

**JANUARY 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 January 26, 2022.

The following were present:

Supervisor: John Syracuse  
Councilman: Richard Coleman  
Councilwoman: Laura Rutland/Remote  
Councilman: Troy Barnes  
Councilwoman: Susan Neidlinger

Also,

Attorney: James J. Sansone, P.C.

**PRAYER AND PLEDGE**

Supervisor Syracuse opened the Town Board Meeting at 7:00 p.m. 7 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 Neidlinger to approve the minutes of the December 30, 2021 Regular Meeting and January 03, 2022 Reorganizational Meeting.

All present voted Aye.

Motion carried.

**COMMUNICATIONS AND PETITIONS**

Minutes filed in the Town Clerk's Office:

Town of Newfane, Fire Prevention Bureau, January 11, 2022.

**FISCAL/RECEIVED & ACCEPT TOWN CLERK'S REPORT FOR 2021**

A MOTION was made by Councilwoman Neidlinger, seconded by Councilman Barnes to accept the Town Clerk annual report of Receipts and Disbursements during 2021, showing \$153,771.51 received and \$22,737.30 disbursed, with \$131,034.21 turned over to the Town Supervisor. The Clerk offered her books and records for review by the Board.

All present voted Aye.

Motion carried.

**FISCAL/ANNUAL ACCEPT AUDIT 2021 JUSTICES/BARNES/BOUDEMANN**

A MOTION was made by Councilwoman Rutland ,(remote) seconded by Supervisor Syracuse

to accept the Audit report from Judge Barnes and Judge Boudeman dockets and records for 2021 in accordance with Town Law Section 123 and Section 2019-2 of the Uniform Justice Court Act, and Town Law Section 123, the criminal and civil dockets, that were reviewed by Councilman Coleman and Councilwoman Neidlinger on January 20, 2022. All deposits and anything dispersed were made in a timely and efficient manner. All records are complete, neat and orderly.

All present voted Aye.

Motion carried.

**TOWN/ROSTER UPDATE/MILLER HOSE COMPANY, INC.**

A MOTION was made by Councilwoman Neidlinger, Seconded by Councilman Barnes to update the Miller Hose Fire Company with the removal of Holly Kagels from the active roster effective immediately.

All present voted Aye,

Motion carried.

**TOWN/ROSTER UPDATE/OLCOTT FIRE COMPANY, INC.**

A MOTION was made by Councilman Coleman, seconded by Councilman Barnes to update the Olcott Fire Company with the removal of Jeffrey Hill, Jeremy Klever and Miranda Manning from the active roster effective immediately.

All present voted Aye.

Motion carried.

**COMMUNICATIONS AND PETITIONS** – continued.

**TOWN/WATER/SEWER DEPARTMENT/BUDGET AMENDMENT**

A MOTION was made by Councilwoman Neidlinger, seconded by Councilman Barnes to amend the budget for the sewer contractual part of budget for 2021 in the amount of \$35,614.14 for emergency repair on sewer jitter/vac truck.

All present voted Aye.

Motion carried.

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

Councilman Coleman: Voted: Aye.

Councilwoman Rutland: Voted: Aye.(Remote)

Councilman Barnes: Voted: Aye.

Councilwoman Neidlinger: Voted: Aye.

Supervisor Syracuse: Voted: Aye.

Motion carried.

5 – Ayes. 0 – Nays. 0 – Absent. 1 – Remote.

**TOWN ASSESSOR/**

A MOTION was made by Councilwoman Neidlinger, seconded by Councilman Coleman to allow Town Assessor permission to have Mr. Glidden work in the Assessor Office till February 28, 2022. Mr. Glidden will be working Monday, Tuesday, Thursday and Friday, 10:00 a.m. to 4:30 p.m. at a rate of \$20.00 hour.

All present voted Aye.

Motion carried.

**DEPARTMENT HEADS**

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

Jon Miller, Superintendent of Highways, reported on the recent snow storm, thanked Water/Sewer Department for their help. Sent a truck to auction and sold for \$36,000.00, 2 trucks were ordered last year should be getting them in early March. Everyone complimented the Highway Department on keeping the roads of Newfane in good condition.

Mike Mills, Water/Sewer Superintendent, reported working on Ontario Street, Lockport Street and Cooper Street in Olcott makin decent head way. The sewer jitter/vac truck is a 2009 and is working very good.

Nicholas Irr, WasteWater Treat Plant Operator, reported that everything is going good.

