

OCTOBER 26, 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 October 26, 2022. The following were present:

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

PRAYER AND PLEDGE

Supervisor opened the meeting at 7:00 p.m. 5 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 Councilman Coleman, seconded by Councilwoman Rutland to approve the minutes of the September 28, 2022, meeting as distributed.

All present voted Aye.

Motion carried.

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

September 13, 2022, Town of Newfane Work Session Minutes.

September 27, 2022, Town of Newfane Planning Board Minutes.

TOWN/RESIGNATION/NEWFANE ZONING BOARD/RICCIO

A MOTION was made by Councilwoman Neidlinger, seconded by Councilman Barnes to accept the resignation from Nancy Riccio from the Zoning Board, Nancy served on the Zoning Board for 22 years effective October 17, 2022.

All present voted Aye.

Motion carried.

TOWN/HIGHWAY DEPARTMENT/RESIGNATION/GROMOLL

A MOTION was made by Councilwoman Rutland, seconded by Councilman Coleman to accept the resignation from Lucas Gromoll, mechanic in the Highway Department effective November 11, 2022. Effective 3 weeks from October 21, 2022.

All present voted Aye.

Motion carried.

REPORTS OF COMMITTEES AND DEPARTMENT HEADS

Highway Superintendent, Jon Miller, Working on trimming trees, clearing road side ditches, will be taking down veteran's banners after Veterans day.

Water Department Superintendent, Mike Mills, finishing up landscaping, Service taps, mowing has stopped, and Fish Park is left.

Wastewater Treatment Plant Operator, Nick Irr, Plant is in good condition, there is still compost.

Code Enforcement Officer/Building Inspector, Mike Klock, Busy as usual.

Deputy Dog Control Officer, Ricky Smith, Town passed their kennel inspection from Agriculture and Markets, and we have a new kennel.

Town Marina, Facility Director, Nick Glosser, Good season at Fish Park, there has been over 300 anglers a day.

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REGULAR MEETING – cont.

UNFINISHED BUSINESS – none.NEW BUSINESSTOWN/CHANGE NOVEMBER TOWN BOARD MEETING DATE

A MOTION was made by Councilwoman Neidlinger, seconded by Councilman Barnes to change the November 23, 2022 Town Board Meeting to November 16, 2022.

All present voted Aye.

Motion carried.

TOWN/SCHEDULE 2023 BUDGET PUBLIC HEARING

A MOTION was made by Councilwoman Neidling, seconded by Councilman Coleman to schedule the 2023 Budget Public Hearing, November 9, 2022 at 6:30 p.m.

All present voted Aye.

Motion carried.

TOWN/SET PUBLIC HEARING/AMENDMENT TO WATER RATE LOCAL LAW

A MOTION was made by Councilwoman Neidlinger to set a Public Hearing on November 9, 2022, at 7:00 p.m. for amendment to Water Rate Local Law.

All Present voted Aye.

Motion carried.

TOWN/RESOLUTION 45, 2022/RESOLUTION BY THE TOWN OF NEWFANE FOR AWARD OF CONTRACT FOR GRINDING OF BRUSH PILE LOCATED AT 1659 PHILLIPS ROAD NEWFANE, NEW YORK

A MOTION made Councilwoman Rutland, seconded by Councilman Coleman to award a contract for grinding of brush pile located at 1659 Phillips Road, Newfane, New York, as follows: Whereas, a large quantity of brush, located at 1659 Phillips Road by the Town of Newfane requires grinding into mulch; and Whereas, the Town of Newfane has requested proposals for the grinding of said brush from 3 contractors, all of which have the specialized equipment to perform this service, and Whereas, the Lardon Construction Corporation submitted the lowest proposal to perform this service for the Town, amounting to \$16,680.00; and Whereas, it is the best interests of the Town of Newfane to accept this proposal from Lardon Construction Corporation and Now, Therefore, Be It Resolved, that the Town Board of the Town of Newfane hereby accepts the proposal from Lardon Construction Corporation in the amount of \$16,680.00 to perform the grinding of the brush located at 1659 Phillips Road in the Town of Newfane, New York.

All present voted Aye.

Motion carried.

(Supervisor and Town Board in attendance signed Resolution)

(The other two bidders were: Villani Lawn & Landscape, LLC, 6405 Packard Road, Niagara Falls, New York 14304 their bid was \$21,000.00. Zoladz Construction, 13600 Railroad Street, P.O. Box 157, Alden, New York 14004-0157 their bid was \$22,800.00.)

