

MARCH 26, 2025

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 March 26, 2025.

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, Jon Miller, Highway Superintendent/Water Superintendent, Nick Irr, WWTP Chief Operator, David Schmidt, Building Inspector/Code Enforcement Officer, Michael Hartman, Assessor, JoAnn Harig, Real Property Appraisal Technician, Kenneth Nerber, Assistant Dog Control Officer/Constable, Joseph Flagler, Assistant Dog Control Officer/Constable, Mary Zeller, Confidential Secretary to the Supervisor, Gina Guido-Redden, Tourism Committee, and 7 residents.

PRAYER & PLEDGE

Supervisor called the meeting to order at 7:00 p.m. The Supervisor announced that he would like to have a moment of silence recognizing the passing of past Town Councilman Robert Pettit who was a wonderful servant to this community. A prayer was read by the Town Clerk, the Pledge to the flag was given, and a moment of silence was held in honor of our friend Bob Pettit.

MINUTES FILED WITH THE TOWN CLERK

Tourism Committee Meeting Minutes of March 4, 2025

APPROVE PREVIOUS MEETING MINUTES

Town Board Public Hearing and Town Board Regular Meeting held February 26, 2025, Supervisor Syracuse asked for a MOTION to approve the Minutes. 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

ADDITIONAL FILINGS WITH THE TOWN CLERK

30 Day Notice to a Local Municipality of the filing of a Liquor License with the State of New York Liquor Authority by Pub & Grove, LLC for the establishment at 2598 Main Street, Newfane, New York.

COMMUNICATIONS AND PETITIONS

TOWN/MILLER HOSE FIRE COMPANY/ ROSTER ADDITION HUNTER

The Town Clerk read a request submitted by Alexis M. Marvin, Secretary for the Miller Hose Fire Co., Inc, as follows: To Whom it Concerns: Please accept the following letter as notification to make the following changes to the active roster of Miller Hose Fire Company, Inc., effective immediately. We are adding to active membership, Stephen Hunter, 6130 Tachi Drive, Newfane, NY, 14108. Thank you for your attention to this matter. The Supervisor entertained a MOTION to add Stephen Hunter to the Miller Hose Co. active roster. Motion made 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/OLCOTT FIRE COMPANY/ROSTER ADDITION BRAMAN & TOMPKINS

The Town Clerk read a request submitted by Olcott Fire Company 4th Assistant Chief Jeff Grimes as follows: Last night, March 6, 2025, we voted in two new members into the Olcott Fire Company who need to be added to the Town Insurance. They are Chase Braman and Kaitlin Tompkins effective March 6, 2025. Please let me know if you need any further information on them. The Supervisor entertained a MOTION to add Chase Braman and Kaitlin Tompkins to the active roster effective March 6, 2025. Motion made by Councilman Coleman, second by Councilwoman Neidlinger, on the question. Hearing no questions, all were in favor, no one was opposed.

All present voted Aye.

Motion Carried

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REGULAR BOARD MEETING cont.

TOWN/WATER/REIMBURSE LAROCK

The Town Clerk read a request from Lori Daniels, Water Clerk, as follows; To the Honorable Town Board. I am requesting approval to refund a water credit balance of \$29.50. Deborah LaRock moved from her address at 2200 Fuller Road, leaving behind a balance. Please make check payable to Deborah LaRock. Thank you for your consideration in this matter. Sincerely, Lori Daniels, Water Clerk. The Supervisor entertained a MOTION to refund the overpayment on the water account to Deborah LaRock. Motion made 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/WWTP/HIRE NICHOLAS AS SEASONAL SUMMER HELP

The Town Clerk read a request from Nicholas Irr, Chief Operator of the Wastewater Treatment Plant as follows, Honorable Supervisor and Town Board Members. I hereby request the Town of Newfane hire Chris Nicholas to work Summer Help at the Wastewater Treatment Plant. Job duties will consist of building and grounds maintenance at the WWTP, Pumping Stations and Compost Plant. Pay to start at \$18.00 per hour, beginning on May 5, 2025, and ending in September. Thank you, Sincerely, Nicholas Irr, Chief Operator. The Supervisor entertained a MOTION to hire Christopher Nicholas for seasonal part time employment for the Wastewater Treatment Plant. Motion made by Councilman Coleman, second by Councilwoman Neidlinger, on the question. Hearing no questions, all were in favor, no one was opposed. All present voted Aye. Motion Carried

