

JUNE 22, 2022

REGULAR MEETING

The Town Board of the Town of Newfane, Niagara County, New York met at the Town Hall, 2737 Main Street on June 22, 2022. The following were Present:

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

PRAYER AND PLEDGE

Supervisor Syracuse opened the meeting at 7:00 p.m., 22 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 Councilwoman Neidlinger, seconded by Councilman Coleman to approve the minutes of the May 25, 2022, meeting as distributed.
 All present voted Aye. Motion Carried.

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

Town of Newfane, Tourism Meeting, May 3, 2022
 Town of Newfane Work Session, May 17, 2022

TOWN/UPDATE OLCOTT FIRE COMPANY ROSTER

A MOTION was made by Councilwoman Rutland, second by Councilman Barnes to add new firefighters Thomas Marvin, Dylan Baker and Rachel Norton to Olcott Fire Co., Inc. active roster.
 All present voted Aye. Motion carried.

TOWN/HIGHWAY/PERMISSION AUCTION

A MOTION was made by Councilman Coleman, second by Councilwoman Rutland to allow permission to Jon Miller, Highway Superintendent to sell 1988 Autocar at Auctions International.
 All present voted Aye. Motion carried.

TOWN/APPOINT COURT CLERK/JUSTICE BOUDEMANN

A MOTION was made by Councilwoman Neidlinger, second by Councilman Barnes to appoint Maureen Banaszak to the position of Court Clerk for Justice Scott R. Boudeman. Maureen will be replacing Jill Cicciarelli whose last day is August 5, 2022.
 All present voted Aye. Motion carried.

TOWN/REDUCE SPEED LIMIT/HESS ROAD

Town Clerk read a letter from Michael J. Roche, P.E. Regional Traffic Engineer, New York State Department of Transportation. The speed limit will be 45 mph speed limit on Hess Road between Hatter Road and Route 104.

Received and filed.

TOWN/SCHEDULE A PUBLIC HEARING July 27, 2022 REZONING/RIDGE ROAD

A MOTION was made by Councilman Coleman, seconded by Councilman Neidlinger to set a public hearing on July 27, 2022 at 6:45 p.m., Michael Sorg, request that his property on Ridge Road to be rezoned to A-R zoning.
 All present voted Aye. Motion carried.

TOWN/REPAIR LAKEVIEW VILLAGE FAIR SHOPS

A MOTION was made by Councilwoman Neidlinger, seconded by Councilman Barnes to pay the repair work that was done at the Lake View Village shops and completed by Working Hands Contracting Inc. for \$9,800.00.
 All present voted Aye. Motion carried.

JUNE 22, 2022

REGULAR MEETING-(con't)

REPORTS OF COMMITTEES AND DEPARTMENT HEADS

Highway Superintendent, Jon Miller, all streets are back to normal in Olcott. Doing paving, patching roads and brush pick up.

Water Superintendent, Mike Mills, very busy with water taps, sewer fixing, and mowing very busy.

Waste Water Treatment Plant Operator, Nick Irr, plant is in good working condition, compost is available.

Mike Klock, Lake View Village Shoppes are open, working hands did a great job repairing some of the shops. It's a busy time with grass cutting complaints and getting bids together.

Dog Control Officer, Jeffrey Newman, all dog control vehicles have the proper signage when we go on calls; we had 43 calls since March, 2022.

Town Marina, Nick Glosser, Fish cleaning station is working good, wild flower seeds are in, the staff is doing good we are busy.

UNFINISHED BUSINESS – none.