Mike Klock, Code Enforcement/Building Inspector, Thanked everyone at the Town Hall for making him feel very welcomed and also thanked Wendel Engineering. Stated he is in the process of Reviewing applications, permits and working with the fire companies with knock boxes .

Christopher Wilson, Deputy Dog Control Officer, dog control officer Jeffrey Newman is in the process of working on the contract with the SPCA, and working on the two dog complaints that were received.

Jane Voelpel, Representing Tourism Committee, the following people are on the tourism committee: Barbara Miller, Chairman, Sue Neidlinger, Town of Newfane, Liaison, Beverly Mandaville, Barbara and Nelson Colley, James Sansone, William Clark, Sara Capen Morgan Calhoon and Ginia Guido-Redden. We promote the Town and events, Sunday afternoons Concerts in Olcott and Newfane. Sue Neidlinger takes care the Concerts in Newfane and Jim Sansone takes care of concerts in Olcott. The Tourism committee new brochures will be out in early March.

**UNFINISHED BUSINESS** – None.

**NEW BUSINESS**

**TOWN/RESOLUTION NO. 2, 2022/SETTING THE COMPENSATION FOR THE TOWN ATTORNEY FOR THE YEAR 2022**

A MOTION was made by Councilwoman Neidlinger, seconded by Councilman Barnes to adopt the following Resolution No. 2, 2022 for setting the compensation for the Town Attorney for the year 2022 which was read by the Supervisor as follows: Whereas, the Town of Newfane, hereinafter called the Town, has appointed James J. Sansone, hereinafter called Sansone, Town attorney for the current fiscal year, and Whereas, Town did not specify the compensation to be to be paid Sansone in that appointment, and is desirous of doing so, in an effort to provide transparency to the community. Now Therefore It Is Resolved: 1. That the Town retain the services of Sansone as Town Attorney, at the rate of \$150.00 per hour plus expenses. 2. The Town hereby authorizes the Town Supervisor to enter into a contract with Sansone, 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. (Sign by Supervisor, Councilmen and Councilwoman in attendance)

All present voted Aye. (1-Remote)

Motion carried.

**TOWN/RESOLUTION NO.3, 2022, AGREEMENT BETWEEN THE TOWN OF NEWFANE AND TIMOTHY R. HORANBURG**

A MOTION was made by Councilwoman Rutland, (Remote) seconded by Councilman Coleman to adopt Resolution 3, 2022, This Agreement, by and between the Town of Newfane, hereinafter called the Town, with offices located at 2737 Main Street, Newfane, New York and Timothy R. Horanburg, hereinafter called Horanburg made this 22 day of January 2022, WITNESSETH: Whereas, the Town has commenced a REDI project to construct a break wall at the north end of the Eighteen Mile Creek in Lake Ontario, and also 2 other REDI projects, which include the Inner Harbor Stabilization Project and the West Beach Berm Construction Project, hereafter called the PROJECTS and Whereas, Horanburg, as Town Supervisor, has overseen the construction of the PROJECTS on behalf of the TOWN, and Whereas, the Town is desirous of having HORANBURG, who has since retired as Supervisor, to continue to assist in overseeing the remaining work on the PROJECTS and Whereas, it is the best interests of the TOWN to in retain HORANBURG to assist in overseeing the remaining work on the PROJECTS, NOW THEREFORE IT IS MUTUALLY AGREED AS FOLLOWS:

1. The Town hereby agrees to retain the services of Horanburg, and Horanburg agrees to Provide his services on behalf of the TOWN, to oversee the remaining construction on said projects.
2. The services Horanburg will provide shall include the following:
  - overseeing final design and construction of the fishing platforms, pier access ways and streetscape improvements.
  - arranging for shared services with Niagara County for payment milling and trucking.
  - coordinating with the project consultants to ensure the project remains on time and on budget.
  - Coordinating the Breakwater project with the other REDI projects and the Town's water line replacement project.
  - Serving as project liaison between the Town Board and project stakeholders.
  - Providing financial and reporting oversight for consultants and funding agencies.
  - Organizing all project meetings.
  - Managing inter-governmental and inter-agency affairs.
  - Overseeing project communications.
  - Updates in the construction, as required by the Supervisor, will be provided to the Supervisor by Horanburg.
  - Any other actions necessary for the completion of work on the Projects.
3. Total Compensation for these services shall be \$4,500.00, provided by the Town to Horanburg in three (3) equal installments of \$1,500.00, payable on 4/1/2022, 8/1/2022 And 12/1/2022.

