

**SEPTEMBER 25, 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 May 25, 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, Nick Irr, Wastewater Treatment Plant Operator, Jeffrey Newman, Dog Control Officer, Joseph Flagler, Assistant Dog Control Officer, Nick Glosser, Facilities Director, Karen Young, Tourism Committee and 16 others.

**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 from August 2024  
Town Board Work Session Meeting Minutes August 8, 2024  
Tourism Committee Meeting Minutes September 3, 2024

**APPROVE PREVIOUS MINUTES**

Town Board Regular Meeting August 28, 2024

Supervisor Syracuse asked for a MOTION to approve the Town Board Regular Meeting Minutes held on August 28, 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**

**TOWN/MARINA/THANK YOU**

The Town Clerk read a letter received by one of our permanent boat dockers as follows: It is with great sadness that I do not wish to lease my boat slip, A 10, for the 2025 season. I have been a slip holder since 2008, and we have had great memories at the marina. We never had any issues with your services or other slip holders. Our boat has always been safe and secure while docked, and we never worried about anything. It was always a great time during fishing tournaments with everyone trying to get the “trophy fish”. We are going to miss everyone that works there, since they were so friendly, and treated us like family. Thank you very much for everything, Michael Weatherbee.

**TOWN/BOARD OF ASSESSMENT AND REVIEW/RESIGNATION SHIRLEY TAYLOR**

The Town Clerk read a letter received by Shirley May Taylor addressed to the Town of Newfane Supervisor, Newfane Town Board and Mary Hastings, Assessor as follows: It has been my pleasure to serve on the Newfane Board of Assessment Review for the past 12 years.

Unfortunately, due to personal reasons I have decided, at this time, to resign. Respectfully, Shirley Mae Taylor. Supervisor Syracuse asked for a MOTION to accept the resignation of Shirley Mae Taylor. Moved by Councilman Coleman, second by Councilman Horanburg on the question.

Hearing no questions, all were in favor, no one was opposed.

All present voted Aye.

Motion Carried

**TOWN/ASSESSOR/UNPAID CHARGES TO 2025 TAX ROLL**

The Town Clerk read a letter received by Mary Hastings, Assessor, as follows:

Honorable Supervisor and Town Board. The Water Department has provided my office with a list of unpaid water and sewer charges, along with a list of mowing charges to be added to the 2025 County Tax Roll. Your approval is needed to place the above reference charges on the 2025 County Tax Roll in accordance with New York State Town Law, Section 198. The unpaid totals are as follows: Unpaid Water Charges \$181,013.99, Unpaid Sewer Charges \$88,732.66, Water/Sewer

**SEPTEMBER 25, 2024**

**REGULAR BOARD MEETING cont.**

Mowing Charges \$8,250.00, Total \$277,996.65. Sincerely Mary Hastings, Assessor. Supervisor Syracuse asked for a MOTION to accept the letter from the Assessor to place the charges on the 2025 County Tax Roll. Moved by Councilwoman Neidlinger, second by Councilman Robinson on the question. Hearing no questions, the Supervisor called 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/FISH PARK/HIRE HIGGINS AND NOON

The Town Clerk read a request to the Board from Nicholas Glosser, Facilities Director, to hire Amanda Higgins and Kevin Noon for the 2024 Season at Fish Park, starting at the rate of \$15.00 per hour and effective on October 1, 2024. Supervisor Syracuse asked for a MOTION to hire Amanda Higgins and Kevin Noon for the 2024 season at the Fish Park. Moved by Councilman Horanburg, second by Councilman Robinson on the question. Hearing no questions, all were in favor, no one was opposed.

All present voted Aye.

Motion Carried

#### TOWN/TOWN CLERK/LOSAP VOTE

The Town Clerk verbally offered the Board a complete explanation of all the procedures that were performed by her, as directed by Resolution #19-2024 and passed by the Town Board on June 26, 2024, as assurance to the Board that all were followed correctly and completely. That report was read as follows: LOSAP PROGRAM VOTE. In accordance with Resolution #19-2024, which was passed on June 26, 2024, at the Regular Town Board Meeting, specific directions were given for the procedures and requirements that were to be followed by the Town Clerk. I am offering this as my assurance to you that I am in compliance with the duties I was charged.

