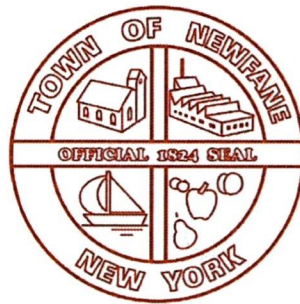
TOWN CLERK
716-778-8822
FAX 716-638-4183

ASSESSOR
716-778-8827

TAX COLLECTOR
716-778-6052

BUILDING INSPECTOR
716-778-5947

WATER/SEWER
716-778-8132



TOWN OF NEWFANE

2737 Main Street
Newfane, New York 14108
FAX 716-638-4261

JUSTICE COURT
2896 Transit Road
Newfane, New York
14108

716-778-9292
HIGHWAY
716-778-8844

WATER/SEWER
MAINTENANCE
716-778-8587

6176 McKee Street
Newfane, New York
14108

TDD 1-800-662-1220

TOWN OF NEWFANE

TOWN BOARD WORK SESSION February 8, 2024

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 6:32pm.

Town Board Members Present:

Supervisor John Syracuse, Councilwoman Sue Neidlinger, Councilman Rick Coleman, Councilman Robert Horanburg and Councilman Pete Robinson

Others Present: David Schmidt - Building Inspector, Jim Sansone - Town Attorney, Jeff Newman & Joe Flagler - DCO's, Larry Dormer and Thomas Tedesco, US&J.

Supervisor Syracuse received a request to return a Security Deposit from Crystal Branch, New Life Reclaimed Furniture owner, in the Lakeview Village Shoppes. The Security Deposit is \$640.00. The Shoppe passed final inspection and the request was submitted and approved by Gina Guido-Redden, LVS President.

- Rick Coleman made a motion to return the Security Deposit
- Sue Neidlinger seconded.
- Passed. Motion carried. A check will be sent out this month.

The Supervisor presented to the Board that the Town again enters into contract with Municipal Solutions for financial guidance for the year. They help with Federal Grant writing, financial papers, BAN set-ups, and work closely with Wendel.

- Sue Neidlinger made a motion to enter into contract with Municipal Solutions for 2024.
- Robert Horanburg seconded.
- A Roll Call vote was taken.
 - Sue Neidlinger - AYE
 - Robert Horanburg - AYE
 - Rick Coleman - AYE

- John Syracuse - AYE
- Passed. Motion Carried.

The Supervisor then addressed the proposed current draft of Local Law for Town Constables and wanted to review it with the Board. He invited the Dog Control Officers into conversation. The proposed Constable Law, pursuant to the Section 2.10, subdivision 1 of the Criminal Procedure Law of the State of New York, and Section 20, subdivision 1b of the Town Law the State of New York, is to perform such special duties in the Town of Newfane as allowed by law, of Section 3 of the State of NY designated Town Constables, also known as Peace Officers. The powers and duties of the Constables are first and foremost to act as DCO's pursuant to Section 113 of the NYS Ag & Market law. Other duties that they will be asked to perform are set forth in Town Law sections 20 and 39, and Criminal Procedure Law, section 220 of the State of NY. The Building Inspector will guide them and let them know what requests are in need of them.

(Copy of Proposed Law attached.)

Supervisor Syracuse read through sections of proposed law. Working with Building Inspector / Code Enforcer is key. We have established individuals ready to work in this position, "to keep the peace." The Supervisor asked for feedback from the Board.

According to the DC Officers, the Dog Control reports that are given by them need to be logged in and they would do the same with the Constable reports. They log them in on the computer but don't store reports electronically. Discussion took place on this. Scanning in their reports is an option that is available.

The Supervisor also mentioned that the Sheriff's department has a vehicle ready and compliant for the DCO qualifications with that vehicle. They are preparing paperwork to the Legislature for the Town of Newfane to purchase it. The Town has been on their used vehicle list since the fall. This will cut back on individual vehicle inspections and guys mileage when they have used their own vehicle. It was asked about Insurance coverage with the DCO's and Constables using the vehicle and their different duties -are they covered? They will reach out to the Insurance Agent.

- Jim Sansone mentioned that this needs to be presented at a Board meeting and then will have to sit for 7 days. Jim will get the necessary wording together that is needed to proceed.
- Pete Robinson asked if there were any recertifications that were needed with State. Do we need to make the difference between DCO's and Peace officers? Explanation was given by Town Attorney that Constables were never in our Town Law, so this needs to just to be passed by the Town. There is clearly a difference between POLICE OFFICERS and PEACE OFFICERS that are performing the Town duties.
 - Outlined in "3-C" would be the duties.
 - Section "2.10" does not recognize them as Constables, so by passing a Town Local Law this would establish them.

Board agreed it will be taken to the next step.

Supervisor Syracuse shared that the Town Work Rules are being worked on and clarified they are not Union related at all. He has been reviewing them with HR.