All present voted Aye. (1-remote)

Motion carried.

NEW BUSINESS – continued.

TOWN/AUTHORIZE SUPERVISOR SIGN AGREEMENT BETWEEN THE TOWN OF NEWFANE AND TIMOTHY R. HORANBURG

A MOTION was made by Councilwoman Rutland, (Remote) seconded by Councilman Coleman to allow Supervisor Syracuse to sign an agreement with Timothy R. Horanburg To assist in the overseeing and the remaining work on the REDI project to construct a break wall at the north end of the Eighteen Mile Creek in Lake Ontario, and also 2 other REDI projects which include the Inner Harbor Stabilization Project and the WEST Beach Berm Construction Project.

All present voted Aye. (1-remote)

Motion carried.

(Agreement attached to Town Clerk's original minutes)

TOWN/ADOPT RESOLUTION NO. 4, 2022/RECOMMENDING THE NEW YORK STATE DEPARTMENT OF TRANSPORTATION (NYSDOT) TO REDUCE THE SPEED LIMIT ON HESS ROAD IN THE TOWN OF NEWFANE, NEW YORK FROM HATTER ROAD SOUTHERLY TO RIDGE ROAD, FROM 55 MPH TO 40 MPH, AND FURTHER REQUESTING THE NIAGARA COUNTY LEGISLATURE TO JOIN WITH THE TOWN OF NEWFANE IN THIS RECOMMENDATION TO THE NYSDOT

A MOTION was made by Councilwoman Neidlinger, seconded by Councilman Barnes to adopt Resolution No. 4, 2022, which was read by Supervisor Syracuse: Whereas, Hess Road is a road located in the Town of Newfane, owned by the County of Niagara, having a speed limit of 55 mph thereon, and Whereas, there exists a sharp curve located on Hess Road within the stretch of road from Hatter Road southerly to Ridge Road, which causes drivers to have difficulty negotiating the sharp curve on Hess Road at 55 mph, thereby causing many vehicular accidents at that curve as a result, and Whereas, the 55 mph speed limit at that curve poses and creates a danger to drivers at that location, and also to the residents living at and around that curve; cars failing to negotiate that curve have gone into the ditch along the road, and have also hit mailboxes and power poles along the shoulder of that road. Recently 2 accidents have occurred at that curve causing serious personal injury and property damage to the vehicles involved in the accidents and to surrounding properties and Now, Therefore, Be It Resolved, that the Town Board of the Town of Newfane does and hereby recommends to the NYS DOT that it lower the speed limit on Hess Road from Hatter Road southerly to Ridge Road from 55 mph to 40 mph and Be It Further Resolved, that the Town Board and hereby asks to the County of Niagara to join with the Town of Newfane in making this recommendation to the NYSDOT.

All present voted Aye. (1-remote)

Motion carried.

(Signed by Supervisor, Councilmen and Councilwoman)

(Petition attached to Town Clerk's original minutes)

TOWN/ADOPT RESOLUTION NO. 5, 2022/APPOINTING A SECTION 504 COORDINATOR (GRIEVANCE OFFICER) FOR THE TOWN OF NEWFANE TO COORDINATE THE EFFORTS OF THE TOWN OF NEWFANE TO COMPLY WITH SECTION 504 UNDER THE AMERICANS WITH DISABILITIES ACT (SECTION 504 OF 1973, 29 U.S.C. 794, OF THE U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES REGULATIONS IMPLEMENTING THE ACT

A MOTION was made by Councilman Coleman, seconded by Councilwoman Neidlinger to adopt the following Resolution which was read by Supervisor Syracuse as follows: Whereas, It is the policy of the Town of Newfane, not to discriminate on the basis of disability; and Whereas, the Town has determined that it serves the public interest to adopt a grievance procedure to provide for prompt and equitable resolution complaints alleging any action prohibited by Section 504 of the Rehabilitation Act of 1973 (29 U.S.C 794) of the U.S. Department of Health and Human Services, by any person who believes she or he has been subjected to discrimination on the basis of disability and Whereas, the Town Board of the Town of Newfane, New York has also determined that it is in the public interest to appoint a Section 504 Coordinator known as Grievance Officer, to coordinate the efforts of the Town of Newfane to comply with the said Section 504; and



