

**TOWN OF NIAGARA
TOWN BOARD MEETING
MINUTES**

**Tuesday, February 15, 2022
6:30 PM**

Pursuant to Executive Order No. 202.1, issued by Governor Cuomo on March 12, 2020, and advisories issued by Federal, State and Local officials related to the COVID-19 virus, the Town Board will convene its meetings remotely.

ZOOM

Join Zoom Meeting Link

**[https://us02web.zoom.us/j/2669962599?pwd=UENBSHBvRGg5WnMrRXpRc1phZ
WtnUT09](https://us02web.zoom.us/j/2669962599?pwd=UENBSHBvRGg5WnMrRXpRc1phZWtnUT09)**

Meeting ID: 266 996 2599

Passcode: 2669962599

One tap mobile

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PUBLIC HEARING

OPEN MEETING (Pledge, Roll Call)

Supervisor Lee Wallace called the meeting to order with the Pledge of Allegiance. Attached is a Memorial Page of all the deceased Town residents who passed away recently.

Roll Call:

Present: Supervisor Lee S. Wallace, Deputy Supervisor Charles F. Teixeira, Councilman Richard A. Sirianni, Councilman Samuel Gatto, Councilman Marc M. Carpenter

Absent: None

Excused: Also, present Sylvia Virtuoso, Town Clerk

PRIVILEGE OF THE FLOOR (Announce changes to agenda, if any)

(§50-3 Privilege of the floor. Only members of the public sector are allowed to speak at this time and may address any agenda or non-agenda item.

(3-minute limit) (18 in attendance online.)

No Speakers

APPROVAL OF MINUTES

1. Town Board Meeting of January 18, 2021

Motion to approve by Councilman Gatto, second by Councilman Sirianni.

Ayes – Wallace, Teixeira, Sirianni, Gatto, Carpenter

Noes – none

Abstain – none

Motion carried.

PAYMENT OF BILLS

General Fund prepay vouchers [A] \$64,905.78

General Fund vouchers [A] \$179,453.46

Sewer Fund prepay vouchers [G] \$5,543.63

Sewer Fund vouchers [G] \$9,729.22

Water Fund vouchers [F] \$10,864.50

Water Fund vouchers prepay [F] \$4,129.17

Highway Fund vouchers [DA] \$98,415.52

Highway Fund prepay vouchers [DA] \$17,541.16

Fire Protection prepay vouchers [SF] \$48,414.00

Fire Protection [SF] \$5,029.54

Street Lighting vouchers [SL] \$9,906.23

Street Lighting Pre-Pay vouchers [SL]

Trust & Agency Pre-Pay vouchers [TA]

Trust & Agency vouchers [TA] \$952.55

Capital Projects prepay vouchers [H]

Capital Projects vouchers [H] \$589,912.39

Motion to approve by Councilman Carpenter, second by Councilman Gatto.

Ayes – Wallace, Teixeira, Sirianni, Gatto, Carpenter

Noes – none

Abstain – none

Motion carried.

AGENDA

1. Resolution calling for public hearing on Tuesday, March 15, 2022 at 6:30pm regarding proposed Local Law No. 2022-1 creating a new Chapter 201 of the Town Code establishing a “sewer Remediation Dedicated Fund.”(Risman)

Motion to approve by Councilman Gatto, second by Councilman Sirianni.

Ayes – Wallace, Teixeira, Sirianni, Gatto, Carpenter

Noes – none

Abstain – none

Motion carried.

2. Resolution calling for a public hearing on March 15, 2022 at 6:30 pm concerning proposed Local Law No. 2022-2 amending three sections of the Town Code with

respect to sewer and water line work and compliance with Town water and sewer regulations. (Risman)

Motion to approve by Councilman Gatto, second by Councilman Teixeira.

Ayes – Wallace, Teixeira, Sirianni, Gatto, Carpenter

Noes – none

Abstain – none

Motion carried.

3. Resolution to pre-pay deposits for bands contracted to perform during the 2022 Music Mania Mondays Concert Series and to pay for the remainder of their performance fee the night of the concert. (As per the attached)

Motion to approve by Councilman Gatto, second by Councilman Carpenter.

Ayes – Wallace, Teixeira, Sirianni, Gatto, Carpenter

Noes – none

Abstain – none

Motion carried.

4. Resolution to approve the purchase of new water meters and water meter reading system and software not to exceed the amount of \$20,000.00 using the 2022 Water Departments share of the American Rescue Act Funds. (Beiter)

Motion to approve by Councilman Sirianni, second by Councilman Carpenter.

Ayes – Wallace, Teixeira, Sirianni, Gatto, Carpenter

Noes – none

Abstain – none

Motion carried.

5. Resolution to contract with Fox Fence, low bidder for the installation of a security fence around the main Veterans Park Maintenance Building at a cost of \$18,128.42. (Wallace)

Motion to approve by Councilman Gatto, second by Councilman Sirianni.

