

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

MINUTES

Tuesday, November 19th 2024

6:30 PM

PUBLIC HEARING

OPEN MEETING (Pledge, Prayer, Roll Call) @6:30pm

(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)

Suzanne Rizzo – 7310 Colonial Drive. Suzanne wanted to say thank you for putting the information online for Bri-Estates. Suzanne asked what happens after the 30 days of public review for Bri-Estates.

APPROVAL OF MINUTES

1. Town Board Meeting of October 15th, 2024

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

Ayes – Virtuoso, Carpenter, Lee, Parks, Teixeira

Noes – none

Abstain – none

Motion carried.

PAYMENT OF THE BILLS

General Fund Pre-Pay vouchers [A] \$27,919.05
General Fund vouchers [A] \$66,722.32
Sewer Fund Pre-Pay vouchers [G] \$635.27
Sewer Fund vouchers [G] \$164,251.15
Water Fund Pre-Pay vouchers [F] \$947.87
Water Fund vouchers [F] \$7,888.40
Highway Fund Pre-Pay vouchers [DA] \$33.92
Highway Fund vouchers [DA] \$39,105.34
Fire Protection Pre-Pay vouchers [SF] \$
Fire Protection vouchers [SF] \$3,800.00
Street Lighting Pre-Pay vouchers [SL] \$6,578.30
Street Lighting vouchers [SL] \$
Trust & Agency Pre-Pay vouchers [TA] \$1,883.30
Trust & Agency vouchers [TA] \$5,667.75
Capital Projects Pre-Pay [H] \$237.27
Capital Projects vouchers [H] \$16,801.55

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 approve the Water/Sewer Dept. to install a meter at the vacant lot at 3015 Savannah St. that Tom Tierney owns for him to provide a Community Garden to the Belden Center residents

Motion to approve by Councilman Parks second by Councilman Lee

Ayes –Virtuoso, Carpenter, Lee, Parks, Teixeira

Noes – none

Abstain – none

Motion carried.

2. Resolution to approve the support for the Town of Niagara to be eligible for grant funding under Round 9 of the Restore NY Communities Initiative Municipal Grant Program.

Motion to approve by Councilman Teixeira second by Councilman Parks.

Ayes –Virtuoso, Carpenter, Lee, Parks, Teixeira

Noes – none

Abstain – none

Motion carried.

3. Resolution to do an inter departmental upgrade for Aaron Moore to MEO. He meets the requirements for this position and has acquired his CDL class B license.

Motion to approve by Councilman Teixeira second by Councilman Parks

Ayes – Virtuoso, Carpenter, Lee, Parks, Teixeira

Noes – none

Abstain – none

Motion carried.

4. Resolution to approve Local adjustments to the adjusted base proportions as per Subsection 1903-4 (c) of the Real Property Tax Law. (Bird)

Water District -	Homestead	37.46880
	Non-Homestead	62.53120
Town District -	Homestead	41.34468
	Non-Homestead	58.65533

Motion to approve by Councilman Teixeira second by Councilman Parks

Ayes – Virtuoso, Carpenter, Lee, Parks, Teixeira

Noes – none

Abstain – none

Motion carried.

5. Resolution to declare a negative declaration on the associated SEQR for the Special-Use permit request of Gregory Clark of All Purpose Tint and Accessories to operate a motor vehicle garage from the facility known as 8525 Porter Rd. Tax Map #'s 146.13-1-10 and 146.13-1-11.

Motion to approve by Councilman Teixeira second by Councilman Lee.

Ayes – Virtuoso, Carpenter, Lee, Parks, Teixeira

Noes – none

Abstain – none

Motion carried.

- 6 Resolution to approve the Special-Use permit request of Gregory Clark of All Purpose Tint and Accessories to operate a motor vehicle garage from the facility known as 8525 Porter Rd. contingent upon no noise is generated from the facility of which due to its intensity and or duration disturbs the sensibilities of the residence in the adjacent residential properties. Tax map #'s 146.13-1-10 and 146.13-1-11. Permit shall expire one year from date of approval and may be renewed upon filing a written request and further review and approval from the Town board along with the following stipulations:

- That the applicant provide designated parking areas.
- That the parked vehicles will be registered vehicles and there will be no unregistered vehicles.

- The business will be providing car wraps vinyl graphics for homes and businesses, but they will not be doing New York State Inspections.
- No outdoor storage only parking for customers registered
- The business will comply with the town sign ordinances

Motion to approve by Councilman Carpenter second by Councilman Teixeira.

Ayes – Virtuoso, Carpenter, Lee, Parks, Teixeira

Noes – none

Abstain – none

Motion carried.

- 7 Resolution to purchase a 35 HP Kubota Tractor, not to exceed \$49,200 with snow blower, lawn deck and bush hog attachments as per 2025 budget. Not to be paid before the January 2025 budget is in place.

Motion to approve by Councilman Carpenter second by Councilman Teixeira.

Ayes – Virtuoso, Carpenter, Lee, Parks, Teixeira

Noes – none

Abstain – none

Motion carried.

8. Resolution scheduling a public hearing for Tuesday, December 17, 2024 at 6:30p.m. pursuant to Section 121-6 of the Town of Niagara Town Code to provide an opportunity for the property owner Maximum Income partners, Inc. an opportunity to show cause why the buildings, structures, and mobile homes located at 7400 Porter Road reported to be in a dangerous condition should not be repaired, vacated, or demolished.

Motion to approve by Councilman Carpenter second by Councilman Teixeira.

