

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

MINUTES

Tuesday, June 18th 2024

6:30 PM

PUBLIC HEARING

1. To consider proposed adoption of Local Law No. 2024-3 repealing Local Law No. 2021-5 which opted out of Adult Use Cannabis Retail Dispensaries and On-Site Consumption sites within the Town of Niagara and which will provide that the Town of Niagara will opt in and allow Adult Use Cannabis Retail Dispensaries and on-Site Consumption Sites within the Town of Niagara after adoption and filing of the Local Law.

Opened @6:30pm

Closed @7:01pm

2. To consider proposed adoption of Town of Niagara Local Law No. 2024-1 regulating the zoning of solar energy systems within the Town of Niagara.

Opened @ 7:01pm

Closed @ 7:01pm

3. To consider proposed Town of Niagara Local law No. 2024-2 revising the penalties for violations of the sign regulations contained on Chapter 204, Section 204-12 of the Town Code.

Opened @7:02pm

Closed@7:02pm

OPEN MEETING (Pledge, Prayer, Roll Call) @7:03pm

(Residents who passed away since our last meeting are Memorialized at the end of this Agenda)

Supervisor Sylvia Virtuoso 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 Sylvia Virtuoso, Deputy Supervisor Marc Carpenter, Councilman Mike Lee, Councilman Johnny Parks, Councilman Charles Teixeira

Absent:

Excused:

Also, present Melissa Cerrillo, 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))

Paula Wojtowicz – 1850 Tuscarora Road. Paula stated she read an article about the Town opting in on Cannabis, and was disappointed because it sounded like it was a go without being discussed at the meeting. She was informed that, that was not the case, because it was being voted on at the meeting this evening. She also stated she was concerned about the “On-Site” consumption, and worried people would get in their cars and drive down the road after consuming cannabis.

Michael Gawel-(no address given) Michael stated the location of the cannabis retail store would be a retail location only and not a consumption site, and that the Town should be happy to have them here.

Kari Bullman-2023 Military Road. Kari spoke about how the illicit drug market is rampant and how dangerous it is to buy the fake stuff that is out there. Their product is lab checked and tested twice before they receive it.

Mary Felvus-3325 Hyde Park. Mary asked if they are going to board up and remove the graffiti off the building across from her. She also was interested in seeing if 2931 Hyde Park and 2929 Hyde Park would be getting any violations for their property.

Tom Weber-7625 Packard Road. Tom sent a request to Marc Carpenter to read “I simple phrase on my behalf...” because he hurt his knee and was unable to attend. The email read, “Since my last presentation to the board I’d like to say “nothing has been don’t to resolve any issues at 7701 packard.” Marc also stated he would forward the photos Tom sent with the email to the Town Board in the morning.

APPROVAL OF MINUTES

1. Town Board Meeting of May 21st, 2024

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

Ayes – Virtuoso, Carpenter, Lee, Parks, Teixeira

Noes – none

Abstain – none

Motion carried.

PAYMENT OF THE BILLS

General Fund Pre-Pay vouchers [A] \$49,159.66

General Fund vouchers [A] \$80,097.28

Sewer Fund Pre-Pay vouchers [G] \$1,951.91

Sewer Fund vouchers [G] \$1,303.10

Water Fund Pre-Pay vouchers [F] \$515.91

Water Fund vouchers [F] \$9,935.30

Highway Fund Pre-Pay vouchers [DA] \$417.25

Highway Fund vouchers [DA] \$62,317.14

Fire Protection Pre-Pay vouchers [SF] \$0

Fire Protection vouchers [SF] \$112.66

Street Lighting Pre-Pay vouchers [SL] \$7,142.87

Street Lighting vouchers [SL] \$0
Trust & Agency Pre-Pay vouchers [TA] \$3,500.00
Trust & Agency vouchers [TA] \$3,309.63
Capital Projects Pre-Pay [H] \$61,500.00
Capital Projects vouchers [H] \$9,920.00

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

Ayes – Virtuoso, Carpenter, Lee, Parks, Teixeira
Noes – none
Abstain – none

Motion carried.

