

JULY 27, 2022

REGULAR MEETING

The Town Board of the Town of Newfane, Niagara County, New York met at the Town Hall, 2737 Main Street, Newfane on July 27, 2022. The following were present:

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

PRAYER AND PLEDGE

Supervisor Syracuse opened the meeting at 7:00 p.m., 22 residents was 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 Rutland, seconded by Councilman Coleman, to approve the minutes of the June 22, 2022 Regular Board Meeting.

All present voted Aye.

Motion carried.

COMMUNICATIONS AND PETITIONS**MINTUES FILED BY THE TOWN CLERK**

Newfane Tourism, June 7, 2022

Work Session, June 14, 2022

Newfane Fire Prevention, July 12, 2022

TOWN/ADJUST MILLER HOSE FIRE COMPANY, INC. ROSTER

A MOTION was made by Councilman Coleman, seconded by Councilman Barnes to adjust the active roster of Miller Hose Fire Company with adding Patrick Carpenter, 6145 Ketchum Avenue, Newfane, New York 14108.

All present voted Aye.

Motion carried.

TOWN/APPOINT COURT ATTENDANT BANASZAK/JUSTICE BOUDEMAM

A MOTION was made by Councilman Coleman, seconded by Councilwoman Neidlinger appoint to Thaddeus Banaszak as court Attendant for the Honorable Scott R. Boudeman for the rest of the year beginning August 16, 2022 at \$13.26 per hour.

All present voted Aye.

Motion carried.

TOWN/HIGHWAY CHIPS STATE AID AMEND REVENUE ACCOUNT

A MOTION was made by Councilman Coleman, seconded by Councilwoman Rutland to allow Jon Miller, Highway Superintendent to amend the CHIPS State Aid revenue account 002-1000-3501 Item 1 expense account 002-5110-0400 amended to reflect the increase in CHIPS funds which will be received in the amount of \$36,409.96. Account 002-1000-3501 will be amended from \$306,008.00 to \$342,417.96 and account 002-5110-0400 will be amended from \$500,000.00 to \$536,409.96.

All present voted Aye.

Motion carried.

TOWN/WATER DEPARTMENT/REFUND CREDIT BALANCE

A MOTION was made by Councilwoman Neidlinger, seconded Councilwoman Rutland to refund a credit balance of \$128.72 after a final water bill was processed to Steve Savigny, property owner, after the property was sold on 6880 Hatter Road in the Town of Newfane. Mr. Savigny address is 2891 Route 22, Patterson, New York 12563.

All present voted Aye.

Motion carried.

DEPARTMENT HEAD REPORTS

Highway Superintendent, Jon Miller, started paving Corwin Ave, Drake settlement, and working on the shoulders of the roads.

Water Superintendent, Michael Mills, service fire hydrants, water taps and very busy with the mowing.

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DEPARTMENT HEAD REPORTS – continued.

Waste Water Treatment Plant Operator, Nick Irr, the plant is running good replaced a boiler. The compost plant has plenty of compost.

Building Inspector, Michael Klock, been very busy.

Dog Control Officer, Jeffrey Newman and Rick Smith, Saturday July 30, 2022 going to homes for delinquent dog licenses. The indoor dog kennel is coming along it will be a 24 hour hold.

UNFINISHED BUSINESS – none.**NEW BUSINESS****TOWN/RESOLUTION NO. 28, 2022/AUTHORIZE DEDUCT CHANGE ORDER #1/CONTRACT NO.21-1/NEWFANE-ONTARIO WATERLINE REPLACEMENT**

A MOTION was made by Councilwoman Neidlinger, seconded Councilwoman Rutland to adopt Resolution No. 28, 2022, Authorize Deduct Change Order #1 Contract No. 21-1 Newfane-Ontario Waterline Replacement as follows: Whereas, the Town of Newfane awarded a bid to Rochester Pipeline, Inc. in the amount of \$360,095.00 by way of Contract No.21-1, for the Ontario Waterline Replacement and Whereas, due to the Owner of the project not installing all the quantities, Whereas, Wendel and Rochester Pipeline, Inc. have mutually agreed on the adjustment of bid and change order quantities to match actual quantities installed at the completion of the project, Now Therefore Be It Resolved, that this Board authorizes deduct Change Order No.1 in the amount of \$37,307.71 for a final Contract Price of \$322,787.29.

