

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

MINUTES

Tuesday, November 14, 2023
6:30 PM

PUBLIC HEARING

None

OPEN MEETING (Pledge, Prayer, Roll Call)

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

Roll Call:

Present: Supervisor Lee S. Wallace, Charles F. Teixeira, Deputy Supervisor, Councilman Sam 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))

Charles LaGreca 3510 Miller Road Congratulated all newly elected officials and thanks Supervisor Wallace for a job well done. Concerns are the turning from East Britton Drive and Lockport Road. Very dangerous situation would like the Town to look into lowering the speed limit on the bridge, making changes to make it safer. Supervisor Wallace asks Chief Giuliani to look into the situation and what we can do as a Town.

APPROVAL OF MINUTES

1. Town Board Meeting of October 19, 2023

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

Ayes – Wallace, Teixeira, Gatto, Carpenter

Noes – none

Abstain – none

Motion approved.

PAYMENT OF BILLS

- General Fund prepay vouchers [A] \$18,166.48
- General Fund vouchers [A] \$52,356.05
- Sewer Fund prepay vouchers [G] \$659.90
- Sewer Fund vouchers [G] \$3,625.57
- Water Fund vouchers [F] \$107,584.88
- Water Fund vouchers prepay [F] \$1,015.10
- Highway Fund vouchers [DA] \$34,577.52
- Highway Fund prepay vouchers [DA] \$1,179.83
- Fire Protection prepay vouchers [SF]
- Fire Protection [S] \$3,600.00
- Street Lighting vouchers [SL]
- Street Lighting Pre-Pay vouchers [SL] \$9,010.54
- Trust & Agency Pre-Pay vouchers [TA] \$1,489.81
- Trust & Agency vouchers [TA] \$270.00
- Capital Projects prepay vouchers [H]
- Capital Projects vouchers [H]

Motion to approve by Councilman Gatto second by Councilman Carpenter.
Ayes – Wallace, Teixeira, Gatto, Carpenter
Noes – none
Abstain – none

Motion carried.

AGENDA

1. Resolution to declare a negative declaration on the associated SEQRA for the final site plan, re-subdivision, identified code section waivers, and special-use permit request of Kristin Savard of (AGD) agent for 2429 Military Rd. LLC./ 2429 Military Rd. and V. Lots, Tax Map #'s 145.16-2-29, 146.13-11.1, and 146.13-2-1. (C. Haseley)

Motion to approve by Councilman Teixeira second by Councilman Carpenter.
Ayes – Wallace, Teixeira, Gatto, Carpenter
Noes – none
Abstain – none

Motion carried

2. Resolution to approve the final site plan, re-subdivision, identified code section waivers, and special-use permit request of Kristin Savard of (ADG) agent for 2429 Military Rd. LLC. / 2429 Military Rd. and V. Lots, Tax Map #'s 145.16-2-29, 146.13-1-1.1, and 146.13-2-1. (C. Haseley)

Motion to approve by Councilman Teixeira second by Councilman Gatto.
Ayes – Wallace, Teixeira, Gatto, Carpenter
Noes – none
Abstain – none

Motion carried

3. Resolution to declare a negative declaration of associated SEQRA pertaining to the re-subdivision, rezoning and final site plan request of Kevin Kirk of Uniland LLC. 3401 Military Road Tax Map #131.19-1-45. (C Haseley).

Motion to approve by Councilman Gatto second by Councilman Teixeira.

Ayes – Wallace, Teixeira, Gatto, Carpenter

Noes – none

Abstain – none

Motion carried

4. Resolution to approve the re-subdivision, rezoning and final site plan request of Kevin Kirk of Uniland LLC. 3401 Military Road Tax Map # 131.19-1-45 pending a Building Permit.

(C Haseley)

Motion to approve by Councilman Gatto second by Councilman Teixeira

Ayes – Wallace, Teixeira, Gatto, Carpenter

Noes – none

Abstain – none

Motion carried

5. Resolution to declare a negative declaration the associated SEQRA for the final site plan Minor re-subdivision/combination of lots request of James Baptiste RA, AIA, agent for Norgen Biotek Corp. 7311 Porter Road Tax Map #145.12-3-17 & 18. (Haseley)

Motion to approve by Councilman Carpenter second by Councilman Gatto.

Ayes – Wallace, Teixeira, Gatto, Carpenter

Noes – none

Abstain – none

Motion carried

6. Resolution to approve the final site plan Minor re-subdivision/combination of lots request of James Baptiste RA, AIA, agent for Norgen Biotek Corp. 7311 Porter Road Tax Map #145.12-3-17 & 18. (Haseley)

Motion to approve by Councilman Carpenter second by Councilman Gatto.

Ayes – Wallace, Teixeira, Gatto, Carpenter

Noes – none

Abstain – none

Motion carried

7. Resolution approving assignment of Pine Avenue Landfill PILOT Agreement with AC Power 15, LLC to Calibrant NY III, LLC. (Risman)

Motion to approve by Councilman Carpenter second by Councilman Teixeira.

Ayes – Wallace, Teixeira, Gatto, Carpenter

Noes – none

Abstain – none

Motion carried

8. Resolution for reimbursement payment to Jeff Vicki for repairs to his personal vehicle that was damaged at the Water Dept. parking lot on October 20, 2023 not to exceed \$500 .
(Beiter)

Motion to approve by Councilman Gatto second by Councilman Carpenter.

