

FEBRUARY 23, 2022

REGULAR MEETING

The Town Board of the Town of Newfane, Niagara County, New York met at the Town Hall, 2737 Main Street, on February 23, 2022.

The following were present:

Supervisor: John Syracuse
 Councilman: Rick Coleman - Remote
 Councilwoman: Susan L. Neidlinger
 Councilman: Troy Barnes
 Councilwoman: Laura L. Rutland - Remote
 Attorney: James J. Sansone

PRAYER AND PLEDGE

Supervisor Horanburg opened the meeting at 7:00 p.m., 48 residents were present. A prayer was read by the Town Clerk. The pledge of the flag was given.

APPROVE PREVIOUS MINUTES

A **MOTION** was made by Councilwoman Neidlinger, seconded by Councilwoman Rutland, to approve the minutes of the January 26, 2022, Regular Meeting as circulated. All present voted Aye. (2-remote) Motion carried.

COMMUNICATIONS AND PETITIONS

MINUTES FILED BY TOWN CLERK

Town of Newfane Tourism Committee, January 4, 2022.

TOWNCLERK/HIRE GIFFORD/PART TIME

A **MOTION** was made by Councilwoman Neidlinger, seconded by Councilman Barnes to allow the Town Clerk, Mickie Kramp to hire Kristina Gifford as a Part-/time as needed Deputy Town Clerk effective January 31, 2022 at the hourly rate of twenty (\$20.00) dollars per hour.

All present voted Aye. (2-remote)

Motion carried.

TOWN/RESIGNATION/JESSON/ACCOUNT CLERK

A **MOTION** was made by Councilman Barnes, seconded by Councilwoman Rutland to accept the resignation from Kristie Jesson, Senior Account Clerk effective February 14, 2022.

All present voted Aye. (2-remote)

Motion carried.

TOWN/NIAGARA COUNTY DEPARTMENT OF PUBLIC WORKS

Town Clerk received a letter from the Niagara County Department of Public works reviewing the request to lower the speed limit on Hess Road between Ridge (RT 104) and Hatter Road.

Received and filed.

TOWN/REFUND/MARINA DEPOSIT

A **MOTION** was made by Councilwoman Neidlinger, seconded by Councilman Barnes to refund \$200.00 marina deposit to Tim Sylvester for the 2022 summer season, Mr. Sylvester purchased a 43 ft. boat which the Town Marina cannot accommodate.

All present voted Aye. (2-remote)

Motion carried.

NEW BUSINESS

TOWN/APPROVE HIRE OF MARY L. ZELLER/SR. ACCOUNT CLERK AND CONFIDENTIAL SECRETARY TO THE SUPERVISOR

A **MOTION** was made by Councilwoman Neidlinger, seconded by Councilman Coleman (remote) to allow Supervisor Syracuse to hire Mary L. Zeller at a rate of \$20.00 per hour part time no benefits. She will assume the duties of Sr. Account Clerk and Confidential Secretary to the Supervisor.

All present voted Aye. (2-remote)

Motion carried.

NEW BUSINESS – continued.

TOWN/RESOLUTION NO.7, 2022/ADOPTING A FAIR HOUSING PLAN AND DESIGNATING SECTION 3 AND LABOR STANDARDS OFFICERS FOR THE TOWN OF NEWFANE

A MOTION was made by Councilwoman Rutland, seconded by Councilwoman Neidlinger to adopt the following Resolution No. 7, 2022 as follows: Resolution Adopting A Fair Housing Plan and Designating, Section 3 and Labor Standards Officers For The Town Of Newfane Whereas, the Town of Newfane is a recipient of Community Development Block Grant (CDBG) funding through the United States Department of Homes and Community Renewal, administered by the New York State Governor’s Office for Small Cities; and Whereas, the rules and regulations governing the Community Development Block Program require that the Town be responsible for taking specific actions to affirmatively further fair housing (AFFH) practices in the Town; and Whereas, the rules and regulations governing the Community Development Block Program require that the Town be responsible for ensuring compliance with Section 3 of the Housing and Urban Development Act of 1968, as amended, including the appointment of a Section 3 Officer to oversee compliance; and Whereas, the rules and regulations governing the Community Development Block Program require that the Town be responsible for ensuring compliance with Davis Bacon and Related Labor Standards Acts including the appointment of a Labor Standards Officer to review and/or oversee compliance; now, therefore, be it Resolved, that it is the policy of the Town to implement programs to ensure equal opportunity in housing for all persons regardless of race, color, religion, sex, handicap or disability, or familial status or national origin, and that discrimination in the sale, rental, leasing, financing of housing to be used for construction of housing, or in the provision of brokerage services, because of race, color, religion, ancestry, sex, national origin, handicap or disability, is prohibited by Title VIII of the Civil Rights Act of 1968 (Federal Housing Law); and be it further Resolved, that the Town will undertake the following AFFH actions within one (1) year of the award if CDBG funds:

