

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

MINUTES

**Tuesday, July 15th, 2025
6:30 PM**

PUBLIC HEARING

1. Resolution for a change to Local Law, Town of Niagara Code Chapter 245. Zoning.
TABLED @ 6:32pm
(Public Hearing was opened, action was taken to refer the draft zoning law to the Town Planning Board and the County Planning Board, so the action was TABLED and the Public Hearing is to be kept OPEN)

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 Virtuoso, Deputy Supervisor Marc Carpenter,
Councilman Mike Lee, Councilman Johnny Parks

Absent:

Excused: Councilman Charles Teixeira

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)

Closed @ 6:46pm

Paula Wojtowicz – 1850 Tuscarora Road. She spoke of the low number of attendees at the public meeting the Town had regarding the changes to the Zoning Codes, and asked if there were any changes made, where would they be listed. She asked about asphalt vs non asphalt for permeation, if anything was done with the verbiage for trees that are invasive to our area, and that it should be updated with the information about what trees should be used in our Town that will give an environmental and economic benefit. Also, she asked since the public hearing for this is being kept open, if it could be advertised to let the people know. (She also brought in a letter and some pamphlets regarding the Plant Wise NY program, and the Urban and Community Forestry Program to support her comments at the Town Board meeting).

Thomas Weber – 7625 Packard Road. He spoke about his concerns of safety with the uptick in traffic, and was questioning what is happening with all the trucks, and speed. On average, he

stated the trucks are doing 60mph. He stated there are groups of young children being led down the road to Marsh's and that it's a dangerous area. Also, he is concerned with the light at the corner of Woodland and Lockport Road with it being red on one side and green on the other, visitors are going to get hit pulling out. (He handed out photos to the Town Board that were used to help him to explain his concerns).

APPROVAL OF MINUTES

1. Town Board Meeting of June 17th, 2025

Motion to approve by Councilman Lee, second by Councilman Parks

Ayes –Virtuoso, Carpenter, Lee, Parks

Noes – none

Abstain – none

Motion carried.

PAYMENT OF THE BILLS

General Fund Pre-Pay vouchers [A] \$32,313.00

General Fund vouchers [A] \$83,358.36

Sewer Fund Pre-Pay vouchers [G] \$1,289.68

Sewer Fund vouchers [G] \$1,155.32

Water Fund Pre-Pay vouchers [F] \$1,238.65

Water Fund vouchers [F] \$111,930.79

Highway Fund Pre-Pay vouchers [DA] \$177.00

Highway Fund vouchers [DA] \$75,970.85

Fire Protection Pre-Pay vouchers [SF] \$

Fire Protection vouchers [SF] \$

Street Lighting Pre-Pay vouchers [SL] \$6,760.16

Street Lighting vouchers [SL] \$

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

Trust & Agency vouchers [TA] \$

Capital Projects Pre-Pay [H] \$893.08

Capital Projects vouchers [H] \$147,661.61

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

Ayes –Virtuoso, Carpenter, Lee, Parks

Noes – none

Abstain – none

Motion carried.

AGENDA

1. Resolution to accept the only RFQ for Engineering from GHD to be able to apply for the WIHA grant programs. (Virtuoso)

Motion to approve by Councilman Lee second by Councilman Carpenter.

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

Motion carried.

2. Resolution to issue a SEQRA Negative Declaration and to grant Special Use Permit with conditions and Site Plan approval with conditions for the Military Road Solar A LLC and Military Road Solar B LLC Solar Energy System located at 8924A Porter Road in the Town of Niagara. (Auerbach)

Motion to approve by Councilman Parks second by Councilman Lee.

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

Motion carried.

3. Resolution to approve the Host Community Agreement, Decommissioning Plan, Pilot Agreement for Parcels A&B SBL 146.14-1-1, 146.13-1-9.1, 146.13-1-8 for Carson Power LLC, Military Road Solar LLC. (Virtuoso)

Motion to approve by Councilman Lee second by Councilman Parks

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

Motion carried.

4. Resolution to approve the buyout of the 2022 Dodge Ram 1500 (VIN-1C6RR7GG0NS175456) Building Department truck for \$26,502.63. (Haseley)

Motion to approve by Councilman Carpenter second by Councilman Lee.

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

Motion carried.

