

AUGUST 24, 2022

REGULAR 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 August 24, 2022.

The following were present:

Supervisor: John Syracuse
 Councilman: Rick Coleman
 Councilwoman: Susan L. Neidlinger
 Councilwoman: Laura L. Rutland
 Councilman: Troy D. Barnes
 Attorney: James J. Sansone, P.C.
 Town Engineer: Brian M. Sibiga

PRAYER AND PLEDGE

Supervisor Syracuse opened the meeting at 7:00 p.m., 15 residents were present. A prayer was read by the Town Clerk. The Pledge to the flag was given.

APPROVE PREVIOUS MINUTES

A MOTION was made by Councilman Coleman, seconded by Councilwoman Rutland to approve the minutes of the July 27, 2022 Regular Meeting .

All present voted Aye.

Motion carried.

COMMUNICATIONS AND PETITIONS

MINUTIES FILED BY THE TOWN CLERK

Town of Newfane Tourism Committee June 20, 2022

Town of Newfane Work Session July 12, 2022

TOWN/WATER DEPARTMENT/REFUND

A MOTION was made by Councilwoman Rutland, seconded by Councilman Coleman to refund Frank Matte, 6805 Swigert Road, Appleton, New York a credit balance of \$22.61 after a final water bill was processed.

All present voted Aye.

Motion carried.

TOWN/THANK YOU/RODNEY PETERS, OPEN AIR BAR

A letter was read by the Town Clerk from Mr. Rodney Peters, owner of the Open Air Bar, thanking the Town of Newfane for helping make 2022 Bike Night a success.

Received and filed.

REPORTS OF COMMITTEES AND DEPARTMENT HEADS

Town Marina, Nick Glosser, August has been a very busy month at the Marina. Ladies Only Event, August 19, 2022 was well attended.

Waste Water Treatment Plant – Plant Operator, Nick Irr, two boilers have arrived, not installed as of yet. Everything is going good.

Code Enforcement Officer/Building Inspector, Mike Klock, This month has been a quiet month.

UNFINISHED BUSINESS – None.

NEW BUSINESS

TOWN/RESOLUTION NO. 33, 2022/SPONSORING JAZZ FESTIVAL CALLED OLCOTT BEACH JAZZ TRAIL

A MOTION was made by Councilwoman Rutland, seconded by Councilman Barnes to adopt the following Resolution No. 33, 2022 Sponsoring Jazz Festival Called Olcott Beach Jazz Trail Whereas, Olcott Beach is a major tourist area in the Town of Newfane, due to its location on Lake Ontario, and the many attractions it offers tourists, such as being a premier fishing location in New York State, being the location of the Olcott Beach Carousel Park, having the most beautiful park in Niagara County, a freshly sanded beach with lifeguards for swimming, numerous bed and breakfasts, many cottages and motels for tourists and fishermen, fine restaurants, the location of the Lakeside Village Shoppes, a unique and vibrant shopping center; and Whereas, Olcott Beach has many events in the summertime to attract tourists and citizens of the community, in order to bolster the business of Olcott Beach and the Town of Newfane in general, and thereby improve the

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NEW BUSINESS – continued.TOWN/RESOLUTION NO. 33, 2022/SPONSORING JAZZ FESTIVAL CALLED OLCOTT BEACH JAZZ TRAIL

economy of the area; and Whereas, the Olcott Beach Jazz Trail is a jazz festival to be held on September 4, 2022 in various locations in Olcott Beach, which will bring thousands of people to Olcott Beach, which will help the businesses and enhance the economy of same; and Whereas, it is in the best interests of the Town of Newfane to sponsor this jazz festival; Now, Therefore, Be It Resolved, that the Town of Newfane does hereby sponsor the jazz festival called the Olcott Beach Jazz Trail, to be held on September 4, 2022 at various locations at Olcott Beach; and Be It Further Resolved, that the Town of Newfane appoints James J. Sansone, to organize said jazz festival, to serve without compensation or fee, and does hereby authorize James J. Sansone to select a committee to assist him in this endeavor, and further authorizes him to take any and all actions necessary, on behalf of the Town, including the closing and blocking of streets and/or sidewalks, the placing of bands, food trucks, signs or any other items necessary for the proper operation of the festival onto the sidewalk, street, and road rights of way of the Town the obtaining and hiring of performers, and the obtaining of funding for said festival, towards the successful accomplishment of same. (Signed by all Board Members in attendance)

All present voted Aye.