1. Display fair housing posters and distribute fair housing materials prepared by New York State, the municipality, U.S. Department of Housing and Urban Development (HUD), or fair housing organizations to community residents, landlords, real estate Professional and lenders;
2. Elected officials, municipality staff in charge of planning, zoning, building, housing, Community and economic development, and their third-party consultants attend an Online fair housing training seminar; and be it further. Resolved, that Supervisor shall be designated as the Section 3 Officer for the Town of Newfane for the 2022 Fiscal Year; and be it further Resolved, that Supervisor shall be designated as the Labor Standards Officer for the Town of Newfane for the 2022 Fiscal Year; and be it further Resolved, that the positions of Section 3 Officer and Labor Standards Officer shall be renewed annually. Resolved, that this resolution will be deemed the Town’s Fair Housing Plan. Resolved, that the Town Board may, on its own initiative or on petition, amend, supplement, or repeal the provisions of this resolution in conformity with applicable rules and regulations and in their interpretation and application, the provisions of this resolution shall be held to be minimum requirements, adopted for the promotion of the public health, morals, safety, or the general welfare. Whenever the requirements of this resolution are at variance with the requirements of any other lawfully adopted rules, regulations, or ordinances, the most restrictive, or that imposing the highest standards, shall govern; and be it further Resolved, that this Resolution shall take effect immediately.

All present voted Aye. (2-remote)

Motion carried.

A roll call Vote was taken by the Town Clerk as follows:

- Councilwoman Neidlinger: Voted: Aye.
- Councilman Barnes: Voted: Aye.
- Councilman Coleman: Voted: Aye. (remote)
- Councilwoman Rutland: Voted: Aye. (remote)
- Supervisor Syracuse: Voted: Aye.

Motion carried.

5 – Ayes. 0 – Nays. 0- Absent. 2- Remote

FEBRUARY 23, 2022

REGULAR MEETING – (con't)

NEW BUSINESS – continued.TOWN/RESOLUTION NO. 8, 2022/CONFIRMING THE APPROVAL AND EXECUTION OF AN INTER-MUNICIPAL AGREEMENT DATED DECEMBER 17, 2021 BETWEEN THE VILLAGE OF WILSON AND TOWN OF NEWFANE

A MOTION was made by Councilwoman Neidlinger, seconded by Councilman Barnes, to adopt the following Resolution 8, 2022 Confirming and Ratifying the Approval and Execution of an Inter-Municipal Agreement Dated December 17, 2021 Between the Village of Wilson and Town of Newfane: Whereas, the Village of Wilson, hereinafter called the Village, and the Town of Newfane hereinafter called the Town, have completed a joint study of a combined sewer system as a part of a NYSDEC funded Engineering Planning Grant and Whereas, this study has recommended that the Village decommission their wastewater treatment plant and pump their sewage to the Town and Whereas, the New York State REDI Commission has provided a grant to pay \$4,461,000 towards the completion of this project, with the remaining 5% to be paid for by the project ownerships; and Whereas based upon the aforesaid joint study, it is in the best interests of both parties to enter into an agreement to create a combined sewer system for both parties which was entered into on December 17, 2021; and Whereas, the Village Board has been provided with a copy of the agreement with the Town, with which a copy has been attached hereto; and Whereas, the Town Board has been provided with a copy of the agreement with the Village with which a copy has been attached hereto (*attached to Town Clerk's original minutes) Now, Therefore, Be It Resolved that the Town Board, hereby approves the attached agreement between the Village and Town and hereby confirms and ratifies in all respects, the action of the previous Supervisor Timothy R. Horanburg in executing said agreement on December 17, 2021.

All present voted Aye. (2-remote)

Motion carried.

A roll call vote was taken by the Town Clerk as follows:

Councilwoman Neidlinger: Voted: Aye.

Councilman Barnes: Voted: Aye.

Councilman Coleman: Voted: Aye. (remote)

Councilwoman Rutland: Voted: Aye. (remote)

Supervisor Syracuse: Voted: Aye.

Motion carried.

5 – Ayes. 0 – Nays. 0 – Absent. 2 – remote.