**NEW BUSINESS** – continued.

**TOWN/ADOPT RESOLUTION NO.5, 2022/APPOINTING A SECTION 504 COORDINATOR (GRIEVANCE OFFICER) FOR THE TOWN OF NEWFANE TO COORDINATOR THE EFFORTS OF THE TOWN OF NEWFANE TO COMPLY WITHSECTION 504 UNDER THE AMERICANS WITH DISABILITIES ACT (SECTION 504 OF 1973, 29 u.s.c. 794, OF THE U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES REGULATIONS IMPLEMENTING THE ACT**

Whereas, the Town Board, on December 31, 2019, duly appointed Douglas Nankey, address; Newfane Town Hall, 2737 Main Street, Newfane, New York telephone 716-778-8822 extension 5 as the Section 504 Coordinator (Grievance Officer) for the Town of Newfane, New York; and Whereas, the said Douglas Nankey has retired, and it is therefore necessary to appoint another individual to the aforesaid position and Now Therefore Be It Resolved, that the Town does hereby appoint Mildred Kramp, Town Clerk, address; Newfane Town Hall, 2737 Main Street, Newfane, New York, 716-778-8822 extension 2 as the Section 504 Coordinator for the Town of Newfane, New York known as Grievance Officer, to coordinate the efforts of the Town of Newfane to comply with the said Section 504.

All present voted Aye. (1-remote)

Motion carried.

(Signed by Supervisor, Councilmen and Councilwoman)

**TOWN/RESOLUTION NO.6, 2022/AUTHORIZING THE APPOINTING A FAIR HOUSING OFFICER FOR THE TOWN OF NEWFANE, NEW YORK**

A MOTION was made by Councilwoman Rutland, seconded by Councilwoman Neidlinger to adopt Resolution No.6, 2022 Authorizing the appointing a Fair Housing Officer for the Town of Newfane, New York which was read by Supervisor Syracuse as follows: Whereas, It is the policy of the Town of Newfane to comply fully with all federal, state and local nondiscrimination laws and with the rules and regulations governing fair housing and equal opportunity in housing and employment and Whereas, the Town shall not deny any family or individual the opportunity to apply for or receive assistance under the Conventional/Public Housing programs on the basis of race, shade, color, sex, religion, creed, national or ethnic origin, ancestry, source of income, veteran status, age, familial or marital status, handicap/disability, sexual orientation or gender identity and Whereas, the Town of Newfane has determined it is also in the public interest to adopt a Fair Housing Policy and to appoint a Fair Housing Officer to administer the Fair Housing Policy; and Whereas, on December 31, 2019, the Town Board of the Town of Newfane, New York adopted a Fair Housing Policy for the Town of Newfane and also appointed Douglas Nankey as Fair Housing Officer to administer said Policy and Whereas, the said Douglas Nankey has since retired and is no longer able to act as Fair Housing Officer and it has therefore become necessary to replace him in that position; Now Therefore Be It Resolved That Town of Newfane hereby appoints Michael Klock, address: Newfane Town Hall, 2737 Main Street, Newfane, New York, telephone 716-778-8822 extension 5 as the Fair Housing Officer for the Town of Newfane, New York.

All present voted Aye. (1-remote)

Motion carried.

(signed by Supervisor, Councilmen and Councilwoman)

**TOWN/ACCEPT BID/DAN PEARCE PAINTING AND POWER WASHING/YE OLDE CABIN \$3850**

A MOTION was made by Councilman Coleman, seconded by Councilwoman Neidlinger to authorize acceptance of bid from Dan Pearce Painting and Power Washing, 248 Chestnut Street, Wilson, New York 14172 for Ye Olde Cabin in Olcott, New York for the cost of \$3850, the other proposal was from Panek Coatings LLC, 13748 Albion Eagle Harbor Road, Albion, New York for \$5375.

All present voted Aye. (1-remote)

Motion carried.

**TOWN/AUTHORIZE SUPERVISOR/CONTRACT/MUNICIPAL SOLUTIONS, INC.**

A MOTION was made by Councilwoman Rutland, seconded by Councilman Coleman to authorize Supervisor Syracuse to enter into contract with Municipal Solutions, Inc., 62 Main Street, LeRoy, New York 14482.

All present voted Aye. (1-remote)

Motion carried.