Ayes – Virtuoso, Carpenter, Lee, Parks, Teixeira

Noes – none

Abstain -- none

Motion carried.

9. Resolution to accept the PIP for Venergy Group/Border Patrol (Mark Cerrone Inc. doing work) as per reviewed by Town Engineer, Town Highway Superintendent, Town Water Dept. payment. Payment is secured for the PIP. PIP is for the extension of the Towns water main going south and crossing of Tuscarora Road (south by Air Base entrance) by Mark Cerrone to supply water for the Border Patrol project as previously approved under the site plan for this project.

Motion to approve by Councilman Teixeira second by Councilman Lee.

Ayes – Virtuoso, Carpenter, Lee, Parks, Teixeira

Noes – none

Abstain – none

Motion carried.

10. Resolution to approve the abandonment and sale of the portion of Penrose Street right-of-way adjacent to the property located at 4501 Hyde park Boulevard at 4501 JDC LLC and Robert Burns for the sum of \$1,000.00, and on the condition that Mr. Burns evict Mr. Matiasz from his current encroachment on the Penrose Street right-of-way, and move the fence back to across Penrose Street.

Motion to approve by Councilman Carpenter second by Councilman Lee.

Ayes – Virtuoso, Carpenter, Lee, Parks, Teixeira

Noes – none

Abstain – none

Motion carried.

11. Resolution to adopt the new water rates and to adjust the utility fee as approved in the 2025 Water and Sewer budget starting January 1st, 2025

Motion to approve by Councilman Carpenter second by Councilman Parks.

Ayes – Virtuoso, Carpenter, Lee, Parks, Teixeira

Noes – none

Abstain – none

Motion carried.

12. Resolution to call for a public hearing for the December 2024 Town Board meeting for changes to the Town Code sections Chapter 135 and Chapter 200 and to adopt Local Law 2024-5 regarding water and sewer rates and fees.

Motion to approve by Councilman Teixeira second by Councilman Parks.

Ayes – Virtuoso, Carpenter, Lee, Parks, Teixeira

Noes – none

Abstain – none

Motion carried.

13. Resolution to post and hire for a Laborer position in the Water Department due to a transfer. Posting to start November 20th, 2024. Position is in the 2024 budget.

Motion to approve by Councilman Carpenter second by Councilman Teixeira.

Ayes – Virtuoso, Carpenter, Lee, Parks, Teixeira

Noes – none

Abstain – none

Motion carried.

TABLED

COMMENTS There are no comments from Councilman Lee or Councilman Teixeira at this time. Councilman Carpenter thanked the Highway Department for all the hard work with the

leaf pickup throughout the Town, it's not an easy job and it is appreciated. Councilman Parks spoke about the upcoming holiday party for the kids, Santa will be there and hope that everyone enjoys the holidays. Supervisor Virtuoso thanked Rick and the Highway Department for the great job with the leaves and how quickly they got caught up as soon as the truck was back up and running. The lighting of the lights at Noel of Niagara starts at 5:00pm. Congratulations to Chief Guiliani on receiving the Department of Defense Patriot Award, that's quite an honor. Sylvia closed with hoping everyone has a wonderful Thanksgiving.

ADJOURNMENTS

Motion to adjourn by Councilman Lee, second by Councilman Teixeira. All in favor. Meeting Adjourned at 6:47pm.

Respectfully Submitted,

Melissa Cerrillo

Town Clerk

THE MONTHLY AGENDA IS ON THE TOWN WEBSITE

www.townofniagara.com



In Memoriam

**Cheryl B. Gatto
Jeanie S. Palmer
Cleon D. Cannon
Robert Glenn Osborne
Marjorie Garrow
Dorothy Ferry
James J Faso
Tammy Martin**

WHEREAS, the Town of Niagara is eligible for grant funding under Round 9 of the Restore NY Communities Initiative Municipal Grant Program, and

WHEREAS, the Town of Niagara has considered projects available for submission and selected 3505 Hyde Park to be included on an application that will be submitted to Empire State Development corporation (ESDC) as follows:

Redevelopment of 3505 Hyde Park Blvd. The Project will enable the demolition and removal of one blighted structure on the southern portion of the parcel, and the redevelopment of the other existing building.

WHEREAS, this project is consistent with all existing local plans, the proposed financing is appropriate for the project, the project will facilitate effective and efficient use of existing and future public resources so as to promote both economic development and preservation of community resources and the project develops and enhances infrastructure and/or other facilities in a manner that will attract, create and sustain employment opportunities in the Town of Niagara, and

NOW THEREFORE BE IT RESOLVED, that the council for the Town of Niagara hereby supports and will sponsor an application for Restore NY funding for 3505 Hyde Park and will work with the County of Niagara to administer the grant in accordance with all applicable rules and regulations established by ESDC, and

BE IT FURTHER RESOLVED, that the Town Supervisor is authorized to sign the applications and any agreements required by ESDC for grant funding that results from the application, and

BE IT FURTHER RESOLVED, that the Town of Niagara shall conduct a public hearing to obtain citizens views and comments relative to the submission of an application to Empire State Development for financial assistance under the Restore NY Communities Initiative. This public hearing will take place at the Town of Niagara Town Hall, located at 7105 Lockport Road, Niagara Falls, NY 14305 on the 17th day of December, 2024 at 6:30 pm.; and be it further,

RESOLVED that the Clerk for the Town of Niagara, at least three consecutive days in advance of such hearing, shall post a notice upon the bulletin boards in the Courthouse at the Town of Niagara and shall publish such notice for three consecutive days in the Niagara Gazette.