Motion carried.

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

Councilwoman Neidlinger: Voted: Aye.

Councilman Barnes: Voted: Aye.

Councilwoman Rutland: Voted: Aye.

Councilman Coleman: Voted: Aye.

Supervisor Syracuse: Voted: Aye.

5 – Ayes. 0 – Nays. 0 – Absent.

Motion carried.

TOWN/RESOLUTION NO. 34, 2022/REJECTING ALL BIDS FOR BOTH THE GENERAL AND ELECTRIC CONTRACTS FOR THE REDI OLCOTT HARBOR CONTAINMENT WALLS PROJECT

A MOTION was made by Councilwoman Neidlinger, seconded by Councilwoman Rutland to adopt the following Resolution No. 34, 2022 Rejecting all bids for both the General and Electrical Contracts for the Redi Olcott Harbor Containment Walls Project, Whereas, the Town of Newfane, hereinafter called TOWN, has received bids on Contract Nos. 21-G, and 21-1E, for the REDI Olcott Harbor Containment Project No. 3B, pursuant to Notice to Bidders previously authorized by the Town, and Whereas, the REDI Commission has notified the Town that they were not able to provide funding necessary for the scope of work previously approved, and Whereas, the said bids submitted for both Contract nos. 21-G and 21-E, were over the budgeted construction allocation for Project No. 3B, and Whereas, the Town Engineer has recommended to the Town that it reject the bids submitted for both Contract Nos. 21-G, and 21-1E for the above reason outlined in the previous paragraph, and Whereas, it is in the best interests of the TOWN to reject the bids for both Contract nos. 21-G, and 21-1E and not award the project to any of the Contractors submitting bids, Now Therefore, It Is Resolved, that the Town hereby Rejects the bids submitted for both Contract Nos. 21-G, and 21-E as outlined above. (Signed by all Board Members in attendance)

All present voted Aye.

Motion carried.

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

Councilwoman Neidlinger: Voted: Aye.

Councilman Barnes: Voted: Aye.

Councilwoman Rutland: Voted: Aye.

Councilman Coleman: Voted: Aye.

Supervisor Syracuse: Voted: Aye.

5 – Ayes. 0 – Nays. 0 – Absent.

Motion carried.

TOWN/RESOLUTION NO. 35, 2022/AUTHORIZING THE INCREASE OF TOWN OF NEWFANE RATES FOR DOCKAGE FEES FOR THE 2023 BOATING SEASON

A MOTION was made by Councilman Coleman, seconded by Councilwoman Neidlinger to adopt Resolution No. 35, 2022 Authorizing the Increase of Town of Newfane Rates for Dockage Fees for the 2023 Boating season, Whereas, the Town of Newfane, has current rates for dockage fees at \$55.00 per foot for every boat docked at the Town Marina, and Whereas, other Marinas within the Olcott Harbor charge from \$65.00 to \$75.00 per foot for dockage, and other Marinas outside of Olcott charge rates starting from \$85.00 per foot and higher, and Whereas, the Town Marina needs some improvements and maintenance, and the raising of the fee for dockage to \$65.00 per foot, would assist in paying for these improvements and maintenance expenses, while

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NEW BUSINESS – continued.TOWN/RESOLUTION NO.35, 2022/AUTHORIZING THE INCREASE OF TOWN OF NEWFANE RATES FOR DOCKAGE FEES FOR THE 2023 BOATING SEASON

still allowing the Town to remain competitive with its docking fees, and Whereas, it is therefore in the best interests of the Town to raise its docking fees to \$65.00 per foot, and Now, Therefore, be it Resolved: That the Town of Newfane hereby raises the docking fees at the Town Marina from \$55.00 per foot to \$65.00 per foot for the 2023 boating season.

