

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, etc. 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