- Paid Holidays, added bereavement, added Vacation Notices need to be submitted to the Dept Head or Supervisor.
- Legacy costs that will not affect the budget.

- There are wordings that need to be updated.
- Clarified Personal Days for Hourly / Salary employees.
- Elected Officials aren't affected.
- Regarding wording in Sick Leave and Dr. notes that are required after 3 consecutive days of absence, "SHALL" will replace the wording of "may" and will be submitted to Supervisor or their Dept. Head.
- He wants to update notifications for absentees, including call / text options. He does refer to the Niagara County Civil Service for progression.

Other areas that we reviewed were:

- Dress code.
- Added Cybersecurity policy.
- Town Retirees
 - Insurance for Retirees, covered for Employee retainage and stewardship benefits were reviewed. Thinking of Employees, and community / taxpayers. Resolution will be needed to Amend work rules moving forward.
- With all the corrections that have been made, it was entertained to make a motion to adopt work rules.
 - Councilman Rick Coleman made the motion.
 - Peter Robinson seconded.
 - Passed. Motion carried.

Supervisor Syracuse commended David Schmidt, Building Inspector, for working with an individual, in regard to an ongoing issue. Progress is being made.

Town Attorney Jim Sansone stated how presenting a Local Law works. The Local Law needs to be prepared, then presented to the Town Board, and public. It needs to sit on the table for one week, (7 days), for public review. Then they can schedule a Public Hearing to move forward.

Building fees need to be reviewed after being presented to the Board last month. David has done his homework to update some much-needed fees through the Building Department.

Sue Neidlinger and John Syracuse will start to again pursue Rails to Trails.

The Supervisor asked if there were any questions from the Public.

- Will Constables be bothered at 3am for STR nuisance calls?
 - The Supervisor responded that the Sheriff's department would probably be the 1st contact for nuisance calls and the Town follow up is morning.
- Discussion on Town Employees sick days and how they are handled. Work Rules were reviewed
- Concern over the portable water that comes into the Wrights Corners Mobile Home Community came up.
 - The Supervisor explained that the Town water delivery has been inspected by the Water Dept Head & consulted the owners on how to upgrade the water service inside the park. Town is not responsible for "inside the park." Legislator Foti has gotten involved, as

has the State. The Lawyer for the MHP has met with the town officials on this matter. The MHP residents have met with the Board and worked with them in the past.

A motion to adjourn was made by Robert Horanburg.

Seconded by Richard Coleman.

Meeting was adjourned at 7:37pm.

Respectively submitted,


Mary Zeller

Confidential Secretary to the Supervisor

Local Law Filing

(Use this form to file a local law with the Secretary of State.)

Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

County City Town Village
(Select one.)

of NEWFANE NEW YORK

Local Law No. 3 of the year 20 24

A local law CREATING THE POSITION OF TOWN CONSTABLE IN THE TOWN OF NEWFANE,
(Insert Title)
NEW YORK,

Be it enacted by the TOWN BOARD of the
(Name of Legislative Body)

County City Town Village
(Select one.)

of NEWFANE, NEW YORK as follows:

SEE ATTACHED

(If additional space is needed, attach pages the same size as this sheet, and number each.)

(Complete the certification in the paragraph that applies to the filing of this local law and strike out that which is not applicable.)

1. (Final adoption by local legislative body only.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20 24 of the ~~(County)(City)~~(Town)(Village) of NEWFANE, NEW YORK was duly passed by the NEWFANE TOWN BOARD on _____ 20 24, in accordance with the applicable provisions of law.
(Name of Legislative Body)

2. (Passage by local legislative body with approval, no disapproval or repassage after disapproval by the Elective Chief Executive Officer*.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20 _____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20 _____, and was (approved)(not approved) *(Name of Legislative Body)* (repassed after disapproval) by the _____ and was deemed duly adopted *(Elective Chief Executive Officer*)* on _____ 20 _____, in accordance with the applicable provisions of law.

3. (Final adoption by referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20 _____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20 _____, and was (approved)(not approved) *(Name of Legislative Body)* (repassed after disapproval) by the _____ on _____ 20 _____ *(Elective Chief Executive Officer*)*

Such local law was submitted to the people by reason of a (mandatory)(permissive) referendum, and received the affirmative vote of a majority of the qualified electors voting thereon at the (general)(special)(annual) election held on _____ 20 _____, in accordance with the applicable provisions of law.

4. (Subject to permissive referendum and final adoption because no valid petition was filed requesting referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20 _____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20 _____, and was (approved)(not approved) *(Name of Legislative Body)* (repassed after disapproval) by the _____ on _____ 20 _____. Such local law was subject to permissive referendum and no valid petition requesting such referendum was filed as of _____ 20 _____, in accordance with the applicable provisions of law. *(Elective Chief Executive Officer*)*

* Elective Chief Executive Officer means or includes the chief executive officer of a county elected on a county-wide basis or, if there be none, the chairperson of the county legislative body, the mayor of a city or village, or the supervisor of a town where such officer is vested with the power to approve or veto local laws or ordinances.