5. Resolution to approve the sale of a portion of Town-owned land on Disney Drive to Anne DeMunda-Monnen and Carl Monnen for the sum of \$16,000 subject to permissive referendum and on the condition that the property owner has one year from the date of passage of this resolution to close on the transfer of the property. The Town Supervisor is hereby authorized to sign any and all necessary documents to transfer title to the property. (Risman)

Motion to approve by Councilman Parks second by Councilman Lee.

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

Abstain – none

Motion carried.

6. Resolution calling for a public hearing on August 19th, 2025 at 6:30pm on the issue of whether to adopt a Local Law, ordinance or resolution authorizing the Town Assessor to grant exemptions to property owners, pursuant to New York State Real Property Tax Law §470, who meet national green building standards when construction building improvements and whether to establish a maximum exemption amount. (Risman)

Motion to approve by Councilman Lee second by Councilman Carpenter.

Ayes –Virtuoso, Carpenter, Lee, Parks

Noes – none

Abstain – none

Motion carried.

7. Resolution to post for an HEO in the Highway Department due to a retirement. Posting to start July 16th, 2025. Position is in the 2025 budget. (Sirianni)

Motion to approve by Councilman Carpenter second by Councilman Lee.

Ayes –Virtuoso, Carpenter, Lee, Parks

Noes – none

Abstain – none

Motion carried.

8. Resolution to accept the resignation of Janet Edwards as Deputy Town Clerk effective July 18th, 2025. (Cerrillo)

Motion to approve by Councilman Lee second by Councilman Parks.

Ayes –Virtuoso, Carpenter, Lee, Parks

Noes – none

Abstain – none

Motion carried.

9. Resolution to hire Dawn Jelen for the position of Deputy Town Clerk starting July 21st, 2025 as budgeted in the 2025 Town budget, with a training period of a maximum of 24 hours paid by voucher. (Cerrillo)

Motion to approve by Councilman Carpenter second by Councilman Parks.

Ayes –Virtuoso, Carpenter, Lee, Parks

Noes – none

Abstain – none

Motion carried.

TABLED

1. Resolution for a change to Local Law, Town of Niagara Code, Chapter 245. Zoning (Haseley)

COMMENTS

Councilman Lee congratulated Dawn on her new position and welcomed her aboard. Councilman Carpenter thanked Rick Serianni for all the hard work from the Highway department stating that even though they are extremely busy with all of the road work that is going on, they are still making sure the brush and limbs are promptly removed. Councilman Parks also gave praise to Rick, for the impressive job the Highway Department is doing with keeping up with all the tree and brush removal during this busy time along with all of the roadwork they are doing, then congratulated and welcomed Dawn to the family. Supervisor Virtuoso thanked the Department heads for doing such a great job. She is see sorry to see Janet go, but is happy to welcome Dawn to the family.

ADJOURNMENTS

Motion to adjourn by Councilman Carpenter, second by Councilman Lee. 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

Frederick J. "Rick" Feldhousen

Wallace W. Pembleton

Dorothea Gold

Louis Gualtieri

RECEIVED

JUL 21 2025

**TOWN OF NIAGARA
TOWN CLERK**

PUBLIC COMMENT
TO ATTENTION OF Supervisor Sylvia Virtuoso -

Per my attendance at the Town Board Meeting on 7/15/2025,
The town lawyer confirmed to me that the public comment
period for a change to Local Law, Town of Niagara Code
Chapter 245, Zoning, remains open after the meeting on
7/15/2025.

For your review, and the review of Town Board and
Charles Hasky are three attachments to support my comments
that sections of the town code which now advise developers
as to appropriate tree species include at least one
species that New York State advises should not be planted.

- ① "PlantWise NY" issued by NYS PRISM advises "DON'T PLANT"
Norway Maple and suggest Oak as alternative.
- ② NYS DEC brochure Urban + Community Forestry Program
describes importance of trees in towns, including
environmental and economic benefits and offers
programs, including grant program.
- ③ Tree Use Bulletin from Arbor Day Foundation lists
Norway Maple as INVASIVE and suggests education about
invasive trees.

Additionally, I would like to comment that revised
zoning law should include all opportunities to improve
penetration of snow melt and rain water to reduce
known town flooding and stormwater issues.

PAUL W. JAWORSKI

THE INVASIVE PLANT PROBLEM

Invasive Giant Hogweed
(*Heracleum mantegazzianum*)

SOME PLANTS MAY LOOK BEAUTIFUL, but they can have a devastating effect.