AGENDA

1. Resolution to adopt Local Law No.2024-3 repealing Local law No. 2021-5 which opted out of allowing cannabis retail dispensaries and on-site cannabis consumption sites from being established and operated within the Town’s jurisdiction, and opting in and authorizing and allowing Adult Use Cannabis Retail Dispensaries and On-Site Consumption sites within the Town of Niagara upon adoption and filing of the Local Law. (Risman)

Motion to approve by Councilman Lee second by Councilman Parks.

Ayes –Virtuoso, Carpenter, Lee, Parks,
Noes – Teixeira
Abstain – none

Motion carried.

2. Resolution to support the application of Niagara Hemp Supply, LLC, to obtain a license to operate an adult-use cannabis retail dispensary at 2023 Military Road in the Town of Niagara. (Risman)

Motion to approve by Councilman Lee second by Councilman Parks.

Ayes –Virtuoso, Carpenter, Lee, Parks
Noes – Teixeira
Abstain – none

Motion carried.

3. Resolution to adopt proposed Local Law No. 2024- 1 regulating the zoning of solar energy systems within the Town of Niagara. (Risman)

Motion to approve by Councilman Teixeira second by Councilman Carpenter.

Ayes – Virtuoso, Carpenter, Lee, Parks, Teixeira
Noes – none
Abstain – none

Motion carried.

4. Resolution to set the fees associated with complying with the applicable code sections of Local Law No. 2024-1 Solar Energy Systems, as attached. (Haseley)

Motion to approve by Councilman Parks second by Councilman Teixeira.

Ayes – Virtuoso, Carpenter, Lee, Parks, Teixeira

Noes – none

Abstain – none

Motion carried.

5. Resolution to adopt proposed Local Law No. 2024- 2 revising the penalties for violations of the sign regulations contained in the Chapter 204, Section 204-12 of the Town Code. (Risman)

Motion to approve by Councilman Carpenter second by Councilman Teixeira.

Ayes – Virtuoso, Carpenter, Lee, Parks, Teixeira

Noes – none

Abstain – none

Motion carried.

- 6 Resolution to hire Joshua Cress as a part time police officer. (Guiliani)

Motion to approve by Councilman Carpenter second by Councilman Lee.

Ayes – Virtuoso, Carpenter, Lee, Parks, Teixeira

Noes – none

Abstain – none

Motion carried.

- 7 Resolution to authorize the Police Chief when grant funds are available for reimbursement for overtime at time and a half. (Guiliani)

Motion to approve by Councilman Parks second by Councilman Teixeira.

Ayes – Virtuoso, Carpenter, Lee, Parks, Teixeira

Noes – none

Abstain – none

Motion carried.

8. Town Board Approval is requested for the following Budget Transfers and Amendments to the 2024 Budget: (Siegmann)

Increase:

A4089 federal Aid, Other \$1,745.46

Increase:

A7110.02 Parks Equipment \$1,745.46

Motion to approve by Councilman Teixeira second by Councilman Lee.

Ayes – Virtuoso, Carpenter, Lee, Parks, Teixeira

Noes – none

Abstain – none

Motion carried.

9. Resolution to advertise for candidates to fill the positions of the Board of Ethics.
(Virtuoso)

Motion to approve by Councilman Carpenter second by Councilman Parks.

Ayes – Virtuoso, Carpenter, Lee, Parks, Teixeira

Noes – none

Abstain – none

Motion carried.