All present voted Aye. (Signed by all Board Members in attendance)

Motion carried.

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

Councilwoman Neidlinger: Voted: Aye.

Councilman Barnes: Voted: Aye.

Councilwoman Rutland: Voted: Aye.

Councilman Coleman: Voted: Aye.

Supervisor Syracuse: Voted: Aye.

Motion carried.

5 – Ayes. 0 – Nays. 0 – Absent.

TOWN/RESOLUTION NO. 36, 2022/NEGATIVE DECLARATION/JACKSON STREET WATERLINE REPLACEMENT PROJECT

A MOTION was made by Councilwoman Neidlinger, seconded by Councilman Barnes to adopted Resolution No. 36, 2022, Negative Declaration Jackson Street Waterline Replacement Project Town of Newfane, Whereas, the Town of Newfane will be undertaking the replacement of approximately 3,700 linear feet of existing waterline along Jackson Street, Van Bureau Street, Harrison Street, Lake Street, Wright Street, Lockwood Street, McKee Street, and Beach Street and Whereas, the construction of these improvements are subject to the New York State Environmental Quality Review Act (SEQRA); and Whereas, pursuant to sections 617.5(c)(1), 617.5(c)(2) and 617.5(c)(2) and 617.5(c)(6) under SEQR, this project is consistent with a Type 2 Action as it involves the maintenance, repair, and replacement in kind of existing water infrastructure with no substantial change to the existing water distribution system. Now, Therefore, Be It Resolved, that the Town of Newfane hereby determines that the proposed project, replacement of approximately 3,700 linear feet of existing waterline, will not have significant adverse impact on the environment and therefore issues a Negative Declaration and no further review under SEQR is required.

All present voted Aye. (Signed by all Board Members in attendance)

Motion carried.

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

Councilwoman Neidlinger: Voted: Aye.

Councilman Barnes: Voted: Aye.

Councilwoman Rutland: Voted: Aye.

Councilman Coleman: Voted: Aye.

Supervisor Syracuse: Voted: Aye.

Motion carried.

5 – Ayes. 0 – Nays. 0 – Absent.

TOWN/ADOPT RESOLUTION NO. 37, 2022/AUTHORIZING THE TOWN OF NEWFANE TO APPROPRIATE LOCAL MATCH FUNDING FOR A WATER INFRASTRUCTURE IMPROVEMENT ACT (WIIA) GRANT PROGRAM FOR THE REPLACEMENT OF CERTAIN EXISTING WATERLINES IN OLCOTT, NEW YORK

A MOTION was made by Councilman Coleman, seconded by Councilwoman Rutland to adopt Resolution No. 37, 2022 authorizing the Town of Newfane to Appropriate Local Match Funding for a Water Infrastructure Improvement Act (WIIA) Grant Program for the Replacement of Certain Existing Waterlines in Olcott, New York, Whereas, the Town of Newfane is replacing approximately 3,700 linear feet of existing waterline along Jackson Street, Van Buren Street, Harrison Street, Lake Street, Wright Street, Lockwood Street, McKee Street, and Beach Street in the Hamlet of Olcott, New York and Whereas, the Town has applied for a New York State Water Infrastructure Improvement Act (WIIA) grant program for this purpose, and Whereas, a minimum 40% of the WIIA eligible project costs of \$1,150,000 local match, is required by the New York State Water Infrastructure Improvement Act (WIIA) grant program for the replacement of said waterline, and Whereas, the source of the local match, and any amount in excess of the required match, must be taken from reserve accounts and fund balance, and Whereas, the maximum local match cannot exceed \$460,000 based upon a total estimated maximum project cost of \$1,150,000, Now, Therefore, Be It Resolved: That the Town Board of the Town of Newfane, hereby authorizes and appropriates, from its reserve accounts and fund balance, a minimum 40% Local match as required by the New York State Water Infrastructure Improvement Act (WIIA) grant Program

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REGULAR MEETING – (con't)