Section 16. and Section 17. The Notice of the special election, containing the entire proposition, exactly as it appeared on the ballot and exactly as it appeared in the Resolution, was published in the Union Sun and Journal on August 2<sup>nd</sup>, 2024, nineteen days prior to the vote which exceeded the fourteen day requirement. It did contain the polling places and times for the vote as directed by the Resolution.

Section 18. The Notice was posted on the Clerk's sign board on July 12<sup>th</sup>, 2024, 39 days prior to the vote, posted on the Town's front sign board, posted on the Olcott Fire Hall front sign board, posted on the Miller Hose front sign board as well as posted on the Town Website also all on July 12<sup>th</sup>, 2024, again exceeding the time requirement in the Resolution. I personally drove by the Fire Halls to confirm the announcement of the vote was on the sign boards.

On July 12<sup>th</sup> the order was placed with Phoenix Graphics for Test Sample Ballots. These would be used by the Machine Inspectors prior to the vote to make sure the machines we would be using the day of the vote would be tabulating correctly.

Sections 19 through 25. On July 19<sup>th</sup> I received a list of qualified voters in the Town of Newfane who are on their permanent absentee mailing list. On July 25<sup>th</sup> we mailed out 100 Absentee Ballots which also included the proposition as well as instructions on how to return the ballots. The instructions clearly stated that the ballots must be either received or postmarked no later than August 20<sup>th</sup> the date of the vote. Each day we compared the names on the envelopes with our mailing list. Those envelopes were stamped with the received date and remained unopened and kept in our safe. These Ballots were to be opened the evening of the vote in the presence of the Election Inspectors.

On August 9<sup>th</sup>, the last day individuals could register for the vote, I sent an email to the Board of Elections requesting they prepare the Poll Books our Election Inspectors would be using for the vote. I asked if they could send one for all individuals who are required to vote at the Olcott Fire Hall and one for all individuals who are required to vote at the Newfane Town Hall. This would allow the Inspectors a reduced number of names they would have to page through. The Poll Books had the registered name of the voter, address, sample of their signature and a line for their signature to be signed at the time of voting along with a space for the Election Inspectors to initial. I did follow up the next week with the Board of Elections to inquire if any voter registrations were received that needed to be added as qualified voters and there were none.

The Board of Elections provided me with a list of Certified Election Inspectors that reside in the Town of Newfane. I called the Inspectors personally to check their availability. I received commitments from 4 Democratic Inspectors and 4 Republican Inspectors which allowed us to have

2 Democratic Inspectors and 2 Republican Inspectors and each voting sight. In my follow-up calls to the Inspectors to confirm they were still available I asked what type of supplies they felt they needed to have on hand. Suggestions were black sharpies, scrap paper, tape, scissors and rulers. In addition, I provided them with the Affidavit for an individual who felt adamant they were a qualified register voter and wished to place their vote. They were to place the Affidavit along with the Ballot to the side and I would verify with the Board of Elections if the Ballot was valid or not. There was only 1 the day of the vote. I provided several copies of the Sample Ballot along with all the information pertaining to the LOSAP Program that could be given to any voters seeking more information about the Program.

On August 9<sup>th</sup> I met with 2 employees from the Board of Elections, along with our machine inspector, to test the voting machines. The Test Ballots were cast, and the machine results confirmed they were calculated correctly. Seals containing code numbers were placed on the machines to ensure they could not be tampered with prior to the day of the vote. On August 16<sup>th</sup> one voting machine was delivered to the Olcott Fire Hall by the Board of Elections and one machine to the Newfane Town Hall. On August 20<sup>th</sup>, the seals, which were verified by the code numbers, were intact on the machines and removed in the presence of the Election Inspectors by the Machine Custodian just prior to the start of the vote.

I went through the Poll Books prior to the vote and marked on the voter signature line "Ballot Received" to ensure that no individual would be able to vote in person after submitting an Absentee Ballot.