NEW BUSINESS

TOWN/RESOLUTION NO. 23, 2022/ APPROVING CHANGE ORDERS TO PAVING LOCKPORT-ONTARIO-COOPER-WEST MAIN STREETS IN OLCOTT ALONG WITH ADDITIONAL IMPROVEMENTS TO ONTARIO STREET PARKING LOT AND UPGRADE OF COMFORT STATION

A MOTION was made by Councilwoman Rutland, seconded by Councilman Coleman to adopt the following Resolution No. 23, 2022 as follows: Approving Change Orders To Paving Lockport-Ontario-Cooper-West Main Streets In Olcott Along With Additional Improvements To Ontario Street Parking Lot And Upgrade Of Comfort Station:

Whereas, Redi Commission has approved the use of surplus funds for project enhancements, and Whereas, the consultant, WSP, has undertaken additional design work through a no-cost change order, using unspent funds in the existing contract , and Whereas, these surplus funds will be utilized to expand the limits of paving to Lockport-Ontario-Cooper-West Main Streets, providing new striping of resurfaced roadways and add crosswalks and new signage for public safety, add interpretive sign at foot of Ontario Street, improve Ontario Street parking lot by adding curb landscaped parking islands, striping, and parking bumpers to Town parking lot and construct an ada-compliant, two-stall comfort station, Now, Therefore, Be It Resolved, the Town recognizes the importance to the community these enhancements will have on the overall well-being of our community, and Be It Further Resolved That, the Town of Newfane does hereby approve the Aforementioned change orders.

All present voted Aye.

Motion carried.

(All Board Members present signed original Resolution.)

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

Councilwoman Neidlinger: Voted: Aye.

Councilmen Barnes: Voted: Aye.

Councilwoman Rutland: Voted: Aye.

Councilman Coleman: Voted: Aye.

Supervisor Syracuse: Voted: Aye.

Motion carried.

5 – Ayes. 0 – Nays. 0 - Absent.

JUNE 22, 2022

REGULAR MEETING-(con't)

NEW BUSINESS – continued.TOWN/RESOLUTION NO. 24, 2022/AWARD OF CONTRACT OLCOTT BEACH BERM AND DRAINAGE IMPROVEMENTS CONTRACT NO. 22-1

A MOTION was made by Councilman Coleman, seconded by Councilwoman Neidlinger to adopt Resolution No. 24, 2022 to Award of Contract Olcott Beach Berm and Drainage Improvements Contract No. 22-1 as follows: Whereas, the Town of Newfane had authorized Wendel to complete contract documents for Town of Newfane Olcott Beach Berm & Drainage Improvements contract and, Whereas, bids on the above referenced project were opened on June 14, 2022 in accordance with the Notice to Bidders previously authorized, and Whereas, there was a math error on the extension of a unit price for the Base Bid for Mark Cerrone Inc. and Mark Cerrone, Inc. has provided a written response with revised bid forms acknowledging the error and has agreed to complete the work under the base bid for the corrected project cost, and Wendel based upon our review and interview of the low bidder, recommend award of Contract No.22-1 to Mark Cerrone, Inc., 2368 Maryland Avenue, Niagara Falls, New York 14305 in the amount of \$797,662, and Now, Therefore, Be It Resolved, that the Newfane Town Board authorizes award of Contract No. 22-1 to Mark Cerrone Inc., 2368 Maryland Avenue, Niagara Falls, New York 14305 in the amount of \$797,622 with a contract date of June 22, 2022 contingent upon the Town Attorney's review of the Contractor's Bonds and Insurances. (All Board Members present signed original Resolution)

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.

Motion carried.

5 – Ayes. 0 – Nays. 0 – Absent.

TOWN/ADOPT RESOLUTION NO. 25, 2022/AWARD OF CONTRACT LAKE ROAD WATERLINE CROSSING CONTRACT NO. 21-1

A MOTION was made by Councilwoman Neidlinger, seconded by Councilman Barnes to adopt Resolution No. 25, 2022 award of Contract Lake Road Waterline Crossing Contract No. 21-1 as follows: Whereas, the Town of Newfane had authorized Wendel, the Town's Engineers to complete the contract documents for Town of Newfane Lake Road Waterline Crossing Contract, and Whereas, bids on the above referenced project were opened on June 14, 2022 in accordance with the Notice to Bidders previously authorized, and Now Therefore Be It Resolved, that the Newfane Town Board authorizes award of Contract No. 21-1 to Rochester Pipeline, Inc., 294 Elmgrove Road, Rochester, New York 14626 in the amount of \$62,825.00 contingent upon the Town Attorney's review of the Contractor's Bonds and Insurances. (All Board members present signed original Resolution)

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.