All present voted Aye. (All Board Members present signed original Resolution) Motion carried.

TOWN/RESOLUTION NO. 29, 2022/JACKSON STREET WATERLINE UPGRADE ENGINEERING AUTHORIZATION/TOWN OF NEWFANE

A MOTION was made by Councilman Coleman, seconded by Councilwoman Neidlinger to adopt Resolution No. 29, 2022 as follows: Whereas, the Town of Newfane will be undertaking the replacement of 1,300 linear feet of waterline along Jackson and VanBuren Street and 2,400 linear feet of waterline along Harrison Street, Lake Street, Beach Street, Wright Street, Lockwood Street, McKee Street and Whereas, the Town desires to retain an engineering firm to oversee the project and provide survey and engineering services; and Whereas, Wendel has submitted a proposal to provide survey and design services for the project at a cost of \$99,700; and Whereas, the services to be provided by Wendel, the Towns retained Town Engineer, are professional services and therefore exempt from the bidding requirements of General Municipal Law; and Now Therefore Be It Resolved, that the Town Board of the Town of Newfane hereby retains Wendel to provide survey and design services for the Jackson Street Waterline Upgrade Project for a time and expense fee of \$99,700 and Be It Further Resolved the Town of Newfane Town Board authorizes and directs the Supervisor to execute any and all documents and take whatever other actions may be necessary to give effect to this resolution.

All present voted Aye. (All Board Members present signed original Resolution) 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.

Motion carried.

5 – Ayes. 0 – Nays. 0 – Absent.

NEW BUSINESS – continued.TOWN/RESOLUTION NO. 30, 2022/RESOLUTION WITH REFERENCE TO THE PROPOSED TOWN OF NEWFANE, NIAGARA COUNTY, NEW YORK JACKSON STREET WATERLINE PROJECT

A MOTION was made by Councilwoman Rutland, second by Councilman Barns to adopt the following resolution Whereas, the Town of Newfane engaged Wendel to complete an engineering report for the Town's Jackson Street Waterline project identifying the current watermain, the system's shortcomings, the proposed infrastructure improvements necessary to improve performance and the projected costs for residents of the Town; and Whereas, affordability for Town residents and property owners is a significant concern in advancement of the proposed projects; and Whereas, the Town is eligible for Drinking Water State Revolving Loan and Grant Funding and the Town desires to submit a complete application to obtain NYSEFC State Revolving Loan Funds and WIIA funding to assist in making the project economically viable to the Town's water users. Now, Therefore, Be It resolved as follows:

1. The Town Board authorizes Municipal Solutions, Inc. to prepare an application for Water Infrastructure Improvement Act (WIIA) grant funds and a State Revolving Loan Fund full application from the NYS Environmental Facilities Corporation (EFC) for Drinking Water program funding consideration.
2. The Town Board authorizes Supervisor John Syracuse and Mickie Kramp in her role as Town Clerk, to execute the application and any necessary supporting documents required to apply for Water Infrastructure Improvement Act grant funds and the submission of a full application to the NYS Environmental Facilities Corporation (EFC).
3. This resolution shall take effect immediately.

All present voted Aye. (All Board Members present signed original Resolution) Motion carried.

TOWN/RESOLUTION NO. 31, 2022/THE TOWN OF NEWFANE DECLARING A PUBLIC HEALTH EMERGENCY PURSUANT TO GENERAL MUNICIPAL LAW § 103(4). TO PURCHASE AND REPLACE A FAILED BOILER LOCATED ON THE WASTE WATER TREATMENT PLANT

A MOTION was made by Councilwoman Rutland, seconded by Councilman Barnes to adopt the following Resolution No. 31, 2022 The Town of Newfane Declaring a Public Health Emergency Pursuant To General Municipal Law §103(4), to Purchase and Replace A Failed Boiler Located On The Waste Water Treatment Plant as follows: Whereas, Town of Newfane Wastewater Treatment Plant, (hereinafter called the WWTP), has an existing boiler that provides heat for the various buildings of the WWTP, and is critical to maintain temperatures for the equipment to operate; and Whereas, the existing boiler unexpectedly failed on July 11, 2022, making the entire treatment plant heating system inoperable, even after repair efforts to make the boiler operational, and Whereas, the WWTP requires the heating system to be operational starting in October or November, depending on the onsite of cold weather, so the replacement of the boiler system is critical to maintain operation of the facility; and Whereas, currently, the WWTP is operating without a heating system, which will not be acceptable during cold weather conditions when the heating system is needed to allow the various plant treatment systems to operate. and whereas, as the heating system at the Newfane WWTP is currently not operational due to the failed boiler, the boiler and heating system replacement must be declared to be an emergency repair and a Public Health Emergency, pursuant to General Municipal Law § 103(4), to bring the system back into operation as soon as possible before cold weather sets in, because:

- 1.) It is unforeseen occurrence or condition .
- 2.) It affects public buildings, public property, or the life, health, safety or property of the inhabitants of a political subdivision or district therein.
- 3.) It requires immediate action which cannot await competitive bidding, and Whereas, pursuant to the Newfane Town Engineer's estimates, an absent this emergency declaration, the Town Engineer Projects that it would take until September at the earliest to receive public bids on the project, and then until November the boiler is ordered, and another 17 weeks before the boiler system would arrive at the WWTP. The subsequent installation of this heating system would extend way beyond the onset of cold weather, thereby endangering the heating system of the WWTP, and creating a danger to the health, safety and welfare of the Community. Now Therefore, It Is Resolved as Follows: 1.) That a public health emergency is hereby declared pursuant to General Municipal Law

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NEW BUSINESS – continued.TOWN/RESOLUTION NO.31, 20222/THE TOWN OF NEWFANE DECLARING A PUBLIC HEALTH EMERGENCY PURSUANT TO GENERAL MUNICIPAL TO GENERAL MUNICIPAL LAW §103(4)TO PURCHASE AND REPLACE A FAILED BOILER LOCATED ON THE WASTE WATER TREATMENT PLANT

§103(4), requiring the replacement of the existing boiler in the WWTP as soon as possible, and therefore cannot await the delay caused by utilization of the public bidding process, and

2.) That the Town will issue a purchase order for the purchase of a boiler to WMS Sales/Ferguson Enterprises, and directs the Town Engineer, to facilitate the completion of that order as soon as possible,

3.) That the Town will issue a work order for installation of said boiler system to a HVAC contractor, after 2 quotes for said work being obtained by the Town Engineer, to be processed at the August/September Town Board Meeting.

All present voted Aye. (All Board Members present signed the original Resolution) 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.

Motion carried.

(5 – Ayes. 0 – Nays. 0 – Absent.)

TOWN/ADOPT RESOLUTION NO. 32, 2022/ SELECTION OF INDEPENDENT HEALTH (IHA) AS HEALTH INSURANCE CARRIER FOR NON-UNION EMPLOYEES, TOWN OF NEWFANE (TOWN)

A MOTION was made by Councilwoman Neidlinger, seconded by Councilman Coleman to adopt the following Resolution No. 32, 2022, Selection Of Independent Health (IHA) as Health Insurance Carrier For Non-Union Employees, Town of Newfane (Town) as follows: Whereas, the Town has engaged the services of CH Insurance Brokerage, Inc. (Broker) with an address of The Atrium 100 S. Salina St. Suite 370, Syracuse, NY 13202 to evaluate its employee healthcare benefits and Whereas, after critical review by the Broker, it was determined that by selecting IHA as the newly established carrier the Town would realize premium savings by approximately \$16,400.00 and Whereas, the Town has increased Health Reimbursement Account (HRA) to the employees of \$500 for single and \$1000 for family to help off-set increases in deductibles and co-pays, which may amount to a maximum cost of \$11,500, depending on maximum utilization rates and Whereas, the Town of Newfane stands to realize a net savings to the taxpayer of almost \$5,000.00 and perhaps more based upon utilization of the HRA Now Therefore Be It Resolved that the Town of Newfane hereby selects IHA as the new carrier for the employees.

All present voted Aye. (All Board Members present signed original Resolution) 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.

Motion carried.

(5 – Ayes. 0 – Nays. 0 – Absent.)

TOWN/ALLOW SUPERVISOR SYRACUSE ACCEPT CONTRACT WITH MUNICIPAL SOLUTIONS, INC.

A MOTION was made by Councilman Coleman, seconded by Councilwoman Neidlinger to allow Supervisor Syracuse accept the contract with Municipal Solutions, Inc. for Town of Newfane proposed Jackson Street waterlines project.

All present voted Aye.

Motion carried.