Ayes – Wallace, Teixeira, Gatto, Carpenter

Noes – none

Abstain – none

Motion carried

9. Resolution to approve the paperwork prepared by Attorney Michael Risman pertaining to the Witmer Cemetery Columbarium as follows:

Columbarium Rules and Regulations

Acknowledgement/Application for Niche purchase.

Deed for Columbarium Niche

Also receipts of the donated Columbarium from Town of Niagara Historian, Pete Ames.
(Ames)

Motion to approve by Councilman Teixeira second by Councilman Carpenter.

Ayes – Wallace, Teixeira, Gatto, Carpenter

Noes – none

Abstain – none

Motion carried

10. Resolution to approve Easement Access and Non-Disturbance Agreement between the Town of Niagara and Calibrant NY III LLC to allow the solar company to construct its Pine Avenue Landfill Solar Project partly in an area where the Town has an easement which the Town has not used and has no present need for, and enabling completion of the project which will result in PILOT payments for the Town for 15 years. The Town Supervisor is hereby authorized to sign the attached agreement and any related documents needed to facilitate the solar construction project. (Risman)

Motion to approve by Councilman Gatto second by Councilman Carpenter.

Ayes – Wallace, Teixeira, Gatto, Carpenter

Noes – none

Abstain – none

Motion carried

11. Resolution to declare a negative declaration on the associated SEQRA for the final site (plan A) /resub division request of Robert Burns of 4501 JDC LLC 4501 Hyde Park Blvd. / Tax Map #130.15-5-1.1 & 1.2. (Haseley)

Motion to approve by Councilman Gatto second by Councilman Teixeira.

Ayes – Wallace, Teixeira, Gatto, Carpenter

Noes – none

Abstain – none

Motion carried

12. Resolution to approve the final site plan (Plan A) /re-subdivision request of Robert Burn, of 4501 JDC LLC. 4501 Hyde Park Blvd./Tax map # 130.15-5-1.1 & 1.2. (Haseley)

Motion to approve by Councilman Gatto second by Councilman Carpenter.

Ayes – Wallace, Teixeira, Gatto, Carpenter

Noes – none

Abstain – none

Motion carried

13. Resolution to declare a negative declaration on the associated SEQRA for the minor re-subdivision request of Joseph C. Smith of David Smith Enterprise, LLC/Tax Map #'s 146.19-2-3 & 146.19-2-4.1 & 2. (Haseley)

Motion to approve by Councilman Teixeira second by Councilman Carpenter.

Ayes – Wallace, Teixeira, Gatto, Carpenter

Noes – none

Abstain – none

Motion carried

14. Resolution to approve the minor subdivision request of Joseph C. Smith of David Smith Enterprise, LLC/Tax Map #'s 146.19-2-3 & 146.19-2-4.1 & 2. (Haseley)

Motion to approve by Councilman Carpenter second by Councilman Gatto.

Ayes – Wallace, Teixeira, Gatto, Carpenter

Noes – none

Abstain – none

Motion carried

15. Resolution to approve the Niagara Active Hose Fire Company records listing Fire Department members who earned Service Credit during 2022 and authorize the Town Supervisor to sign authorization allowing Penflex Actuarial Service to use the data submitted for the LOSAP program. (Wallace)

Motion to approve by Councilman Gatto second by Councilman Carpenter.

Ayes – Wallace, Teixeira, Gatto, Carpenter

Noes – none

Abstain – none

Motion carried

16. Resolution to a approve the updated Bank Reconciliation Policy and Capital Asset Policy. (Wallace)

Motion to approve by Councilman Gatto second by Councilman Teixeira.

Ayes – Wallace, Teixeira, Gatto, Carpenter

Noes – none

Abstain – none

Motion carried

TABLED

1. Resolution to declare a negative declaration on the associated SEQRA for the minor re-subdivision request of DeAnna Hyché of the Broadway Group LLC 9400 Lockport Road/Tax Map #132.14-1-4. (Haseley)

2. Resolution to approve the minor re-subdivision request of DeAnna Hyché of The Broadway Group LLC 9400 Lockport Road/ Tax map # 132.14-1-4. (Haseley)

3. Resolution to declare a negative declaration on the associated SEQRA for the final site plan request of Michael Rotella of Wayside Nursery, 7431 Porter Road/Tax map #145.12-3-33. (Haseley)

4. Resolution to approve the final site plan request of Michael Rotella of Wayside Nursery 7431 Porter Road/Tax Map #145.12-3-33. (Haseley)

COMMENTS

The Town Board wishes everyone a Happy Thanksgiving, congratulate all the newly elected officials. Supervisor Wallace reminds everyone the Parade is at 5pm on Saturday, November 18.

ADJOURNMENT

Motion to adjourn by Councilman Gatto second by Councilman Teixeira. All in favor.
Meeting adjourned at 6:45pm.

Respectfully submitted,

Sylvia Virtuoso

Town Clerk

THE MONTHLY AGENDA IS ON THE TOWN WEBSITE
www.townofniagara.com

In Memoriam
Angela Louise Deyo

Carmela Catalano

Daniel L. Gelnette

David H. Slusser Sr.

Errol E. Usselman