Ayes – Wallace, Teixeira, Sirianni, Gatto, Carpenter

Noes – none

Abstain – none

Motion carried

6. Resolution to appoint Drescher & Malecki, (low bidder) as the Town accountants for a period of 5 years from 2021-2025 as per the attached proposal. (Wallace)

Motion to approve by Councilman Carpenter second by Councilman Gatto.

Ayes – Wallace, Teixeira, Sirianni, Gatto, Carpenter

Noes – none

Abstain – none

Motion carried.

7. Resolution to approve the 3 year (2022-2024) Niagara County Roadside Mowing Contract in the amount of \$2,500.00 beginning on May 1, 2022. (Herman)

Motion to approve by Councilman Carpenter, second by Councilman Sirianni.

Ayes – Wallace, Teixeira, Sirianni, Gatto, Carpenter

Noes – none
Abstain – none

Motion carried.

8. Resolution to approve the Post and Hire of 1 (MEO) Machine Equipment Operator for the Highway Dept. to replace the Employee that transferred to the Water Sewer Dept. Start Date 3/7/2022. (Herman)

Motion to approve by Councilman Carpenter, second by Councilman Sirianni.

Ayes – Wallace, Teixeira, Sirianni, Gatto, Carpenter
Noes – none
Abstain – none

Motion carried.

9. Resolution to approve the special use permit for JETPORT at 7100 Porter Road, Tax Map # 145.12-1-2. (Haseley)

Motion to approve by Councilman Carpenter, second by Councilman Sirianni.

Ayes – Wallace, Teixeira, Sirianni, Gatto, Carpenter
Noes – none
Abstain – none

Motion carried.

10. Resolution to call for a Public Hearing for the Special Use Permit request of James Runkle to operate an in home occupation out of his residence at 4610 - Theresa Lane/ Tax Map 131.11-1-79. (Haseley)

Motion to approve by Councilman Gatto, second by Councilman Sirianni.

Ayes – Wallace, Teixeira, Sirianni, Gatto, Carpenter
Noes – none
Abstain – none

Motion carried.

11. Resolution to approve the purchase of one E35 25 HP R2 series Bobcat Compact Excavator from Bobcat of Buffalo/Upstate Equipment under NYS OGCS Contract #PC69396 Group 40625 Award PGB 22792 for \$52,487.88 from a Capital Project Fund rolled over from the 2021 Budget. (Beiter)

Motion to approve by Councilman Teixeira second by Councilman Gatto.

Ayes – Wallace, Teixeira, Sirianni, Gatto, Carpenter
Noes – none
Abstain – none

Motion carried.

12. Resolution to approve the purchase of one Towmaster Trailer to haul the Water/Sewer Departments E35 Mini Excavator. Model T 10D for \$8,170.40 thru Bobcat of Buffalo / Upstate Equipment under Sourcewell contract #121918 MNR. Paid for from a Capital Project Fund rolled over from the 2021 Budget. (Beiter).

Motion to approve by Councilman Teixeira, second by Councilman Sirianni.

Ayes – Wallace, Teixeira, Sirianni, Gatto, Carpenter

Noes – none
Abstain – none

Motion carried.

13. Resolution to approve the listing and selling on Auctions International of Water Department 2003-3500 Chevy Dump with Plow replaced with a new 2021-3500 Dodge Dump truck recently purchased. (Beiter)

Motion to approve by Councilman Carpenter, second by Councilman Gatto.

Ayes – Wallace, Teixeira, Sirianni, Gatto, Carpenter
Noes – none
Abstain – none

Motion carried.

14. Resolution to approve the lease of a 2022 Dodge Ram 1500 Warlock from Ceconni's Chrysler for a 3-year lease at \$395 a month. Vehicle to replace an expiring leased vehicle due for turn in March of 2022. Truck is budgeted in the 2022 budget line F8340.02 Water Equipment. (Beiter)

Motion to approve by Councilman Sirianni second by Councilman Gatto.

Ayes – Wallace, Teixeira, Sirianni, Gatto, Carpenter
Noes – none
Abstain – none

Motion carried.

15. Resolution to declare a negative declaration on the associated SEQR for the minor subdivision / special use requests of Quicklee's. 6001-6025 Porter Road. / Tax Map #145.14-3-2.111. (Haseley)

Motion to approve by Councilman Gatto, second by Councilman Sirianni.

Ayes – Wallace, Teixeira, Sirianni, Gatto, Carpenter
Noes – none
Abstain – none

Motion carried.

16. Resolution to approve the minor subdivision request of Quicklee's. 6001-6025 Porter Road. / Tax Map # 145.14-3-2.111. (Haseley)

Motion to approve by Councilman Gatto, second by Councilman Carpenter.

Ayes – Wallace, Teixeira, Sirianni, Gatto, Carpenter
Noes – none
Abstain – none

Motion carried.