TOWN/SET PUBLIC HEARING/AMEND THE ZONING MAP

A MOTION was made by Councilman Coleman, seconded by Councilwoman Rutland to set a Public Hearing on August 24, 2022 at 6:45 p.m. to amend the zoning map dated July 1999 updated June 2016, of the Town of Newfane, Local Law 2, 2022 to rezone premises known as part of 6590 Ridge Road, Newfane, New York from residential to agricultural/residential.

NEW BUSINESS – continued.

TOWN/SET PUBLIC HEARING/AMEND THE ZONING MAP

Be it enacted by the Town Board of the Town of Newfane, New York Whereas, 50% of premises known as 6590 Ridge Road, in the Town of Newfane, is currently zoned Residential, under the Zoning Map of the Town of Newfane, dated June 2016, and , Whereas, the Town of Newfane is desirous of rezoning that part of premises to Agricultural/Residential District, since premises is residential and agricultural in nature, and 50% of premises is already zoned Agricultural/Residential, and Whereas, with such rezoning, the premises would then be in conformance with the agricultural and residential character of the areas surrounding the premises, which are zoned A/R on the north and east of the premises, and Rural Residential (RR) on the west, of premises. Whereas, such rezoning will also be in furtherance of the comprehensive master plan of the town of Newfane, would not cause harm to the surrounding properties, and would serve the general welfare of the Town. Now Therefore, It Is Hereby Enacted By The Town Board Of The Town Of Newfane As Follows: The 50% of premises herein as 6590 Ridge Road, Town of Newfane, New York is hereby rezoned from Residential, to Agricultural Residential (AR), and the aforesaid Zoning Map is hereby AMENDED to reflect such rezoning.

All present voted Aye.

Motion carried.

PAY BILLS

A MOTION was made by Councilwoman Neidlinger, seconded by Councilman Barnes, to approve the payment of claims totaling \$370,266.88, as audited by the Supervisor and Department Heads and as per Abstract Sheets dated 07/27/22 which will be filed with the official record.

General Fund.....	\$ 60,024.09
Voucher #'s 30716 – 30887	
Highway Fund.....	25,489.55
Voucher #'s 30716 –30887	
Water Dist.	124,511.53
Voucher #'s 30716 – 30887	
Sewer Dist..	43,948.76
Voucher #'s 30716- 30887	
Refuse Dist.....	63,484.87
Voucher #'s 30716 -30887	
Lighting Dist.....	202.09
Voucher #'s 30716-30887	
Trust & Agency.....	2,016.84
Voucher's 30716-30887	
Capital Projects.....	<u>50,589.15</u>
Voucher #'s 30716 -30887	
TOTAL APPROVED:	\$370,266.88
All present voted Aye.	Motion carried.

ANNOUNCEMENTS FROM THE BOARD

Councilwoman Neidlinger:

Bike night was a great success, Rodney did a great job.

Newfane Community Day, August 27, 2022.

School/Town Recreation doing good a lot of positive feedback, recreation leaders are doing a great job.

Attorney Sansone: After dark at the Park August 9, 2022 to benefit Carousel Park. Jazz Festival September 4, 2022, 5 bands will be playing.

GENERAL DISCUSSION

The following residents from Ridge View Homes were present with comments; Supervisor Syracuse thanked them for coming.

- Sharon Ruth
- Paula Tice
- Kayla Clark
- Jeremey Ward

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GENERAL DISCUSSION – continued.

Annette Arnold

Fred Kenney

Sandy Lees

Theresa Claus

Their comments and concerns were sewage, water pressure, pot holes, and large trees.
(Letters from residents are attached to the Town Clerk’s Original minutes.)

McKee Road Residents:

Supervisor Syracuse said he has been in touch with the DEC Law Enforcement Office in which they will investigate the property. Supervisor Syracuse said he will send a letter to the owner to see what his intensions are.

The following residents from McKee Road were present with comments and concerns on a motto cross track which is being built next to their homes.

Rick Sonburg

Tim O’Connor

Randy Shaw

Chris Conley

Jim Pease

Their comments and concerns were: dust control, parking, noise, rats it’s a health issue.

ADJOURN

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

All present voted Aye.

Motion carried.

Meeting adjourned at 8:15 p.m.

Respectfully submitted:



Mildred M. Kramp, RMC, CMC
Town Clerk

Next Regular Meeting:

August 24, 2022 at 7:00 p.m.

Public Hearing:

August 24, 2022 at 6:45 p.m.