**JANUARY 26, 2022**

**REGULAR MEETING – (con’t)**

**NEW BUSINESS** – continued.

**TOWN/SUPPORT LETTER/BITTNER**

A MOTION was made by Councilwoman Neidlinger, seconded by Councilman Coleman to send a letter to Rachel Chrostowski, Farmland Protection Specialist, Western New York Land Conservancy, P.O. Box 471, East Aurora, NY 14052, in support for both the Bittner Orchards and Singer Orchards applications to the New York State Department of Agriculture & Markets for a Farmland Protection Implementation Grant.

All present voted Aye. (1-remote) Motion carried.  
(signed by Supervisor, Councilmen, Councilwoman and Town Clerk)

**TOWN CLERK/STANDARD WORK DAY**

A MOTION was made by Councilwoman Rutland, (remote) seconded by Councilwoman Neidlinger to establish a standard work day and reporting resolution for Elected and Appointed Officials.

All present voted Aye. (1 remote) Motion carried.

**TOWN/LETTER/SUPPORT MURPHY ORCHARDS**

A MOTION was made by Councilman Coleman, seconded by Councilwoman Rutland to give Sara Capen, Executive Director, Niagara Falls National Heritage Area, Inc. P.O. Box 1932, Timon Hall, Room 125, Niagara University, New York 14109, letters of support for Murphy Orchards grant application for Phase 1 of the restoration of Murphy’s Orchard located in the Town of Newfane.

All present voted Aye. (1remote) Motion carried.

**TOWN/REFUSE TOTES**

A MOTION was made by Councilman Barnes, seconded by Councilman Coleman to allow the Supervisor to order 50, 96 gallon garbage totes.

All present voted Aye. (1 remote) Motion carried.

**COMMISSIONS/BOARDS/APPOINT HORANBURG/WALSH/PLANNING BOARD**

A MOTION was made by Councilwoman Neidlinger, seconded by Councilwoman Rutland (remote) to appoint Robert Horanburg and Eoin Walsh to the Town of Newfane Planning Board.

All present voted: (1-remote/Aye. 3-Ayes. Councilman Barnes Voted: Opposed.  
4 -Ayes. 1-Opposed. 0-Absent. Motion carried.

**COMMISSIONS/BOARDS/APPOINT SCHULTZ/FINLEY/ZONING BOARD OF APPEALS**

A MOTION was made Councilman Coleman, seconded by Councilwoman Neidlinger to appoint Colleen Schultz and Tyler M. Finley to the Town of Newfane Zoning Board of Appeals.

All present voted: (1-remote/Aye. 3-Ayes. Councilman Barnes Voted: Opposed.  
4-Ayes. 1-Opposed. 0-Absent. Motion carried.

**PAY BILLS**

A MOTION was made by Councilman Barnes, seconded by Councilwoman Neidlinger, to approve the payment of claims totaling \$2,039,284.43, bills paid in January 2022 as audited by the Supervisor and Department Heads and as per Abstract Sheets dated 01/26/2022 which will be filed with the official record.

General Fund.....	\$ 75,487.78
Voucher #'s29599-29749	
Highway Fund.....	93,715.63
Voucher #'s 29599-29749	
Water Dist.....	102,027.68
Voucher #'s29599-29749	
Sewer Dist.....	80,891.85

**PAY BILLS** –continued.

Voucher #'s 29599-29749	
Refuse Dist.....	970.00
Voucher #'s 29599-29749	
Lighting Dist.....	5,669.73
Voucher #'s 29599-29749	
Fire Prevention .....	4,134.06
Voucher #'s 29599-29749	
Capital Projects.....	1,674,335.30
Voucher #'s 29599- 29749	
Trust & Agency29599-29749.....	2,052.40
TOTAL APPROVED:	\$ 2,039,284.43

All present voted Aye.

Motion carried.

**ANNOUNCEMENTS/COMMENTS FROM THE BOARD**

Supervisor Syracuse:

Work Sessions – February 10 and 17 at 5:00 p.m.

Corvid Tests Kits – Drive Tru 1 kit per family, noon to 2:00 p.m.

Sonitrol – updated the system

Board of Elections Early Voting – Community Center, June 18 - 28, 2022 and October 28 – November 8, 2022.

**GENERAL DISCUSSION**

George Maziarz, 6905 Ridge Road, Lockport, New York asked if the Health Insurance for elected officials is paid by the Town?

Councilwoman Neidlinger said an Amendment to the Work Rules was adopted 12/28/2012, starting January 1, 2013 that part-time elected officials will not be eligible for any employer contributed health insurance.

**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 7:50 p.m.

Regular Board Meeting – February 23, 2022



Mildred M. Kramp, RMC, CMC  
Town Clerk