Motion carried.

5 – Ayes. 0 – Nays. 0 – Absent.

TOWN/ADOPT RESOLUTION NO. 26, 2022/APPROVING JOINT EASEMENT AND DOCK EASEMENT AND AGREEMENT BETWEEN THE TOWN OF NEWFANE AND HEDLEY BOAT YARD, LLC

A MOTION was made by Councilwoman Rutland, seconded by Councilman Coleman to adopt the following Resolution No. 26, 2022, Approving Joint Easement and Dock Easement and Agreement between the Town of Newfane and Hedley Boat Yard, LLC. Whereas, the Town of Newfane, hereinafter called Town, and Hedley Boatyard, LLC,

JUNE 22, 2022

REGULAR MEETING – (con't)

NEW BUSINESS – continued.TOWN/ADOPT RESOLUTION NO.26, 2022/APROVING JOINT EASEMENT AND DOCK EASEMENT AMD AGREEMENT BETWEEN THE TOWN OF NEWFANE AND HEDLEY BOAT YARD, LLC

hereinafter called HEDLEY, are desirous of entering into a joint Easement allowing public access to the East Federal Pier in Olcott, New York, over property owned by HEDLEY, and are also desirous of allowing HEDLY to cross over TOWN property known as Ontario Street, to HEDLEY'S property directly to the south of Ontario Street, to allow HEDLEY to conduct it's boatyard business, and Whereas, the Town and Hedley wish to enter into an Easement and Agreement regarding the use of two (2) Town docks at the end of Ontario Street, and the use of two (2) docks located directly north of the aforesaid Town docks, and Whereas, it is in the vest interests of Town to enter into these easements and agreements, both of which are attached hereto, Now Therefore, It Is Resolved, that the town hereby approves the aforesaid Joint Easement and Dock Easement and Agreement, and authorizes the Town Supervisor to enter into said Joint Easement and Dock Easement consistent with, and in accordance with this Resolution, and further authorizes the Supervisor to execute any and all other documents necessary to effectuate the provisions of this Resolution. (All Board members present signed original Resolution)

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.

Motion carried.

5 – Ayes. 0 – Nays. 0 – Absent.

TOWN/RESOLUTION NO. 27, 2022/APPROVING HOST COMMUNITY AGREEMENTS BETWEEN THE TOWN OF NEWFANE, HEREIN AFTER CALLED TOWN, AND OMNI NAVITAS HOLDINGS, LLC, HEREINAFTER CALLED OMNI

A MOTION was made by Councilwoman Rutland, seconded by Councilwoman Neidlinger to adopt Resolution No. 27, 2022 Approving Host Community Agreements Between the Town of Newfane, hereinafter called Town, and Omni Navitas Holdings, LLC, Herein after called Omni: Whereas, Omni, 75 Central Street Boston MA 02109, has applied for approval, pursuant to the Town of Newfane Solar Local Law, of the following Solar Energy Projects: 1. Patrick Dannebrock, to construct and operate a 5 megawatt solar energy project, on property owned by the said Patrick Dannebrock located at 6260 Drake Settlement Road, Burt, New York 14028, in the Town of Newfane, New York. 2. Nouryon Chemicals, LLC, to construct and operate three (3) – 5 megawatt solar energy projects, on property owned by the said Nouryon Chemicals, LLC, located at 2153 Lockport-Olcott Road, Burt, New York 14028; and Whereas, said Solar Law requires, under Section 9 thereof, that Omni and the Town enter into a Host Community Agreement prior to any approval of any Solar Energy Project by the Town, and Whereas, after much study, discussion and deliberation with Omni, a proposal has been made by Omni to the Town, offering to pay the sum of \$3,500.00 per megawatt of generating power per year for each Solar Project, for a period of 30 years, with escalators of 25% after the first 10 years and 25 % after 20 years, in mitigation of the effects said projects may have on the Town, and Whereas, it is in the best interest of the Town to accept this proposal, Now Therefore It Is Resolved, That The Town does hereby accept and approve of the above offer to pay the sum of \$3,500.00 per megawatt of generating power per year for each of the above Solar Projects, for a period of 30 years, with escalators of 25% after the first 10 years, and 25% after 20 years, and the Town hereby authorizes the Town Supervisor to enter into a Host Community Agreement with Omni, consistent with, and in accordance with this Resolution, and further authorizes the Supervisor to execute any and all other documents necessary to effectuate the provisions of this Resolution. (All Board members present signed original Resolution)

All present voted Aye.