10. Resolution to approve the proposal of Robert Burns and 4501 JDC, LLC to develop a self-storage facility at 4501 Hyde Park Boulevard and to acquire the adjacent Pennsylvania Avenue right-of-way from the Town of Niagara as part of the development project as described in the letter and site plan map in the amount of \$6,000.00 and also to approve the abandonment and sale of the Pennsylvania Avenue right-of-way adjacent to the property at 4501 Hyde Park Boulevard subject to permissive referendum and to authorize the Town Supervisor and Town Highway Superintendent to sign all necessary documents required for the abandonment and sale of the property. (Risman)

Motion to approve by Councilman Teixeira second by Councilman Carpenter.

Ayes – Virtuoso, Carpenter, Lee, Parks, Teixeira

Noes – none

Abstain – none

Motion carried.

11. Town Board Approval is requested to accept the attached Journal Entry Policy as suggested by the Auditors from Drescher and Malecki to take effect immediately.

Motion to approve by Councilman Teixeira second by Councilman Parks.

Ayes – Virtuoso, Carpenter, Lee, Parks, Teixeira

Noes – none

Abstain – none

Motion carried.

12. Resolution to approve the sewer contribution agreement between the Town of Niagara Broadway Group, LLC and Kelton Enterprises providing for the payment to the Town of \$24,000.00 for use in upgrading the Lockport Road Lift Station in the future. (Risman)

Motion to approve by Councilman Carpenter second by Councilman Parks.

Ayes – Virtuoso, Carpenter, Lee, Parks, Teixeira

Noes – none

Abstain – none

Motion carried.

13. Resolution to approve the annual Special-Use Permit Renewal (Haseley)
request of:

Joseph Casale -7431 Sunnydale Dr.	131.20-3-16
Redina Automotive - 4360 Witmer	130.15-2-39
BV Construction – 7030 Packard Rd	145.11-2-36
Carl Amato Collision – 6810 Laur Rd.	145.07-4-69
Premier Car Care – 2579 Military Rd.	145.12-3-3
Zafuto Automotive – 6700 Porter Rd.	145.11-1-27
Joe Cecconis/Moive Theater-2429 Military Rd.	145.16-2-29
Joe Cecconis Over Flow Lot-2443 Military Rd.	145.16-2-1
Joe Cecconis Complex - 2380 Military Rd.	145.16-1-6
Jetport Automotive - 7100 Porter Rd.	145.12-1-12
Westwood Village - 9075 Anthony St.	161.06-1-2
Joses Car Corner 3628½ Military Rd.	131.18-4-3.2
Empire Emergency App. 3995 Lockport Rd.	144.27-2-54.2
Military Towing 4890 Saunders Sett. Rd.	131.10-1-5

Motion to approve by Councilman Teixeira second by Councilman Carpenter.

Ayes – Virtuoso, Carpenter, Lee, Parks, Teixeira

Noes – none

Abstain – none

Motion carried.

14. Resolution to approve the Annual Special-Use Permit Renewal (Haseley)
requests of:

Metalico 2133 Maple Ave.	130.15-3-26
David Chevrolet 10225 Niagara Falls Blvd.	146.19-2-3
Hair Care By Toni 2113 Robert Dr.	146.18-1-26
Outlet Car Wash 2727 Military Rd.	145.11-2-48
Niagara Coatings 8025 Quarry Rd.	132.13-1-7.21
After Work Restoration 3509 Crestview Dr.	132.17-2-93
United Auto Foreign 2113 Fashion Blvd.	145.20-1-6
Buff Social Club 2565 Young St.	145.12-2-6.2
Cayuga Village 9370 Niagara Falls Blvd.	146.18-2-1
Over The Falls Tours 8888 Porter Rd.	146.13-2-47
Upstate Tower 8000 Quarry Rd.	132.13-1-9
Genes Wholesale 2924 Military Rd.	145.07-3-45.1

Motion to approve by Councilman Carpenter second by Councilman Parks.

Ayes – Virtuoso, Carpenter, Lee, Parks, Teixeira

Noes – none

Abstain – none

Motion carried.