Invasive plants are non-native, grow quickly and rapidly reproduce. They cause major changes to the areas where they become established. They can harm the environment, economy and even human health. Many of today's worst invasive plants arrived as ornamental additions that escaped our gardens and landscapes. If we want to keep invasive plants out of our natural areas, we need to place non-invasive plants into our gardens. The good news – and an outcome that few other areas can claim – is that within

New York State, opportunities still exist to prevent invasive plants from becoming widespread. You can help.

INVASIVE SPECIES are the number one threat to native plants and animals on protected lands.

INVASIVE PLANTS are spreading over one million acres of wildlife habitat per year in the U.S.

SCIENTISTS ESTIMATE that invasive plants cost our economy \$35 billion in damages and treatment each year.

Invasive Swallowwort
(*Platanus sp.*)

The New York Statewide Invasive Species Program

- Protecting New York's natural and agricultural resources, human and animal health, and economy from invasive species
- Using science to educate New Yorkers on the impacts of invasive species
- Helping New Yorkers detect, prevent, and manage invasive species

For more information on invasive species and Partnerships for Regional Invasive Species Management (PRISMs) in New York visit: www.nyis.info



This publication was produced for the eight New York PRISMs by the NY Invasive Species Clearinghouse at Cornell University. This publication, the PRISMs and the Clearinghouse are supported by the New York Environmental Protection Fund through an agreement with the NYS Department of Environmental Conservation. Photos from the Rutgers New York Forest Experiment, nyis.info, the *Manitoba Commons*, and the *Creative Commons*.

PLANT WISE NY

KNOW BEFORE YOU GROW

NEW YORK GARDENERS' TIPSHEET

Native Cardinal Flower (*Lobelia cardinalis*)

DON'T PLANT

DO PLANT



Winter Creeper
(*Euonymus fortunei*)



Christmas Fern
(*Polystichum acrostichoides*)



Garden Loosestrife
(*Lythrum virgatum*)



Foxglove Beardtongue
(*Penstemon digitalis*)



Chinese Silver Grass
(*Miscanthus sinensis*)



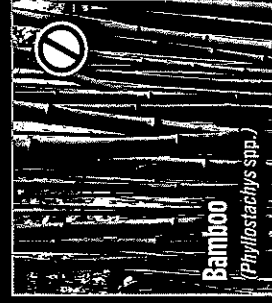
Big Bluestem
(*Andropogon gerardii*)



Yellow Flag Iris
(*Iris pseudacorus*)



Blue Flag Iris
(*Iris versicolor*)



Bamboo
(*Phyllostachys* spp.)



White Spruce
(*Picea glauca*)

HERE ARE SOME THINGS YOU CAN DO

LEARN about which invasive plants are a problem in your area. If you see invasive plants in the wild, report them to: nymapinvasives.org/report-an-invasive.

USE non-invasive plants in your garden and landscaping. A short list is provided here; more can be found in the brochure "Alternatives to Ornamental Invasive Plants - A Sustainable Solution for NYS" at www.NYIS.INFO.

WATCH out for invasive plant "hitchhikers" that might be growing in the pot of a desirable plant at the nursery.

SHARE native and non-invasive plants during plant swaps with neighbors and friends.

CHECK the ingredients of seed mixes and use only those that are free of invasive plants.

CONTROL invasive plants on your property using best management practices.

LEAD by example—ask your friends and neighbors to be plant wise.

GET involved with regional efforts to prevent and manage invasive species.

DON'T PLANT

DO PLANT



Norway Maple
(*Acer platanoides*)



Oak
(*Quercus* spp.)



Japanese Barberry
(*Berberis thunbergii*)



Virginia Rose
(*Rosa virginiana*)



Sweet Autumn Clematis
(*Clematis ternstroemia*)



Virgin's Bower
(*Clematis virginiana*)



Burning Bush
(*Euonymus alatus*)



Highbush Blueberry
(*Vaccinium corymbosum*)



Siebold's Viburnum
(*Viburnum sieboldii*)



American Elderberry
(*Sambucus canadensis*)

INITIATIVES AND PROGRAMS OFFERED

ARBOR DAY POSTER CONTEST

By participating in the annual Arbor Day poster contest, fifth-grade students learn about the importance of trees and how they affect the health and wellbeing of our environment. The winning design will be printed on posters and bookmarks and distributed throughout the state.