17. Resolution to approve the special use requests/Final site plan of Quicklee's. 6001-6025 Porter Road. / Tax Map #145.14-3-2.111. (Haseley)

Motion to approve by Councilman Carpenter second by Councilman Gatto.

Ayes – Wallace, Teixeira, Sirianni, Gatto, Carpenter
Noes – none
Abstain – none

Motion carried.

TABLED

1. Resolution to declare a negative declaration on the associated SEQR on the Final site plan request of Wayside Nursery. 8962 Porter Road / Tax Map # 146.14-1-7. (Haseley)
2. Resolution of approve the Final site plan request of Wayside Nursery. 8962 Porter Road / Tax Map # 146.14-1-7. (Haseley)
3. Discussion on ballistic vest purchases for the Special Police. (Suitor)
4. Discussion on mobile computer replacement authorized thru CARES Act funding. (Suitor)
5. Discussion on mobile messaging VMS LED signs authorized thru CARES Act Funding. (Suitor)

COMMENTS

ADJOURNMENT

Motion to adjourn by Councilman Carpenter second by Councilman Gatto. All in favor. Meeting adjourned at 6:48 pm.

Respectfully submitted,

Sylvia Virtuoso

Sylvia Virtuoso, Town Clerk

THE MONTHLY AGENDA IS ON THE TOWN WEBSITE

www.townofniagara.com

ALL MARCH MEETINGS WILL BE IN PERSON

Town Board

Planning and Zoning

IN MEMORIAM

Diane K. (Harran) Morse

Everett J. Skip Armagost

Francesco Viola

Gerald H. Freeman
Janet L. (Morgan) Schnittker
Lorraine L. Ciraolo
Rose M. Bruno

Town of Niagara
Local Law No. 2022-1

The Town of Niagara Town Board hereby adopts a new Chapter 201 of the Town of Niagara Town Code, entitled “Sewer Remediation Dedicated Fund” as follows:

Chapter 201
Sewer Remediation Dedicated Fund

§ 201-1. Purpose and Intent

The Town of Niagara, pursuant to the directives from the New York State Department of Environmental Conservation, requires any new sewer extension applicant to reduce inflow and infiltration (“I&I”) on a minimum of a 4:1 offset (four gallons per day I&I to one gallon per day peak sewage flow) into the Town’s sanitary sewer system. Said I&I reduction plans have historically consisted of numerous small-scale projects and were completed prior to a sewer extension being connected to the Town’s system. The Town now desires a more flexible I&I reduction program which would enable it to utilize dedicated funds on future larger-scale I&I reduction projects. Accordingly, the Town is establishing a Sewer Remediation Dedicated Fund into which an applicant of a new sewer extension may pay a fee (said fee to be considered “I&I work”) which will be held in a dedicated fund to be used on Town I&I reduction projects.

§ 201-2. Establishment of Sewer Remediation Fund.

There is hereby established the Town of Niagara Sewer Remediation Dedicated Fund. All funds of the Town of Niagara Sewer Remediation Dedicated Fund shall be dedicated for use on I&I reduction projects.

§ 201-3. Responsibilities of new sewer system users.

Prior to establishing a new connection to the Town sewer system, any applicant of a newly constructed or proposed new sewer extension, designed to serve more than one sewer connection and/or intended to convey 2,500 gallons per day or more of residential sewage, shall commit to projects reducing I&I on a 4:1 ratio and pay into the Town of Niagara Sewer Remediation Dedicated Fund.

§ 201-4. Credit for radiation efforts.

Credit for remediation efforts shall be based on the Town of Niagara Sewer Remediation Dedicated Fund Fee Schedule, which the Town Board may amend by resolution.

§ 201-5. Payment rate.

Payment into the Town of Niagara Sewer Remediation Dedicated Fund shall be at a rate established in the Fee Schedule for new projects, based on the Town's cost to remediate. The Town Board may establish and amend said Fee Schedule by resolution from time to time.

§ 201-6. Administration of dedicated fund.

The Town Water and Sewer Superintendent of the Town of Niagara shall administer the policies and procedures relative to this dedicated fund.

Town of Niagara

Local Law No. 2022-2

The Town of Niagara Town Board hereby adopts a new section 135.27, entitled as follows:

Section 135.27 Excavation and Related Work

- a) The standards for excavation and related work are set forth in sections 135-29 through 135-44 below.
- b) Wherever a private contractor works in or around a public highway, road, street or right-of-way or any Town water or sewer mains, utilities, or fixtures, the Contractor shall be responsible for repairing or maintaining the right-of-way area, fixtures and mains during construction and for a period of one year after completion of the work. The contractor shall be responsible for restoring the excavated or damaged portions of such highway, road, street or highway, and water or sewer mains to the condition prior to such work excavation or damage. During construction and for the following one-year period, contractor shall also be responsible for all claims for personal injury and property damage resulting from the improper or inadequate repair or restoration of the highway, road, street, right-of-way, or water or sewer main.

(Underlined areas are new text and language in parentheses is deleted.)