NEW BUSINESS – continued.TOWN/ADOPT RESOLUTION NO. 37, 2022/AUTHORIZING THE TOWN OF NEWFANE TO APPORRIATE LOCAL MATCH FUNDING FOR A WATER INFRASTRUCTURE IMPROVEMENT ACT (WIIA) GRANT PROGRAM FOR THE REPLACEMENT OF CERTAIN EXISTING WATERLINES IN OLCOTT, NEW YORK

For the replacement of approximately 3,700 linear feet of existing waterline along Jackson Street, Van Buren Street, Harrison Street, Lake Street, Wright Street, Lockwood Street, McKee Street, and Beach Street, and Be It Further Resolved: That the maximum local match will not exceed \$460,000, based upon a total estimated maximum project cost \$1,150,000, and that the Town Supervisor may increase this local match through the use of in-kind services, without further approval from the Town of Newfane Town Board.

A present voted Aye. (Signed by all Board Members in attendance)

Motion carried.

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

Councilwoman Neidlinger: Voted: Aye.

Councilman Barnes: Voted: Aye.

Councilwoman Rutland: Voted: Aye.

Councilman Coleman: Voted: Aye.

Supervisor Syracuse: Voted: Aye.

5 – Ayes. 4 – Nays. 0 – Absent.

TOWN/ADOPT RESOLUTION NO. 38, 2022/RESOLUTION WITH REFERENCE TO THE PROPOSED TOWN OF NEWFANE, NIAGARA COUNTY, NEW YORK/JACKSON STREET WATERLINE PROJECT

A MOTION was made by Councilwoman Neidlinger, seconded by Councilman Coleman to adopt the following Resolution No. 38, 2022, Whereas, the Town of Newfane engaged Wendel Engineers to complete an engineering report for the Town's Jackson Street waterline distribution system identifying the current system shortcomings, the proposed infrastructure improvements necessary to improve performance, and the projected costs for residents of the district: and Whereas, affordability for Town residents and property owners is a significant concern in advancement of the proposed project: and Whereas, the Town is eligible for Water Infrastructure Improvement Act (WIIA) funding and must now submit a competitive application to obtain WIIA funding. Now, therefore, be it resolved as follows: 1. The Town Board authorizes Municipal Solutions, Inc. to prepare and submit an application on behalf of the Town of Newfane for Water Infrastructure Improvement Act grant funds from the New York State Environmental Facilities Corporation (EFC). 2. The Town of Newfane agrees to fund its portion of the cost of the Project, a 40% minimum match from its own sources. 3. The Town Board authorizes Supervisor John Syracuse to execute the application for water Infrastructure Improvement Act grant funds from New York State Environmental facilities Corporation (EFC). 4. This resolution shall take effect immediately.

All present voted Aye. (signed by all Board Members in attendance)

Motion carried.

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

Councilman Coleman: Voted: Aye.

Councilwoman Rutland: Voted: Aye.

Councilman Barnes: Voted: Aye.

Councilwoman Neidlinger: Voted: Aye.

Supervisor Syracuse: Voted: Aye.

5 Ayes. 0 – Nays. 0 – Absent.

Motion carried.

TOWN/ADOPT RESOLUTION NO. 39, 2022/ACCEPTING PROPOSAL FROM MARK CERRONE INC. TO REMOVE DETERIORATED TREES LOCATED ON THE WEST SIDE OF THE OLCOTT BERM PROJECT AREA

A MOTION was made by Councilwoman Rutland, seconded by Councilman Coleman to adopt the following Resolution No. 39, 2022 as follows: Whereas, Trees located upon the west side of the Olcott Berm Project Area are deteriorated and are a hazard to the general public and therefore and must be removed, and Whereas, the Town of Newfane does not have the ability to safely remove said trees, and Whereas, the Olcott Berm Project has &190,000.00 contingency funds and allowances available which can be used to pay a contractor to remove said trees, and Whereas, the Contractor working on said Project, Mark Cerrone Inc., has the equipment, labor and materials to remove said trees, and has submitted to the Town, a Proposal to perform this task for the sum of \$20,299.60, which, according to the Town Engineer, is a reasonable sum to perform this work, and Whereas, it is in the best interests of the TOWN to accept the proposal from Mark Cerrone, Inc. to remove said trees, Now Therefore, It Is Resolved, that the TOWN hereby accepts the proposal of Mark Cerrone, Inc. to remove

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REGULAR MEETING – (con't)

NEW BUSINESS – continued.