GRANT PROGRAM

Financial assistance is provided to communities through federal (USDA Forest Service) and state (Environmental Protection Fund) funding to encourage best management practices and enhance the quality of life for residents. The program's funds are allocated for projects such as street tree planting, tree maintenance, tree inventories, and urban forestry management plans.

SCHOOL SEEDLING PROGRAM

Schools or educational clubs are eligible to receive free seedlings from DEC's Saratoga Tree Nursery. Educators can use the planting process to discuss the benefits that trees provide, while incorporating other subjects that their classes are studying.

STATEWIDE NETWORKING

"ReLeaf" is the networking vessel for the Urban and Community Forestry Program, where partners in urban forestry meet to share resources, organize annual workshops, and collaborate to expand urban forestry efforts. ReLeaf provides a common platform to coordinate urban forestry projects throughout New York State.

TREE CAMPUS USA

The State Forester's Office and the Arbor Day Foundation recognize colleges and universities, at the state and national levels, which make a commitment to trees on their campuses and to the surrounding community.

TREE CITY USA

The State Forester's Office and the Arbor Day Foundation recognize towns and cities, at the state and national levels, which make a commitment to trees in their communities. The program provides direction, technical assistance, public awareness, and national recognition for urban and community forestry programs to towns and cities throughout the U.S.



Department
Environmental
Conservation

CONTACT INFORMATION

New York State Department of
Environmental Conservation
Division of Lands and Forests
625 Broadway, 5th Floor
Albany, NY 12233-4253

E-mail: landsforests@dec.ny.gov
Phone: (518) 402-9425
Website: www.dec.ny.gov/lands/4957.html
Regional Forestry Offices:
www.dec.ny.gov/about/27790.html

URBAN AND COMMUNITY FORESTRY PROGRAM



Department of
Environmental
Conservation



The New York State Urban and Community Forestry (U&CF) Program is a partnership among DEC forestry professionals, public and private individuals, and volunteer organizations who care about trees in villages, towns, and cities. It supports and assists communities in comprehensive planning, management, and education to create healthy urban and community forests which enhance the quality of life for residents. Funding for the program is provided in part by the State of New York and the U.S. Forest Service.

WHAT IS URBAN AND COMMUNITY FORESTRY?