I went to the Olcott Fire Hall at 11:20 a.m. to start setting up for the vote. The Election Inspectors were all there by 11:30 a.m. The Machine Inspector verified the seal and opened the machine. They were all set so I left and got to the Newfane Town Hall at approximately 11:45 a.m. Their supplies were already there waiting for them. They indicated they had everything they needed. The Machine Inspector arrived, verified the seal was intact, opened the machine and they were all set to go before noon. All the Inspectors were given my cell number to call if they needed anything. At approximately 8:00 p.m. I took the envelope with the Absentee Ballots and opened them in front of the Election Inspectors. They all witnessed the way the vote was cast and also witnessed me doing the tally. After all ballots were opened and counted all the Inspectors agreed with the final number. The voting machines were closed at 9:00 p.m. The Election Inspectors followed all the standard closing procedures that they are charged with during all types of elections. The Inspectors provided me with tally slips from the machines, the ballots cast from the machines, the readers from the machines and the 1 Affidavit and ballot from a resident that I was to take to the Board of Elections for Verification.

On August 21<sup>st</sup> I went to the Board of Elections. They were kind enough to offer to help me with verification of the voting results. I provided them the readers from the 2 voting machines which they ran through their program, the receipt slips from the 2 voting machines and they verified the machine ballot totals and the numbers from the readers matched. No errors. They also verified that the Affidavit completed by the Newfane resident was not valid so that vote was not counted. We have now passed the August 31, 2024, deadline for receipt of any Absentee Ballots that may be eligible for counting. I am respectfully requesting The Board Members, acting as Commissioners of the Town of Newfane Fire Protection District, accept my voting results as follows and officially close the vote.

Yes: 283 Total (258 in person voting and 25 by Absentee Ballot)

No: 36 Total (33 in person voting and 3 by Absentee Ballot)

The LOSAP, (Length of Service Award Program), vote was held on August 20, 2024, with a deadline date for mail in Absentee Ballots to be received by August 31, 2024. As that date has now passed, the Clerk respectfully requested the Board, as the Acting Commissioners of the Town of Newfane Fire Protection District, to accept the voting results as follows and officially close the vote. Yes: 283 Total, No: 36 Total. These totals included both in person voting and Absentee Ballots. Supervisor Syracuse entertained a MOTION to accept the Clerk's report as well as the results of the vote. Moved by Councilwoman Neidlinger. Second by Councilman Robinson on the question. Hearing no questions, the Supervisor called for a roll call vote,

Councilwoman Neidlinger: Aye

Councilman Robinson: Aye

Councilman Horanburg: Abstain

Councilman Coleman: Abstain

Supervisor Syracuse: Aye

Aye: 3 Abstain: 2

Motion Carried

### TOWN/CLERK/THANK YOU NIAGARA COUNTY SHERIFFS

The Town Clerk informed the Board about a call that came in from a very desperate elderly individual named Mario who lives in Massachusetts and has not been able to reach his elderly cousin who lives here in Town for several days. This cousin is no longer able to drive, he has no vehicle, he lives alone, and he was in fear that something bad had happened to him. The Town Clerk gave him the number for the Sheriff's Office, non-emergency line, and it was suggested that he call there, explain the situation, and request a welfare check. Mario called back that afternoon, overjoyed that a Deputy assisted him with finding his cousin who was in the hospital but OK. This is what we need to hear sometimes to appreciate all the good people we are surrounded by and what a great community we really do have here in Newfane. Thank you to our Sheriff's Department and all our first responders. They most certainly are very special people.