15. Resolution to approve the agreement for spend Highway Funds Supplement #1-2024
not to exceed \$200,000.00. (Sirianni)

Motion to approve by Councilman Carpenter second by Councilman Teixeira

Ayes – Virtuoso, Carpenter, Lee, Parks, Teixeira
Noes – none
Abstain – none

Motion carried.

16. Resolution to allow giving excess wood chips, dirt and leaves to Town residents and employees with signed waivers and rules to follow. (Sirianni)

Motion to approve by Councilman Parks second by Councilman Lee.

Ayes – Virtuoso, Carpenter, Lee, Parks
Noes – none
Abstain – Teixeira

Motion carried.

17. Request Town Board approval to pre-pay installation of 100-amp, 220-volt service on Parks 2 Storage garage. To include 150 ft. service line from existing line with power to service garage. Install a 100-amp 20 circuit panel and underground pipe from building to building for service line. Not to exceed \$4,200.00 (Sirianni)

Motion to approve by Councilman Teixeira second by Councilman Lee.

Ayes – Virtuoso, Carpenter, Lee, Parks, Teixeira
Noes – none
Abstain – none

Motion carried.

18. Request Town Board approval to pre-pay to install interior wiring in Parks 2 Storage garage. To include outlets, 2-three-way light switches for lights, 2 outlets for future garage door openers in ceiling, and install eight LED light fixtures that will be supplied by the Highway Dept. Not to exceed \$4,400.00 (Sirianni)

Motion to approve by Councilman Carpenter second by Councilman Teixeira.

Ayes – Virtuoso, Carpenter, Lee, Parks, Teixeira
Noes – none
Abstain – none

Motion carried.

19. Resolution to declare a negative declaration on the associated SEQR. For the final site plan request of Joe Smith Sr. /David Smith Enterprises. 10235 Porter Road / Tax Map#146.19-2-2 (Haseley)

Motion to approve by Councilman Carpenter second by Councilman Lee.

Ayes – Virtuoso, Carpenter, Lee, Parks, Teixeira
Noes – none
Abstain – none

Motion carried.

20. Resolution to approve the final site plan request of Joe Smith Sr./David Smith Enterprises 10235 Porter Road/Tax Map#146.19-2-2 (Haseley)

Motion to approve by Councilman Teixeira second by Councilman Parks.

Ayes – Virtuoso, Carpenter, Lee, Parks, Teixeira
Noes – none
Abstain – none

Motion carried.

21. Resolution to accept the resignation of full time Officer, Alex Wagner, effective 06/19/2024. (Guiliani)

Motion to approve by Councilman Lee second by Councilman Carpenter.

Ayes – Virtuoso, Carpenter, Lee, Parks, Teixeira
Noes – none
Abstain – none

Motion carried.

22. Resolution to approve the promotion of Riley Mackenzie from part time to full time. Effective June 19th, 2024. (Guiliani)

Motion to approve by Councilman Teixeira second by Councilman Parks.

Ayes – Virtuoso, Carpenter, Lee, Parks, Teixeira
Noes – none
Abstain – none

Motion carried.

TABLED

COMMENTS

Councilman Carpenter welcomed Riley to his new full-time position. Councilman Parks also congratulated Riley on his promotion to full-time officer and mentioned to the audience to check in on their neighbors and elderly during this heat wave. Nothing from Councilman Teixeira during this time. Councilman Lee handed in the letter he read in his regarding his view's for Opting-In so it can be recorded in the minutes. Supervisor Virtuoso wanted to let everyone to know that the Splash Pad now has extended hours for everyone to enjoy during this heatwave and that the community center is open and can be used as a cooling facility.

ADJOURNMENTS

**Motion to adjourn by Councilman Carpenter, second by Councilman Parks. All in favor.
Meeting Adjourned at 7:29pm.**

THE MONTHLY AGENDA IS ON THE TOWN WEBSITE

www.townofniagara.com

In Memoriam

**Rilla Jean Keel
Jack Maggi
Linda Lee Dillen**