(signed by Town Councilmen and Supervisor in attendance)

TOWN/POLICY AMENDMENT FOR FEDERAL PROCUREMENT RESOLUTION 9, 2022 REGARDING TOWN OF NEWFANE/MINORITY AND WOMEN OWNED BUSINESS AND EQUAL EMPLOYMENT OPPORTUNITY

A MOTION was made by Councilwoman Neidlinger, seconded by Councilman Barnes to Amendment Policy for Federal Procurement Resolution regarding Town of Newfane Minority and women owned business and equal employment opportunity Whereas, the Town of Newfane (herein the Town) maintains a Procurement Policy adopted by the Town Board of the 24th day of June, 2009; and Whereas, the Town is the recipient of Federal Office of Community Renewal Community Development Block Grant (CDBG) Funds for the Wastewater Treatment Plant Improvements Project (Project); and Whereas, the Office of Community Renewal requires that the Town develop the NYS CDBG Program Local Recipient Administrative Plan prior to release of funds; and Whereas, CDBG Recipients must have a local procurement policy that includes Equal Employment Opportunity (EEO) language; and Whereas, CDBG Recipients must demonstrate good-faith efforts to contact Minority and Women Owned Business (M/WBE) firms. Now, Therefore, Be It: Resolved, for CDBG funded projects, the Town of Newfane will, at a minimum, comply with the following standards relating to MWBE:

Ensure that small businesses, minority-owned firms, and women's business enterprises are used fully practicable.

Make information on forthcoming opportunities available and arrange time frames for purchases and contracts to encourage and facilitate participation by small businesses, minority-owned firms, and women's business enterprises.

FEBRUARY 23, 2022

REGULAR MEETING – (con't)

NEW BUSSINESS –continued.TOWN/POLICY AMENDMENT FOR FEDERAL PROCUREMENT RESOLUTION 9, 2022 REGRADING TOWN OF NEWFANE/MINORITY AND WOMEN OWNED BUSINESS AND EQUAL EMPLOYMENT OPPORTUNITY

Consider in the contract process whether firms competing for larger contracts intend to subcontract with small businesses, minority-owned firms and women's business enterprises.

Encourage contracting with consortiums of small businesses, minority-owned firms and Women's business enterprises when a contract is too large for one of these firms to handle individually.

Use the services and assistance, as appropriate, of such organizations as the Small Business Administration and the Department of Commerce's Minority Business Development Agency in the solicitation and utilization of small businesses, minority-owned firms and women's business enterprises. The Village will obtain a list of Minority and Women-Owned Business Enterprises (MBE/WBE) certified firms by contacting the, ESD Division of MWBD, Albany, NY 12245, (518) 292-5250 or utilize the website-based retrieval process at <http://www.esd.ny.gov/MWBE.html>. C. Section 3 of the Housing and Urban Development Act of 1968 (12 USC 170); and It Further Resolved, that for CDBG funded projects, the Town of Newfane will, at a minimum, comply with the following standards relating to Section 3:

Ensure that employment and other economic opportunities generated using NYS CDBG funds, shall, to the greatest extent feasible, be directed to low and very low-income persons, particularly those who are recipients of government assistance for housing, and to business concerns that provide economic opportunities to low-and very low-income persons.

Ensure that hired Contractor's with contract amounts exceeding \$100,000.

Comply with the standards stated in the "Section 3 Rider" attached hereto and made a part hereof. It Is Further Resolved, that the Town Board of the Town of Newfane hereby will, at a minimum, comply with the following EEO standards for CDBG funded projects: All non-exempt federally- assisted construction contracts awarded in excess of \$10,000 shall contain a provision requiring compliance with E.O. 11246, "Equal Employment Opportunity," and Ensure that all federally-assisted construction contractors and subcontractors on a NYS CDBG-assisted construction project take affirmative actions to ensure that employees and applicants for employment are not discriminated against because of race, color, religion, sex or national origin.

All present voted Aye. 2- Remote

Motion carried.

(Rider filed with Town Clerk's original minutes.)

A roll call vote was taken by the Town Clerk as follows:

Councilwoman Neidlinger:	Voted: Aye.
Councilman Barnes:	Voted: Aye.
Councilman Coleman:	Voted: Aye. (remote)
Councilwoman Rutland:	Voted: Aye. (remote)
Supervisor Syracuse:	Voted: Aye.

Motion carried.

5 – Ayes. 0 – Nays. 0 – Absent. 2- Remote.

(Signed by Councilman in attendance and Supervisor)

REPORTS OF COMMITTEES AND DEPARTMENT HEADS

The following Department Heads were in attendance and gave a report on their Departments:

Jon Miller, Superintendent of Highways, busy taking care of pot holes, trucks have not arrived. Everyone complemented the Highway Department on keeping the roads in Newfane in good shape.

Mike Mills, Water/Sewer Superintendent, reported business as usual everything going good.

Nicholas Irr, Waste Water Treatment Plant Operator, reported that the plant is doing good, survived the snow and rain storm.

FEBRUARY 23, 2022

REGULAR MEETING – (con't)

REPORTS OF COMMITTEES AND DEPARTMENT HEADS – continued.

Mike Klock, Code Enforcement/Building Inspector, reported everything is going good, Reviewing applications and permits.