TOWN/CLERK/APPROVE MOBILE HOME PARK LICENSE

The Town Clerk requested approval from the Board to issue the 2025 Mobile Home Park Licenses to Newfane Country Estates, Newfane Country Estates South and Olcott Country Estates. She indicated that all required paperwork and payment has been received. The Supervisor entertained a MOTION to approve the issuing of the Licenses for 2025 to the Parks as stated. Motion made by Councilwoman Neidlinger, 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/SUPERVISOR/CORRESPONDENCE

The Supervisor announced that he wanted to read the correspondence he received dated March 14, 2025 from Julie Nankey, Highway Clerk, both to the Board Members as well as the public. It reads as follows: Dear Town of Newfane Board Members: I would like to thank you for the opportunity to work with you all. It has been a great pleasure. I would like to thank Jon Miller for being such a kind and understanding boss. After 30 years of service, I will be retiring with March 28, 2025, being my last day on payroll. I am looking forward to the next stage of my life and I feel very confident that my replacement, Joanna Seefeldt, will be a great choice for the Town and their next stage. Sincerely, Julie A. Nankey. The Supervisor wanted to enter that into the record. Julie has been an exceptional employee. She has been wonderful working with the Supervisor's Office, and he knows Jon Miller feels the same as our Highway Superintendent. He also knows that if Bo Erck was alive today, he would say the same thing. We are thankful for her service. We know she will still be around and is leaving us in good hands by training Joanna Seefeldt who is doing exceptional work. The Supervisor entertained a MOTION to accept Julie's letter of notification for retirement. Motion made 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

REPORTS OF COMMITTEES AND DEPARTMENT HEADS

Jon Miller, Highway/Water Superintendent reported that they are starting to work on spring cleanup at the highway, getting the lawn back in shape from the plows, doing some brush pickup, trying to get some of the potholes filled in on the highways and plugging along with maintenance. On the Water we fixed three service leaks, couple vent repairs and trying to get ahead of spring cleanup at the water on the Marina as well as Fish Park. In the next couple of weeks we expect season holders will start asking for their meters. Jon also wanted to congratulate Julie on her thirty years of service in the Highway Department. The Supervisor wanted to thank Jon and his crew for all the work they have put in at the Marina, getting ready for the delivery of the salmon and getting ready for the placement of the pens. Also, for the work they have done at the Marina in preparation of the delivery of the fish cleaning station. WWTP Chief Operator, Nick Irr, advised that the plant is running real well and the testing results all came back within permit range. The construction has

slowed down a bit as they haven't been coming back steadily yet. The HVAC is done, and the electricians have been showing up regularly now. There is compost available. Michael Hartman, Assessor, advised the board that they are getting caught up with the day to day operations, such as updating sales reports. We have sent out 173 Change of Assessment Notices. We are now reviewing all the paperwork for individuals coming in prior to the Board of Assessment and Review date. Mike indicated that JoAnn is doing an excellent job organizing the office. We have all the exemptions caught and will continue to move forward taking care of what we have to take care of. David Schmidt, Building Inspector/Code Enforcement Officer, advised the Board that this past month he has issued 14 Permits, which he expects will start climbing with the weather breaking and 1 Area Variance. He was called out twice to fire emergencies for safety reasons and is still working on the Business Inspections. He attended the State Conference and advised the Board that some of the Codes will be changing, however, does not know exactly when. Kenneth Nerber, Assistant Dog Control Officer, reported that they had 3 dog calls this month, one being to assist Lockport as they recovered a dog that was returned to our jurisdiction, so we helped getting him back along with the NCSPCA, to a municipal shelter. The Constable car is being worked on, there was a part on back order. Our training is all up to date and we are now able to log into the ACADA system. This will allow us to complete online training as we are directed to do. Joseph Flagler, Assistant Dog Control Officer, reported that they attended the Polar Bear Swim for Sight event. Fortunately, there were no parking problems or issues. We did pass our annual inspection and now that our training is up to date and we are now on ACADA we are now recognized as Peace Officers, and our Town Emails are up so we are now on that system also. Gina Guido Redden, Tourism Committee, reported that they are gearing up for the start of a new season. The Visitor's Guides are coming in and we will begin distribution. A printable version is also available on our website. We did lose some businesses this year, and we were also given a pretty steep price increase from the printer. This caused us to cut 8 pages at the last minute and pay a \$3,300.00 bill which we rarely have to do. We will be trying to find other printers that we can get quotes from; however, we are finding out there isn't much around. The Fishing EXPO went really well. It was not as busy as we had hoped, but attendance was down due to the terrible weather. Destination Niagara's Spring Conference is coming up and we are going to try to attend. They submitted their Niagara County Council of the Arts Application which is what we hope will help us offset our music costs.