TOWN/ADOPT RESOLUTION NO. 39, 2022/ACCEPTING PROPOSAL FROM MARK CERRONE INC. TO REMOVE DETERIORATED TREES LOCATED ON THE WEST SIDE OF THE OLCOTT BERM
said deteriorated trees for the sum of \$20,299.60 and does hereby authorize the Town Supervisor to execute any and all documents, including change orders, necessary to effectuate this Resolution.
All present voted Aye. (signed by all Board Members in attendance) Motion carried.
A roll call vote was taken by the Town Clerk as follows:

TOWN/ADOPT RESOLUTION NO. 39/2022/ACCEPTING PROPOSAL FROM MARK CERRONE INC. TO REMOVE DETERIORATED TREES LOCATED ON THE WEST SIDE OF THE OLCOTT BERM PROJECT AREA
Councilman Coleman: Voted: Aye.
Councilwoman Rutland: Voted: Aye.
Councilman Barnes: Voted: Aye.
Councilwoman Neidlinger: Voted: Aye.
Supervisor Syracuse: Voted: Aye. Motion carried.
5 – Ayes. 0 – Nays. 0 – Absent.

PAY BILLS

A MOTION was made by Councilwoman Neidlinger, seconded by Councilman Coleman to approve the payment of claims totaling \$309,785.47 as audited by the Supervisor and Department Heads and as per Abstract Sheets dated August 24, 2022 which will be filed with the official record:

General Fund.....	\$ 54,175.63
Voucher #'s 30889 - 31051	
Highway Fund.....	157,969.66
Voucher #'s 30889 -31051	
Water Dist.....	14,600.54
Voucher #'s 30889 - 31051	
Sewer Dist.....	19,817.61
Voucher #'s 30889 -31051	
Refuse District.....	61,205.19
Voucher #'s 30889 -31051	
Trust & Agency.....	<u>2,016.84</u>
Voucher #'s 30889-31051	
TOTAL APPROVED:	\$ 309,785.47
All present voted Aye.	Motion carried.

ANNOUNCEMENTS

Councilwoman Neidlinger:
Community Day, August 27, 2022, Bands at 3:00 p.m. and 7:00 p.m.
Apple Harvest Festival, Historical Society, September 25, 2022, 10:00 a.m. – 4:00 p.m.

Supervisor Syracuse:
Work Session, September 13, 2022 at 5:30 p.m.

Attorney Sansone:
Olcott Beach Jazz Trail, September 5, 2022, Noon – 6:00 p.m.

GENERAL DISCUSSION

Kristie Layton, 3902 Lockport-Olcott Road, Ridge View Homes.
Commented on the issues with the water at the mobile park.

Supervisor Syracuse thanked her for her comments.

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GENERAL DISCUSSION – continued.

Tim O'Connor, 5678 McKee Road, Newfane, New York, said there has not been any activity with the moto cross.

Mike Klock said that he was in contact with the DEC Enforcement Unit and they are going to do a Wet Land Study on the property.

Supervisor Syracuse said he would send a letter to the owner to see what his intentions are.

Max Russell, 2206 Hess Road, Appleton, New York, asked about the water main work on West Lake Road. Town Engineer, Brian Sibiga said the work should be completed in late Fall.

Max Russell said thank you, hoping to irrigate.

ADJOURN

A MOTION was made by Councilwoman Rutland seconded by Councilman Barnes, to adjourn the meeting. All present voted Aye. Motion carried.

Meeting adjourned at 7:43 p.m.



Mildred M. Kramp, RMC, CMC
Town Clerk

Next Regular Meeting:
September 28, 2022 – 7:00 p.m.