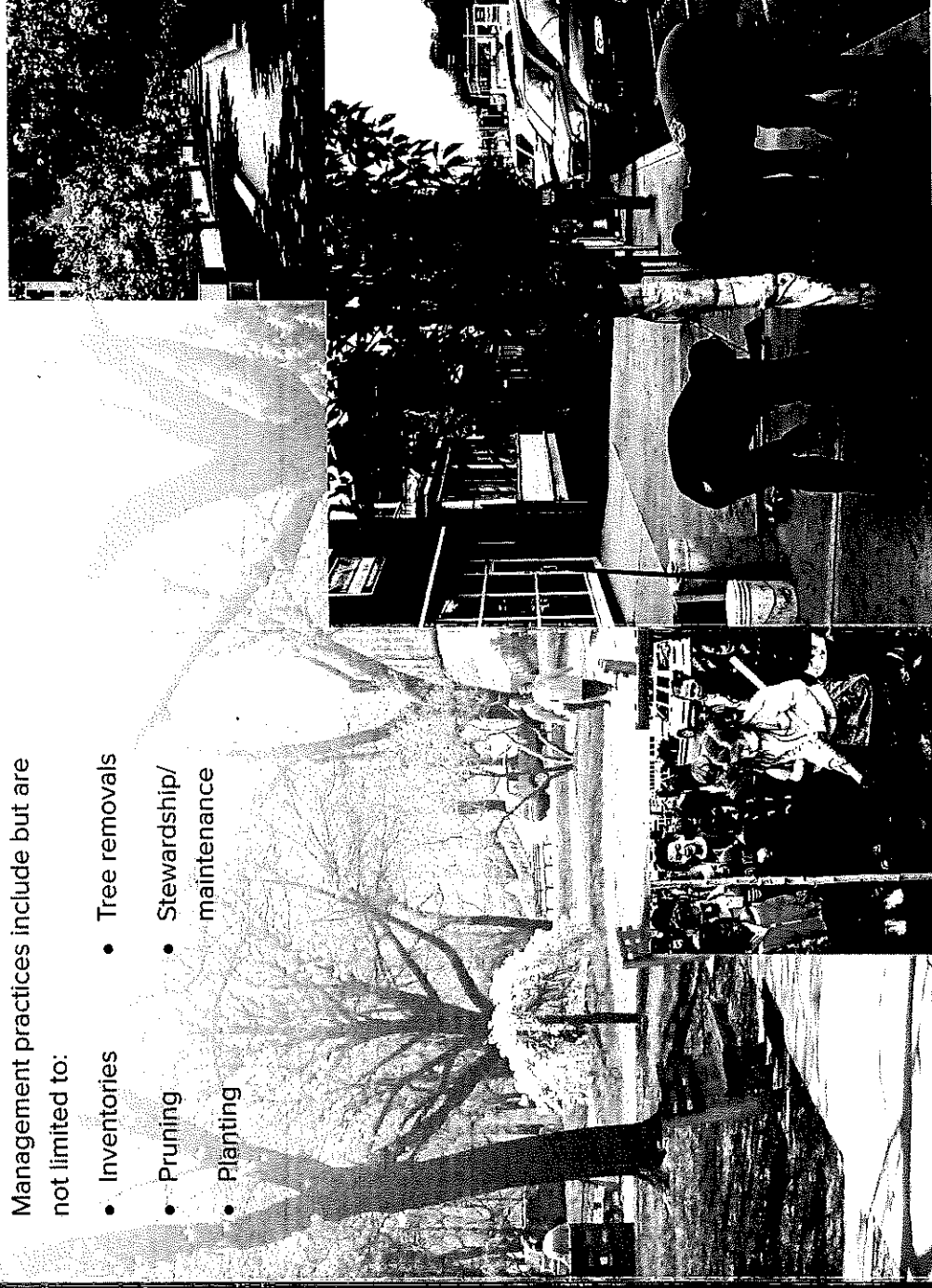
It is the management of community forests to establish and maintain healthy trees for air and water quality benefits, energy savings, and environmental health, and to enhance the quality of life for residents. All of the trees within a town, village, or city make up the "community forest." Urban and community forests also include wildlife, waterways, built infrastructure...and people!

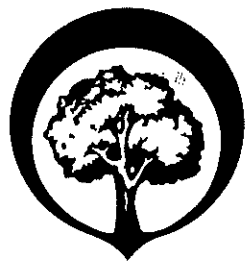
Management practices include but are not limited to:

- Inventories
- Pruning
- Planting
- Tree removals
- Stewardship/maintenance

WHY IS URBAN AND COMMUNITY FORESTRY IMPORTANT?

Trees provide numerous environmental, social and economic benefits for people. Urban settings are challenging environments for trees to grow and survive in; however, by actively managing our community forests, we can protect these valuable resources and enhance their benefits.





TREE CITY USA® BULLETIN

62

No.

Dr. James R. Fazio, Editor • \$3.00

Help Fight Invasive Trees

No one can argue that our world is shrinking. With modern trade and transportation systems, environmental change is inevitable. The spread of plants beyond their natural range is one of these changes. Unfortunately, in many cases this is detrimental or even disastrous to the local ecosystems where the plants are introduced. We cannot turn back the hands of time or stop the invasion of alien plants. However, we can and should recognize the problems and take action to keep invasives under control.

We venture into dangerous territory with the topic of this bulletin. One problem is that a tree considered as an invasive to one person may be highly valued by another. It is somewhat analogous to 'one person's trash is another person's treasure.' Another thing that makes this topic difficult is that a tree in its natural habitat most likely is harmless and fills an ecological niche. It is when that tree is transported outside its natural range that it can sometimes become troublesome.

There is also the challenge of unlearning long-standing information. For example, autumn olive trees (*Elaeagnus umbellata*) were once touted by natural resource professors and managers as the thing to plant to help wildlife. This species was introduced into the United States around 1830 and until recently was promoted as a way to improve wildlife habitat and control soil erosion. Unfortunately, for the reasons discussed on page 4, this small tree has the ability to create dense shade, crowd out native vegetation, interfere with natural plant succession and disrupt nutrient cycling. In short, it alters the ecosystem and not in a beneficial way.