5. (City local law concerning Charter revision proposed by petition.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the City of _____ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of such city voting thereon at the (special)(general) election held on _____ 20____, became operative.

6. (County local law concerning adoption of Charter.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the County of _____ State of New York, having been submitted to the electors at the General Election of November _____ 20____, pursuant to subdivisions 5 and 7 of section 33 of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of the cities of said county as a unit and a majority of the qualified electors of the towns of said county considered as a unit voting at said general election, became operative.

(If any other authorized form of final adoption has been followed, please provide an appropriate certification.)

I further certify that I have compared the preceding local law with the original on file in this office and that the same is a correct transcript therefrom and of the whole of such original local law, and was finally adopted in the manner indicated in paragraph _____ above.

Clerk of the county legislative body, City, Town or Village Clerk or officer designated by local legislative body

Date: _____

(Seal)

TOWN CONSTABLE LOCAL LAW OF THE TOWN OF NEWFANE, NY

Section 1. Legislative Intent

It is the intent of this Local Law to allow the Town of Newfane to establish the position of Town Constable, to perform duties as authorized by Section 2.10 Subdivision 1, of the Criminal Procedure Law of the State of New York (CPL), and Section 20, Subdivision 1(b), of the Town Law of the State of New York, and, to perform such special duties for the Town of Newfane as allowed by law, and as outlined in Section 3 below.

Section 2. Persons Designated as Town Constables, also known as Peace Officers

Notwithstanding the provisions of any general, special, Local Law or charter to the contrary, the following persons shall have the power of, and shall be Town Constables.

- A. The Town Constable shall be a Peace Officer as defined by §2.20 of the CPL, and shall be appointed by the Town Board.
- B. The Town Constable need not be an elector of the Town of Newfane, but must reside in the County of Niagara.
- C. Upon appointment of a Constable, the Town of Newfane must provide name, date of birth, rank of title, official station and whether or not said Constable is employed full-time or part-time, to the New York State Division of Criminal Justice Services, Albany, New, York, pursuant to Executive Law Section 845, on a semiannual basis (January and July).

Section 3. Powers and Duties of Town Constables

Powers and duties of the Town Constable in the Town of Newfane are as follows:

- A. To act as Dog Control Officers, pursuant to Section 113 of the Agriculture and Markets Law of the State of New York.
- B. To act pursuant to the powers and duties of a Town Constable/Peace Officer as set forth in Town Law, Sections 20 and 39, and Criminal Procedure Law, Section 2.20 of the State of New York.
- C. Town Constables shall also have the following special duties and powers:
 - (1) At the direction of the Town of Newfane Code Enforcement Officer/ Building Inspector (CEO/BI), to investigate complaints as they relate to potential Town Code and Ordinance violations. The Constable shall provide written

reports as necessary, to the CEO/BI, to the Town Board, to the Town Supervisor, and/or to the Town Court.

(2) To provide security and maintain order at all Town Board meetings, Planning Board meetings and Zoning Board of Appeals meetings, and at additional Town functions and meetings, if deemed necessary by the Town Supervisor.

(3) To provide crowd control and traffic direction at any Town gathering or event, if deemed necessary by the Town Supervisor.

(4) To provide service of any and all legal documents as required by the Town Board, Planning Board, Zoning Board of Appeals and Town Court Justices.

(5) To Provide security for all Town Officials as needed.

E. Town Constables may exercise such powers and duties as herein set forth, only while on duty.

F. The Town Board may, at any time, expand or limit the powers, duties and special duties and powers of the Constable as outlined herein, by resolution, when it deems such action is necessary for the health, safety, or welfare of the Community.

Section 4. Qualifications

The minimum qualification for the position of Town Constable shall be a high school diploma, shall be the age of 21 years or older, and a minimum of three years full or part-time police or peace officer experience. The Town Constable shall have a valid New York State driver's license and pistol permit, and shall also have completed DCJS certified basic New York State Police Officer, or Peace Officer, courses.

Section 5. Training

Town Constables must be trained in accordance with Section 2.30 of the Criminal Procedure Law of the State of New York, and in accordance with any other requirements set forth by the Town Board.

Section 6 Discharge

The Town Constable serves at the pleasure of the Town Board, and can be discharged without cause, and the Town Board can impose any reasonable discipline following the notification for the cause of such discipline, and will allow a reasonable opportunity for the Town Constable to be heard before the Town Board, prior to any discipline being imposed.

Section 7. Severability

If any paragraph, section, sentence or portion of a sentence of this section shall be found and determined to be invalid, unlawful and/or unconstitutional, such determination shall not invalidate or void any other paragraph, section, sentence or portion thereof, and such other parts thereof shall remain in full force and effect unless legally revoked, modified and/or amended.