Motion carried.

JUNE 22, 2022

REGULAR MEETING- (con't)

NEW BUSINESS – continued.

TOWN/RESOLUTION NO. 27, 2022/APPROVING HOST COMMUNITY AGREEMENTS BETWEEN THE TOWN OF NEWFANE, HEREIN AFTER CALLED TOWN AND OMNI NAVITAS HOLDINGS, LLC, HEREINAFTER CALLED OMNI

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 – Nays.

TOWN/DESIGNATION/CERTIFYING OFFICER AND ENVIRONMENTAL RESPONSIBILITY CERTIFICATION/TOWN SUPERVISOR

A MOTION was made by Councilman Coleman, seconded by Councilwoman Neidlinger to allow Supervisor John Syracuse designation as the certifying officer responsible for all activities associated with the environmental review process to be completed in conjunction with NYS CDBG project number 801-PR72-21 awarded to Town of Newfane.

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.	Motion carried.

5 – Ayes. 0 – Nays. 0 – Absent.

TOWN/APPROVE LEASE AGREEMENT/TOWN OF NEWFANE AND NEW YORK STATE AGRICULTURE AND MARKETS

A MOTION was made by Councilwoman Neidlinger, seconded by Councilwoman Rutland to approve the lease agreement with New York State Department of Agriculture and Markets to rent office space at 2896 McKee Road for \$600.00 per month.

All present voted aye. Motion carried.

PAY BILLS

A MOTION was made by Councilman Barnes, seconded by Councilwoman Neidlinger to approve the payment of claims totaling \$314,615.78 as audited by the Supervisor and Department Heads and as per Abstract Sheets dated June 22, 2022 which will be filed with the official record:

General Fund.....	\$96,431.25
Voucher #'s 30459-30668	
Highway Fund.....	42,486.02
Voucher #'s 30459-30668	
Water Dist.	18,589.83
Voucher #'s 30459-30668	
Sewer Dist.....	69,595.85
Voucher #'s 30459-30668	
Refuse Dist.....	72,783.46
Voucher #'s 30459-30668	
Lighting Dist.....	504.15
Voucher #'s 30459-30668	
Trust & Agency.....	2,016.84
Voucher #'s 28680-28816	
Capital Projects.....	<u>12,208.38</u>
Total Approved	\$314,615.78

All present voted Aye. Motion carried.

JUNE 22, 2022

REGULAR MEETING – (con't)

ANNOUNCEMENTS/COMMENTS FROM THE BOARD

Councilwoman Neidlinger:

July 15 Bike Night at the open air bar.
Love Rising, more information on Facebook.
Recreation July 11, 2022.

Attorney Sansone:

Carousal Park is open for two days a week, after July it will be open for 3 days a week.
Concerts at Krull Park on Sunday afternoons.
Park after dark August 9, 2022.
Jazz Festival September 4, 2022.

PUBLIC COMMENTS

Max Russell, 2206 Hess Road, Appleton, New York, commented on drainage, improve sewer issues and easements.

Sandy and Jill residents form Ridge View Mobile Park, 3926 Lockport-Olcott Road commented on the water pressure, sewer and pipes at the Mobile Park.

Loran Bommer, new owner of the former Harbor Inn in Olcott, New York, gas station, and stated that the convenient store will open soon. The campground and motel are busy and is looking for someone to run the restaurant.

ADJOURN

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

All present voted Aye.

Motion carried.

Meeting adjourned at 7:40 p.m.



Mildred M. Kramp, RMC, CMC
Town Clerk

Next Regular Meeting
July 27, 2022 – 7:00 p.m.
Public Hearing - 6:45 p.m.