

**TOWN OF NIAGARA  
TOWN BOARD MEETING  
7105 Lockport Road  
Niagara Falls, NY 14305**

**MINUTES**

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

**PUBLIC HEARING**

1. Proposed Local Law No. 2022-1 creating a new Chapter 201 of the Town Code establishing a “sewer Remediation Dedicated Fund.”(Risman)  
Opened at 6:30pm. No Speakers. Closed at 6:31pm.
2. 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)  
Opened at 6:32pm. No Speakers. Closed at 6:33pm.
3. 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)  
Opened at 6:34pm. No Speakers. Closed at 6:34pm.

**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: None

Also, present Melissa Cerrillo, Deputy 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)

Ron Dubois of 9701 Lockport Road stated with the last storm he had flooding in his home. He was looking to see if there was a plan to upgrade the sewer systems, or if anything could be done to help alleviate this problem.

## **APPROVAL OF MINUTES**

1. Town Board Meeting of **February 15, 2021**

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

Ayes – Wallace, Teixeira, Sirianni, Gatto, Carpenter

Noes – none

Abstain – none

Motion carried.

## **PAYMENT OF BILLS**

General Fund prepay vouchers [A] \$19,958.90

General Fund vouchers [A] \$92,305.95

Sewer Fund prepay vouchers [G] \$1508.84

Sewer Fund vouchers [G] \$714,879.73

Water Fund vouchers [F] \$5,122.02

Water Fund vouchers prepay [F] \$51,127.00

Highway Fund vouchers [DA] \$45,672.77

Highway Fund prepay vouchers [DA]

Fire Protection prepay vouchers [SF]

Fire Protection [SF] \$214.54

Street Lighting vouchers [SL] \$9,700.91

Street Lighting Pre-Pay vouchers [SL]

Trust & Agency Pre-Pay vouchers [TA] \$6,700.00

Trust & Agency vouchers [TA] \$245.00

Capital Projects prepay vouchers [H]

Capital Projects vouchers [H]

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

Ayes – Wallace, Teixeira, Sirianni, Gatto, Carpenter

Noes – none

Abstain – none

Motion carried.

## **AGENDA**

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)

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

Ayes – Wallace, Teixeira, Sirianni, Gatto, Carpenter

Noes – none

Abstain – none

Motion carried.

2. Resolution of approve the Final site plan request of Wayside Nursery. 8962 Porter Road / Tax Map # 146.14-1-7. (Haseley)

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

Ayes – Wallace, Teixeira, Sirianni, Gatto, Carpenter

Noes – none

Abstain – none

Motion carried.

3. Resolution to purchase 12 Ballistic vests for Special Police from United Uniform not to exceed \$11,000.00. State Bid item, 50% Federal Grant reimbursement. (Suitor)

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

Ayes – Wallace, Teixeira, Sirianni, Gatto, Carpenter

Noes – none

Abstain – none

Motion carried.

4. Resolution to purchase a mobile message board VMS LED at a cost not to exceed \$34,000. Funding to come from the American Rescue CARES Act (Suitor)

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

Ayes – Wallace, Teixeira, Sirianni, Gatto, Carpenter

Noes – none

Abstain – none

Motion carried.

5. Resolution to reappoint Patrick Donohue to PT Police Officer Court Security. (Suitor)

Motion to approve by Councilman Teixeira second by Councilman Gatto.

Ayes – Wallace, Teixeira, Sirianni, Gatto, Carpenter

Noes – none

Abstain – none

Motion carried.

6. Resolution to appoint Jeffrey Bissell to PT Police Officer Court Security. (Suitor)

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

Ayes – Wallace, Teixeira, Sirianni, Gatto, Carpenter

Noes – none

Abstain – none

Motion carried.

7. Resolution to approve 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 Teixeira, second by Councilman Carpenter.

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

Motion carried.

8. Resolution to approve 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 Teixeira second by Councilman Carpenter

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

Motion carried.

9. Resolution to approve the following policy for the Town of Niagara Water and Sewer Department: Between November 1st and April 1st of each year, private contractors will not be permitted to work on water or sewer mains and no water or sewer taps or fixtures will be installed. No hydrant use will be permitted and no hydrant cart rentals will be issued during this period. The Town Water and Sewer Department will not do any water or sewer taps or connections during this time. This policy may be waived only by the Town Water and Sewer Superintendent in writing in an emergency or when there is a need or benefit to the Town to perform such work.

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

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

Motion carried.

10. Resolution to declare a negative declaration on the associated SEQR for the Special use permit request of James Runkle to operate an in home occupation out of his residence, 4610 Theresa Lane/ Tax Map #131.11-1-79. (Haseley)

Motion to approve by Councilman Carpenter second by Councilman Gatto.