Still another challenge is that some invasive trees, like invasive insects, have look-



Invasive buckthorn is taking over a wooded area in Minnesota. This invasive species leaves out early and retains its leaves into the fall, creating dense shade that out-competes native vegetation.

alikes that are perfectly harmless and in many cases beneficial. Native sumac species (*Rhus* sp.) and young walnut trees (*Juglans*) can easily be confused with the invasive tree-of-heaven (*Ailanthus altissima*). Finally, there is sometimes name confusion. For example, the common name goldenrain tree is used both with the benign shade tree, *Koelreuteria paniculata* and its invasive cousin, *Koelreuteria elegans*.

Despite these difficulties, there are enough bad actors among trees and

disastrous ecological consequences that the topic warrants the attention of tree boards, urban foresters and land owners. Vines, too, can be villainous in the landscape. The smothering effects of white bryonia and English ivy are well known, and the infamous kudzu is said to sometimes elongate one foot in a day. These and other plants require action, too, but because of space limitations we focus primarily on trees in this issue.



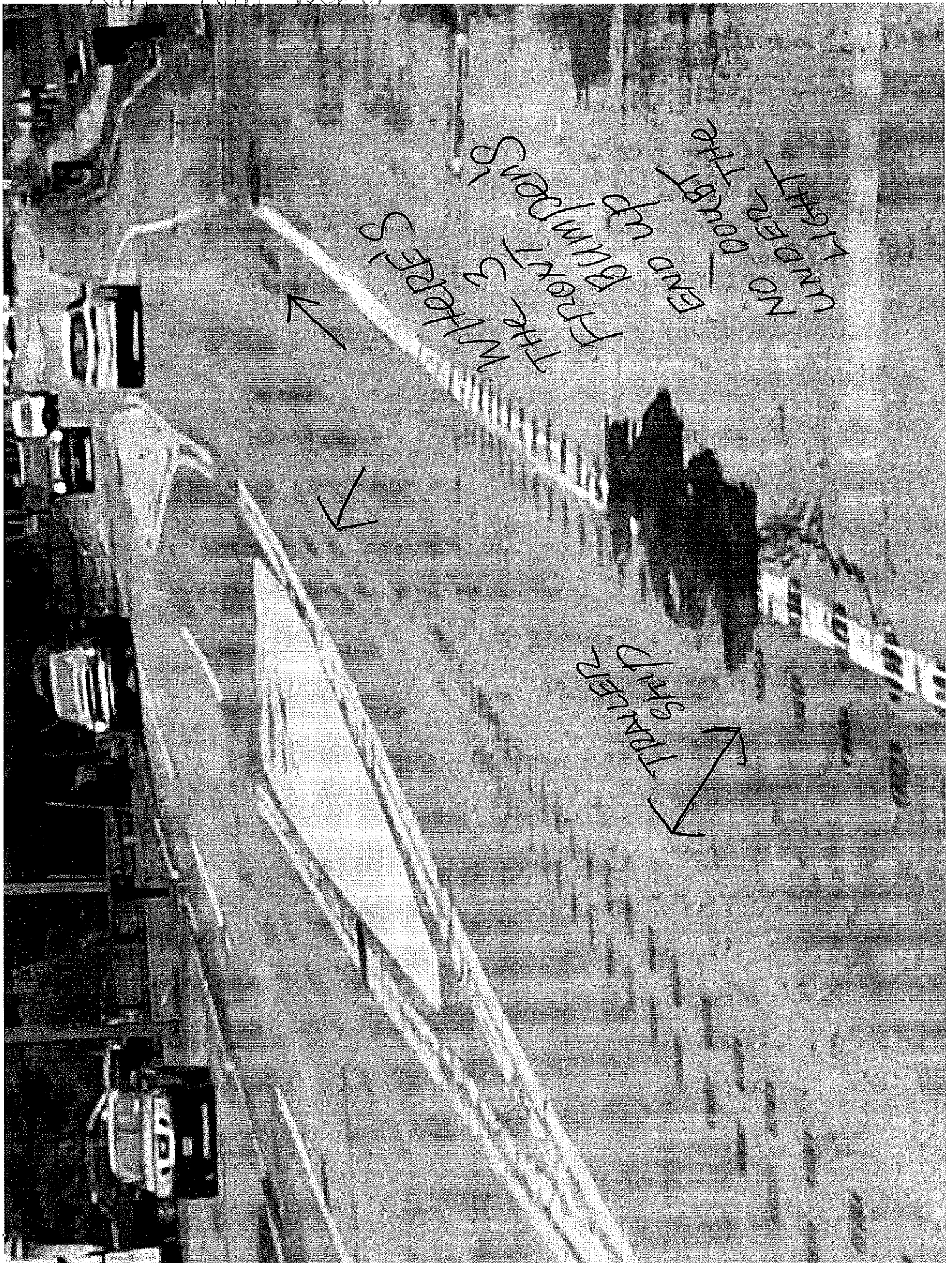
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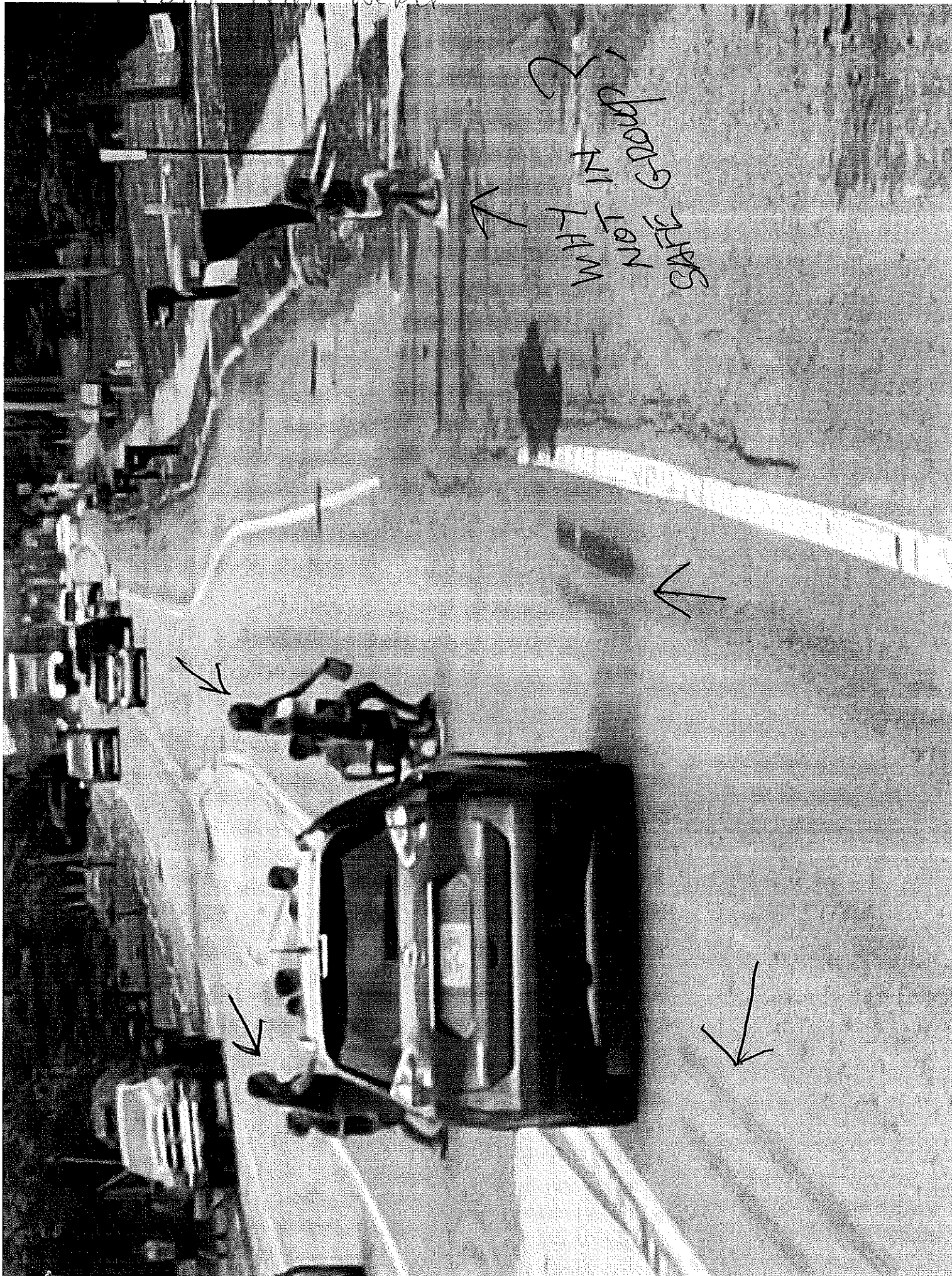
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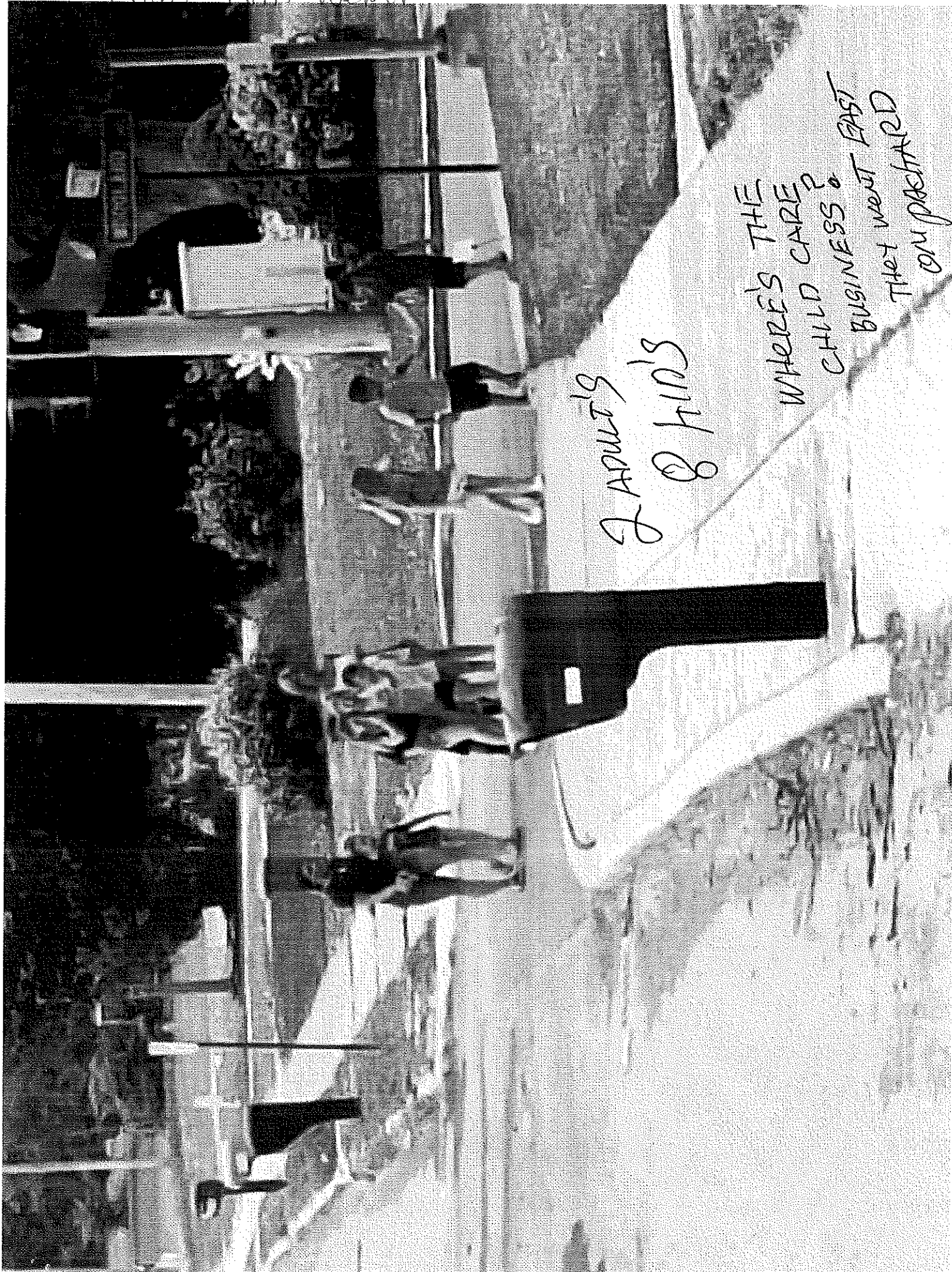
From Tom Weber



From Tom Weber



From Tom Weber



2 ADULTS
& 4 KIDS

WHERE'S THE
CHILD CARE?
BUSINESS?
THEY WENT EAST
ON PACHARD

Stopping distances key

Thinking distance

Braking distance



1 car length

Formula

Thinking distance + Braking distance = Stopping distance