Jeffrey Newman, Dog Control Officer, reported on the working with the SPCA on the contract for the Town and taking care of dog issues.

Jane Voelpel, Representing Tourism Committee, new schedule 2022 of Olcott Beach Events Post Cards are now available.

UNFINISHED BUSINESS - none.

PAY BILLS

A MOTION was made by Councilman Barnes, seconded by Councilwoman Rutland to approve the payment of claims totaling \$1,316,733.08, bills paid in February 2022 as audited by the Supervisor and Department Heads and as per Abstract Sheets dated 02/23/2022 which will be filed with the official record.

General Fund.....	\$ 255,726.15
Voucher #'s 29765-29922	
Highway Fund.....	141,904.95
Voucher #'s 29765-29922	
Water Dist.....	15,348.34
Voucher #'s 29765-29922	
Sewer Dist.	41,346.35
Voucher #'s 29765-29922	
Capital Projects.....	4,278.06
Voucher #'s 29765-29922	
Refuse District.....	118,109.83
Voucher #'s 29765-29922	
Fire Prevention District.....	737,933.00
Voucher #'s 29765-29922	
Trust & Agency.....	<u>2,086.40</u>
Voucher #'s 29765-29922	
TOTAL APPROVED:	\$ 1,316,733.08
All present voted Aye. (2-remote)	Motion carried.

ANNOUNCEMENTS/COMMENTS FROM THE BOARD – None.

GENERAL DISCUSSION

Gina Gudio-Reddin, Newfane and Olcott Beach Tourism Board member read the following: The mandate of the Town of Newfane Tourism Board is twofold,
 1. To study regional, statewide and national tourism trends and data so that we can best develop and advocate for a comprehensive strategy to attract tourist and the revenue they generate, to the area.
 2. To inform tourists by raising the visibility of the area’s businesses, attractions and events.
 Towards that end, we submit the following statements:
 Tourism Board members are agents of the Town of Newfane, appointed and sworn in. As such, we fully expect to have agency in, and input to, any discussion regarding the future if tourist attractions and or services within the Town of Newfane.

FEBRUARY 23, 2022

REGULAR MEETING – (con't)

GENERAL DISCUSSION – continued.

This 30 year old public/private partnership is:

A cornerstone of the local tourism industry.

A critical component of the vitality of the Main Street area.

A unique and attractive feature of the walkable waterfront area that provides us an amenity unmatched in our wider area.

A constant and highly successful source of positive branding/media.

A multi-use space that contributes substantially to the quality of the streetscape.

A generator of pedestrian/foot traffic that promotes the flow of people and lengthens the amount of time visitors spend downtown.

Home to an enthusiastic and energetic group of small business owners who eagerly contribute to the success of our tourist season.

A source of retail commerce and sales tax generation.

The Tourism board is strongly opposed to any effort to divest the Lakeview Village Shoppers from the Town's portfolio. As a board, we believe this will have immediate and long lasting negative consequences for the tourist industry and the general economic health of the Town.

Supervisor Syracuse thanked Gina for her comments.

The following residents/shop keepers were against the possibility of the sale of the Lakeview Village Shoppes and commented:

Kristin Teeter, Lakeview Village Fair, shop keeper.

Denise Gorlick, Lakeview Village Fair, shop keeper.

Jane Voelpel, Tourism Committee.

Denise Gorlick, Lakeview Village Fair, Shop Keeper.

Susan Bochenski (read a letter from her daughter Karen Young who is a Lakeview Village Fair Shop Keeper)

Christine Keleman Lakeview Village Fair, Shop keeper.

Supervisor Syracuse said thank you to everyone for their comments and if there are any written statements to give them to him and he will add them to the file.

Denise Gorlick asked Supervisor Syracuse if a round table discussion can be planned.

Supervisor Syracuse said yes we can plan a date.

Rhonda Parker and Mike Parker, 6139 East Ave., Newfane, New York commented on different issues.

Supervisor Syracuse said to call his office and make appointment.

Mr. Steven Royce, 6617 King Fisher Drive, Appleton, New York. Would like to see more information out in Newfane on different programs and activities.

Supervisor Syracuse said thank you and he will look into it.

Max Russell, Hess Road, Burt, New York, asked if the host agreement with Omni Navitas and the Town has been settled.

Attorney Sansone said not yet, no agreement has been settled.

ADJOURN

A MOTION was made by Councilman Barnes, seconded by Councilwoman Neidlinger to adjourn the meeting.

All members voted Aye. (2-remote)

Motion carried.

Meeting adjourned at 8:35 p.m.

FEBRUARY 23, 2022

REGULAR MEETING – (con't)

Respectfully Submitted:



Mildred M. Kramp, RMC, CMC
Town Clerk

Next Regular Meeting: March 23, 2022, 7:00 p.m.