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

Motion carried.

11. Resolution to approve 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 Sirianni second by Councilman Gatto.

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

Motion carried.

12. Resolution to call for a Public Hearing for the special use permit request of Joseph Casale III to operate an in-home occupation out of his residence located at 7431 Sunnydale Dr. Tax Map # 131.20-3-16. (Haseley)

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

Ayes – Wallace, Teixeira, Sirianni, Gatto, Carpenter

Noes – none

Abstain – none

Motion carried.

13. Resolution to approve the amendment of the lease agreement with Verizon for use of the Town Water Tower by increasing the rent by \$300 per month due to Verizon upgrading its facilities and adding additional antennas, and authorizing the Town Supervisor to sign the lease agreement. Additional revenue to be shared equally with Crescendo Trust pursuant to our existing agreement with Crescendo. (Risman)

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

Ayes – Wallace, Teixeira, Sirianni, Gatto, Carpenter

Noes – none

Abstain – none

Motion carried.

14. Resolution to approve the Post and Hire for (1) FT MEO in the Highway Dept. Starting date is Monday April 4<sup>th</sup> 2022. Position is needed as a result of a departmental retirement. (Herman)

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

Ayes – Wallace, Teixeira, Sirianni, Gatto, Carpenter

Noes – none

Abstain – none

Motion carried.

15. Resolution to post and hire P/T Recreation workers to fulfill summer recreation program. Please let me know if you any further explanation or justification for approval. (A. Haseley)

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

Ayes – Wallace, Teixeira, Sirianni, Gatto, Carpenter

Noes – none

Abstain – none

Motion carried.

16. Resolution to declare a negative declaration on the associated SEQRA for the final site plan review request of Wegmans Food Markets, Inc. 1575-1653 Military Road tax Map # 161.05-1-3.21. (Haseley)

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

Ayes – Wallace, Teixeira, Sirianni, Gatto, Carpenter

Noes – none

Abstain – none

Motion carried.

17. Resolution to approve the final site plan review request of Wegmans Food Markets, Inc. 1575-1653 Military Road Tax Map #161.05-1-3.21. (Haseley)

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

Ayes – Wallace, Teixeira, Sirianni, Gatto, Carpenter

Noes – none

Abstain – none

Motion carried.

18. Resolution to approve the following budget amendment to transfer funds from the American Rescue Plan Act for Highway Shared Services Sweeper:

Increase:	A4089 Federal Aid	26,126.00
	A9901.9 Transfer to Other Funds	26,126.00

Increase:

DA5031 Interfund Transfer	26,126.00
DA5130.2 Machinery Equip	26,126.00

Motion to approve by Councilman Carpenter, second by Councilman Teixeira

Ayes – Wallace, Teixeira, Sirianni, Gatto, Carpenter

Noes – none

Abstain – none

Motion carried.

19. Resolution to contract with G&G Municipal Consulting and Grant Writing, starting date Wednesday March 16<sup>th</sup> through December 31<sup>st</sup> 2022 with a monthly retainer of \$850.00/month.

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

Ayes – Wallace, Teixeira, Sirianni, Gatto, Carpenter

Noes – none

Abstain – none

Motion carried.

## **TABLED**

1. Discussion on mobile computer replacement authorized thru CARES Act funding. (Suitor)
2. Discussion on police department policy and procedures manual. (Suitor)
3. Resolution to revise the payment procedure for the Town of Niagara Planning and Zoning Boards as follows:  
“Members of the Town of Niagara Planning and Zoning Boards will only be paid for monthly meetings they attend. (Wallace)

## COMMENTS

**Chuck Teixeira said it's good to be back, sad to hear of the passing of Joseph Webber IV and condolences to Mike Risman on the loss of his mother.**

**Richard Sirianni said it's so nice to have everyone back.**

**Sam Gatto agrees that it's so nice to be back to public meetings.**

**Mark Carpenter said it's very nice to see some friendly faces, its great to be back in person and gave his condolences for the loss of my mother.**

**Lee Wallace said he hopes to keep things the way they are now and not have to go back to zoom meetings.**

## ADJOURNMENT

Motion to adjourn by Councilman Carpenter second by Councilman Teixeira. All in favor. Meeting adjourned at 6:52 pm.

Respectfully submitted,

*Melissa Cerrillo*

Melissa Cerrillo Deputy Town Clerk

THE MONTHLY AGENDA IS ON THE TOWN WEBSITE  
[www.townofniagara.com](http://www.townofniagara.com)

### **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.)