TOWN/RESOLUTION 46, 2022/ESTABLISHING FEES FOR REIMBURSEMENT TO THE TOWN OF NEWFANE WATER DISTRICT

A MOTION was made by Councilwoman Neidlinger, seconded by Councilman Barnes to adopt the following Resolution 45, 2022, Establishing Fees for Reimbursement to the Town of Newfane Water District as follows: Whereas, the Town of Newfane Water District incurs costs associated with time and material expenses in preparing water and/or sewer inspections including producing compliance letters on behalf of residents who are in the process of selling their homes, and Whereas, The Town of Newfane Water District also incurs costs associated with preparing the re-levying of delinquent water accounts onto the tax rolls, Now Therefore Be It Resolved, that the Town of Newfane hereby adopts the following fee schedule: The sum of eighty-five (\$85.00) dollars for the preparation of a water and / or sewer inspections including the issuance of compliance letters for same, the sum of one hundred (\$100.00) dollars for each delinquent water account that is re-levied onto the tax rolls.

All present voted Aye.

Motion carried.

(Supervisor and Town Board in attendance signed Resolution)

NEW BUSINESS-continued.

TOWN/RESOLUTION #47, 2022/AUTHORIZING THE TOWN OF NEWFANE, HEREINAFTER CALLED TOWN, TO HIRE JONES, HOGAN AND BROOKS, LLP, ATTORNEYS AND SPECIFICALLY MORGAN L. JONES, JR, ESQ.

A MOTION was made by Councilman Coleman, seconded by Councilwoman Rutland to adopt the following Resolution #47, 2022, Authorizing the Town of Newfane, hereinafter called Town, to hire Jones, Hogan and Brooks, LLP, Attorneys, and specifically Morgan L. Jones, Jr, ESQ., partner in said firm,, to represent the Town in a lease controversy concerning a Lease Agreement, dated 12/28/2006, between the Town and Eugene C. Mazzola, Jr., covering premises known as the Olcott Gazebo Park, Main Street, Olcott, New York. Whereas, the Town has received a notice of an intent from Eugene C. Mazzola, Jr., Lessor to declare the above referenced lease invalid, alleging in that notice, that the Town, Lessee, has breached said and Whereas, the Town has faithfully performed it's obligations under said Lease, and has not breached said Lease, and Whereas, the Town is desirous of hiring Morgan L. Jones, Jr. Esq. and the law firm of Hogan Brooks, LLP, attorneys to represent the TOWN with respect to this matter, and Whereas, it is in the best interests of the TOWN to hire the said Morgan L. Jones, Jr. Esq. and the law firm of Hogan Brooks, LLP, to represent it in this matter, Now Therefore It Is Resolved, that 1.The TOWN hereby hires Morgan L. Jones, Jr. Esq. and the law firm of Hogan Brooks, LLP, attorneys to represent the TOWN with respect to this matter, and do all things necessary to preserve and maintain the TOWN'S interest in said Lease, including litigation, if necessary, at a rate if \$200.00 per hour for any partner of the firm working on his matter, \$150.00 per hour for any associate, and \$125.00 per hour for any paralegal in addition to any costs, fees and disbursements. 2. The TOWN hereby authorizes the Town Supervisor to enter into a representation contract with the said Morgan L. Jones, Jr. Esq. consistent with and in accordance with this Resolution and further authorizes the Supervisor to execute any and all documents necessary to effectuate the provisions of this Resolution.

All present voted Aye.

Motion carried.

(Supervisor and Board in attendance signed the Resolution)

PAY BILLS

A MOTION was made by Councilwoman Rutland, seconded by Councilman Barnes to approve the payments of claims totaling \$410,680,.53 as audited by the Supervisor and Department Heads and as per Abstract Sheets dated October 26, 2022, which will be filed with the Official Record:

General Fund.....	\$ 57,316.54
Voucher #'s 31251 – 31365	
Highway Fund.....	54,199.32
Voucher #'s 31251 – 31365	
Water Dist....	153,748.05
Voucher #'s 31251 –31365	
Sewer Dist...31251 -31365.....	66,645.97
Fire Prevention Dist.31251-31365.....	277.00
Trust & Agency.....31251 –31365.....	1,957.00
Capital Projects.....31251 –31365.....	11,975.00
Refuse District.....31251 –31365	64,561.65
TOTAL APPROVED	\$ 410,680.53

All present voted Aye.

Motion carried.

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REGULAR MEETING – cont.

ANNOUNCEMENTS/COMMENTS FROM THE BOARD

Supervisor Syracuse:
Trick or Treat Hours – Monday, October 31, 2022, 4-7 pm

Councilman Barnes:

The new Recovery Clinic is opening on October 29, 2022.

GENERAL DISCUSSION

Mr. & Mrs. James Schmitt, 6455 Rounds Road, Newfane, New York commented on right of way on Rounds Road.

Supervisor Syracuse thanked them for their comments.

ADJOURN

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

All present voted Aye.

Motion carried.

Meeting adjourn at 7:35 p.m.

Public Hearing

November 9, 2022
6:30 p.m. & 7:00 p.m.

Next Regular Meeting

November 16, 2022
7:00 p.m.

Respectfully submitted:



Mildred M, Kramp, RMC, CMC
Town Clerk