NEW BUSINESS

TOWN/SUPERVISOR/RESOLUTION #7-2025/ADOPT LOCAL LAW NO.1-2025

The Supervisor entertained a MOTION to approve the following: RESOLUTION #7-2025 ADOPTING LOCAL LAW NO. 1-2025 CALLING FOR A TEMPORARY MORATORIUM ON ALL BATTERY STORAGE SYSTEM FACILITIES (BESS) WHEREAS, the Town of Newfane Town Board is desirous of passing a local law to place a temporary moratorium on all battery energy storage system facilities; and WHEREAS, New York State Law provides that a public hearing must be conducted prior to the passage of such a local law; and WHEREAS, the Town Board of the Town of Newfane duly called and held a public hearing at Newfane Town Hall, 2737 Main Street Newfane, NY 14108, on the 26th day of February, upon the question of the enactment of Local Law No.1 of 2025 of the Town of Newfane, New York, being such a local law; and WHEREAS, the Niagara County Planning Commission approved the passage of such local law on February 24, 2025; and WHEREAS, in accordance with Part 617.5(c.)(26), State Environmental Quality Review (SEQR), the adoption of this local law is classified a Type II Action and not subject to environmental review under SEQR. NOW, THEREFORE, be it RESOLVED AND ORDAINED, by the Town Board of the Town of Newfane, that Local Law 1 of 2025 of the Town of Newfane, New York, is hereby enacted as follows (See Attached Exhibit A), and is effective upon its filing with the New York State Department of State. The Supervisor entertained a MOTION to accept the Resolution. Motion made by Councilwoman Neidlinger, second by Councilman Coleman 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

5 AYE 0 NAY

Motion Carried

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REGULAR BOARD MEETING cont.

TOWN/SUPERVISOR/NCSO INSTALLATION OF CAMERAS

The Supervisor entertained a MOTION to approve the following: RESOLUTION #8-2025 A RESOLUTION BY THE TOWN OF NEWFANE GRANTING PERMISSION (UPON NEW YORK STATE DEPARTMENT OF TRANSPORTATION (NYSDOT) APPROVAL) TO THE NIAGARA COUNTY SHERIFF'S OFFICE TO INSTALL LICENSE PLATE READER EQUIPMENT WITHIN THE GEOGRAPHICAL JURISDICTION OF THE TOWN OF NEWFANE AND THE STATE OF NEW YORK. WHEREAS, the Town of Newfane and the Niagara County Sheriff's Office are proposing to install License Plate Reader equipment for Law Enforcement purposes only within State ROW, on or along multiple locations on State routes, located in the Town of Newfane (hereinafter MUNICIPALITY), Niagara County, and WHEREAS, the MUNICIPALITY and the Niagara County Sheriff's Office are desirous to have such above-mentioned equipment installed within the geographical jurisdiction of the Municipality, and WHEREAS, the MUNICIPALITY and the Niagara County Sheriff's Office will meet all State and Municipal requirements during the above-mentioned project, and WHEREAS, the MUNICIPALITY and the Niagara County Sheriff's Office reserves the rights to monitor and inspect the above-mentioned project conducted within the geographical jurisdiction of the Municipality, and WHEREAS, the Niagara County Sheriff's Office will execute the above-mentioned project, as shown on the plans/maps and other documents related to the above-mentioned project funded by the 2023 Governor of NY Grant for New Technology and Equipment to Prevent and Solve Crimes, Improve Public Safety apportioned and approved for the MUNICIPALITY or for Niagara County Sheriff's Office. NOW, THEREFORE, BE IT RESOLVED, that the MUNICIPALITY, by means of this Resolution, and upon NYSDOT approval, grants permission to the Niagara County Sheriff's Office to conduct the above-mentioned project within State ROW and within the geographical jurisdiction of the Municipality. BE IT FURTHER RESOLVED that the Niagara County Sheriff's Office shall maintain or cause to be maintained the installed equipment at the project location(s) and shall cover any expenses that may arise from the executing of the above-mentioned project utilizing the above-mentioned Grant or other Municipal funding, and BE IT FURTHER RESOLVED, that Michael J. Filicetti the Sheriff, Niagara County Sheriff's Office the authority to sign, with the concurrence of the Town's Legal Counsel and by the Town Council, any and all documentation that may be necessary as a result of the above-mentioned project as it relates to the MUNICIPALITY, and BE IT FURTHER RESOLVED: That the Clerk of the MUNICIPALITY is hereby directed to electronically transmit signed, sealed, notarized, stamped, and certified copy of the foregoing resolution to the Niagara County Sheriff's Office for processing of and inclusion to Law Enforcement Equipment (LEE) Application and Agreement with NYSDOT. RESOLVED, that this Resolution shall take effect immediately. 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 called for a roll call vote.