### TOWN/SUPERVISOR/AWARD PRESENTATION LIAM HEDLEY & HUNTER MARCELLO

Supervisor Syracuse did a presentation of awards to Liam Hedley and Hunter Marcello, the two boys who showed amazing courage, bravery and the wherewithal to act quickly and take the necessary measures to seek help and assistance for a Kayaker who was in serious distress on the water in Lake Ontario on July 3<sup>rd</sup>, 2024. The Supervisor asked the boys' families, the Middle School Principal, the Middle School Assistant Principal, and the beautiful lady, she likes to be called Zandy, that has been a forever Newfane Community Resident and who is still with us today as the result of these boys' actions, to come forward and join the boys to say a few words. The Supervisor offered Zandy to share her experience first. Zandy explained that, while being an experienced kayaker, as well as an experienced swimmer, Lake Ontario is more like an Ocean and to be taken seriously. She also had her dog Aurora with her. Although she was complying with all the safe boating regulations, and both she and Aurora had their life jackets on, the waves that came upon her, coming around the breakwall, was just too much and flipped her Kayak. Fortunately, the boys had seen where I had gone in, and were able to lead David Hedley, Liam's dad, to exactly where I was in the water. If they hadn't been there, I was approximately 50 yards out, I would not be here today. I would be dead. David was able to pull me up out of the water, and the boys assured me that my dog was O.K also. Zandy told the boys there are no words that can express how grateful she is. Her children thank them, the rest of her family thanks them and Aurora thanks them, she will forever be in their debt and will never forget them. Zandy told the boys that she hopes that they continue to go on doing good things for people as they did for her by saving her life. The Supervisor offered the boys to say something, however, they were a little shy and didn't really have anything to say. The Supervisor offered the parents to say something if they would like. Hunter's dad said he hopes this will be an amazing positive example to other youth as well as a way to show positive attention and positive rewards.

### REPORTS OF COMMITTEES AND DEPARTMENT HEADS

The following department heads were in attendance and gave a report on their department. Mike Mills, Water Superintendent, stated all is going good, they are busier than busy. We were down working, along with Nick's crew at Pump Station 15 behind the State Farm and replaced that. We are almost done with water taps, we are almost done with East Lake Road, been chasing around water leaks. We had a big break at the corner of Ewings and Main Street, that all needed to be dug up and repaired. Nick Irr, Wastewater Treatment Plant Operator, everything is running good, the blower is installed and operational, plenty of compost available. David Schmidt, Building Inspector/Code Enforcement Officer stated that he was hoping to have a report ready for the Board but is still trying to catch up on uncompleted tasks. Things have slowed down a bit and he is hoping to finish getting organized during this time. Jeffrey Newman, Dog Control Officer/Constable, reported that the patrol car is all labeled up and finished. It is now in view for the public to see. They have been helping David with some Code Enforcement tasks and just got their radios from the Sheriff. Nick Glosser, Facilities Director, reported that the Marina did well this year. The Kayak launch was used by some, we are closing up the Marina and getting ready to go over to Fish Park. Karen Young gave the End of Season Summary Tourism Report. The greater Niagara Region had the 3<sup>rd</sup> highest growth rate in visitor spending across NYS. The greater Niagara Region's total visitor spending was the 5<sup>th</sup> highest in the state by region. This is the 2<sup>nd</sup> year in a row that tourists spend over One Billion in Niagara County. Key factors that attract tourists to our county are cited as green space and water, accessibility and affordability. All of the events this year were very well attended, even though we had rainy weekends, They are looking to extend some of the popular events into the Fall for next year. Ye Old Log Cabin was open 54 days this season, Olcott Beach Carousel Park was open 49 days and the Lakeview Village Shops will be open 120 days this season.

**SEPTEMBER 25, 2024**

**REGULAR BOARD MEETING cont.**

### NEW BUSINESS

TOWN/WATER/RESOLUTION 25-2024/PURCHASE MOWER

The Supervisor read RESOLUTION #25 -2024 APPROVAL TO PURCHASE KUBOTA GR SERIES GR2020G3NC-48 MOWER ON STATE CONTRACT FROM NIAGARA IMPLEMENT, INC., 2337 LOCKPORT-OLCOTT RD. NEWFANE, NY, IN THE AMOUNT OF \$8,242.22 USING ARPA FUNDS. **WHEREAS**, the Town of Newfane is in need of upgrading the existing Kubota mower which is currently in the Town’s fleet and is over 10-years old and, **WHEREAS**, the Town of Newfane will be utilizing American Rescue Plan Act 2021 monies to purchase said mower, now **THEREFORE BE IT RESOLVED**, by their signatures below, the Town Board of the Town of Newfane approves this purchase. Supervisor Syracuse entertained a MOTION to approve the Resolution. Moved by Councilman Coleman, Second by Councilman Horanburg on the question. Hearing no questions, the Supervisor called 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/WATER/RESOLUTION 26/PURCHASE LANDSCAPE TRAILER

The Supervisor read RESOLUTION #26 -2024 APPROVAL TO PURCHASE 18-FOOT LANDSCAPE TRAILER FROM PJ NFB AUTO, INC. TRAILER SALES 6885 SHAWNEE RD. RT. 425 WHEATFIELD, NY 14120 IN THE AMOUNT OF \$5,200.00 USING ARPA FUNDS **WHEREAS**, the Town of Newfane is in need of landscape trailer large enough to transport its mowers and the like, and **WHEREAS**, the Town sought 3 quotes on said trailer, and the above referenced quote was the lowest, and **WHEREAS**, the funds to purchase this product will be allocated from the American Rescue Plan act of 2021, now **THEREFORE BE IT RESOLVED** by their signatures below, the Town Board of the Town of Newfane approves of this purchase noted above. . Supervisor Syracuse entertained a MOTION to approve the Resolution. Moved by Councilwoman Neidlinger, Second by Councilman Robinson on the question. Hearing no questions, the Supervisor called 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/MARINA/RESOLUTION 27/PURCHASE RTV

The Supervisor read RESOLUTION #27 -2024 APPROVAL OF THE TOWN BOARD OF THE TOWN OF NEWFANE TO PURCHASE V SERIES RTV-X1140R-H FROM NIAGARA IMPLEMENT, 2337 LOCKPORT-OLCOTT RD, NEWFANE VIA STATE CONTRACT TO REPLACE THE CURRENT RTV WHICH IS NO LONGER FUNCTIONAL AT A COST NOT TO EXCEED \$17,344.61 THROUGH THE GENERAL FUND, FUND BALANCE **WHEREAS**, the Town of Newfane has been making on-going, yet cost effective repairs and maintenance throughout the years on our existing vehicle, which was purchased utilizing funds from the Town’s award from being named “The Ultimate Fishing Town” in June 2012 by The World Fishing Network and **WHEREAS**, now, this current RTV utilized by the Town of Newfane, the Town Marina and Fish Park has since been diagnosed as needing a new engine, and **WHEREAS**, the Town of Newfane is desirous of replacing this vehicle, now **THEREFORE BE IT RESOLVED**, by their signatures below, the Town Board of the Town of Newfane approves the purchase of the above referenced vehicle through the use of the General Fund’s fund balance. Supervisor Syracuse entertained a MOTION to approve the Resolution. Moved by Councilwoman Neidlinger, Second by Councilman Horanburg on the question. Hearing no questions, the Supervisor called 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

SEPTEMBER 25, 2024

REGULAR BOARD MEETING cont.

PAY BILLS

The Supervisor entertained a MOTION to approve the payment of claims totaling \$2,046,946.80, bills paid in September, 2024, Vouchers #36350-36575, as audited by the Supervisor and Department Heads and as per Abstract Sheets dated 09/24/2024 which will be filed with the official record.

General Fund .....	\$	84,387.87
Highway Fund .....	\$	89,022.47
Water Fund .....	\$	32,076.24
Sewer Fund .....	\$	46,777.40
Lighting District .....	\$	5,987.94
Refuse District .....	\$	67,570.07
Trust & Agency .....	\$	2,105.38
Capital Projects .....	\$	<u>1,719,019.43</u>
TOTAL APPROVED .....	\$	2,046,946.80

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

Motion Carried

**PUBLIC COMMENTS**

Brian Hellner, 2653 Fuller Road, reiterated concerns over Julie's Toilets and feels strongly that he should have access to the Board Members personal phone/cell numbers to once again, express his concerns.

**ANNOUNCEMENTS/COMMENTS FROM THE BOARD**

The Town Board Work Session will be held on October 10<sup>th</sup>, 2024 at 6:30 p.m.  
The Town Board Regular Board Meeting will be held on October 23, 2024 at 7:00 p.m.  
Harvest Festival on Sunday, September 29<sup>th</sup>, 2024

**ADJOURN**

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

Motion Carried

Meeting adjourned at 8:12 p.m.

Respectfully submitted,

Donna M. Lakes  
Town Clerk

Next Regular Town Board Meeting October 23rd, 2024, 7:00 p.m.