Councilwoman Neidlinger: AYE
Councilman Robinson: AYE
Councilman Horanburg: AYE
Councilman Coleman: AYE
Supervisor Syracuse: AYE

5 AYE 0 NAY

Motion Carried

TOWN/SUPERVISOR/ APRIL 2025 FAIR HOUSING MONTH

The Supervisor entertained a MOTION to approve the following: RESOLUTION #9-2025. RESOLUTION BY THE TOWN OF NEWFANE DESIGNATING APRIL 2025 AS FAIR HOUSING MONTH. WHEREAS, the Fair Housing Act was passed in April 1968 and prohibits discrimination in housing due to race, national origin, religion, sex, familial status, disability status, etc.; and WHEREAS, the Town of Newfane understands the importance of acting to further fair housing in the community: NOW, THEREFORE, be it RESOLVED as follows: 1. The Town Board designates April 2025 as Fair Housing Month. 2. The Town Board has designated the Code Enforcement Officer to act as the Fair Housing Officer. The Supervisor entertained a MOTION to accept the Resolution. Motion made 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

PAY BILLS

The Supervisor entertained a MOTION to approve the payment of claims totaling \$1,715,081.31, bills paid in March, 2025, Vouchers #37858-38073, as audited by the Supervisor and Department Heads and as per Abstract Sheets dated 03/26/2025 which will be filed with the official record.

General Fund	\$ 218,602.64
Highway Fund	\$ 220,634.94
Water Fund	\$ 26,023.27
Sewer Fund	\$ 99,384.43
Lighting District	\$ 6,969.03
Refuse District	\$ 138,079.95
Fire Prevention District	\$ 791,214.00
Trust & Agency	\$ 3,953.80
Capital Projects	\$ <u>210,219.25</u>
TOTAL APPROVED	\$1,715,081.31

Motion made by Councilwoman Neidlinger, second by Councilman Robinson. All were in favor, no one was opposed.

Motion Carried

PUBLIC COMMENTS

Brian Hellner, 2653 Fuller Road, Burt, New York, advised, that the Julie's Portable Toilets situation is ongoing. It has been over two years now and they still have equipment located outside which violates the letter they were sent. He also indicated that a letter was sent to 2524 Fuller Road, regarding a trailer that is still sitting on the property. He indicated that the Building Inspector sent a letter almost a year ago addressing the trailer and asked the owner to contact him with their plans for the trailer. He asked for follow up, and if there are any zoning ordinances that can be used to require the clean up of the property.

ANNOUNCEMENTS/COMMENTS FROM THE BOARD

The Town Board Work Session scheduled for April 10, 2025 has been cancelled.
The Town Hall will be closed on Good Friday, April 18, 2025.
Town of Newfane Regular Town Board Meeting will be held April 23, 2025 at 7:00 p.m.

ADJOURN

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

Motion carried

Meeting adjourned at 7:30 p.m.

Respectfully submitted,

Donna M. Lakes
Town Clerk