

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

MINUTES

**Tuesday, August 15, 2023
6:30 PM**

PUBLIC HEARING

To consider Local Law No. 3 of 2023 rezoning the property owned by Covanta Environmental Solutions at 8335 Quarry Road in the Town of Niagara from Light Industrial District (“LI”) to Heavy Industrial District (“HI”), the granting of a special use permit pursuant to Town Law Section 274-b and Article XI and section 245-26(c)(4) of the Town of Niagara Town Code, the renewal and reissuance of a Siting and Operating Permit for a solid waste management facility at that location pursuant to Chapter 208 of the Town of Niagara Town Code, and the approval of the Final Site Plan.

Opened at 6:30pm.

Ed Hatton of Covanta at 8335 Quarry Road spoke about the addition. Stating it is for the loading dock and is required by the DEC to have that area covered. With that, the Town Code states that the property would then need to be rezoned from Light Industrial District “LI” to Heavy Industrial District “HI” in order for the addition to take place.

John Adams of 90 Steele Circle stated that there is no benefit to change Covanta to Heavy Industrial District. We have a beautiful town and there is no need for more garbage to get brought in. He was shocked at the low attendance, stating he thought it would be standing room only, but he understands that people are uncomfortable getting up and speaking out about it. Supervisor Lee Wallace spoke out at this point and stated that people have received the wrong information via social media and if anyone has any questions they need to call him directly. This change is only to allow a certain area to be covered, which is a requirement from the DEC and to add space for overflow parking.

Norman Schroth of 88 Steele Circle simply asked what exactly “solid waste management” meant. Ed Hatton responded stating that there are no hazardous materials, its things like shampoo’s and caulks. This type of liquid waste gets turned into a solid waste, which is then transported to another facility where it is then burned and turned into energy. Mr. Schroth then thanked Supervisor Lee Wallace and Ed Hatton for clarifying everything.

Closed at 6:40 pm

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 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)**

No speakers

APPROVAL OF MINUTES

1. Town Board Meeting of July 18, 2023

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

Ayes – Wallace, Teixeira, Gatto, Carpenter

Noes – none

Abstain – none

Motion approved.

PAYMENT OF BILLS

General Fund prepay vouchers [A] \$23,648.79

General Fund vouchers [A] \$62,667.68

Sewer Fund prepay vouchers [G] \$1,328.33

Sewer Fund vouchers [G] \$2,161.41

Water Fund vouchers [F] \$4,752.18

Water Fund vouchers prepay [F] \$316.79

Highway Fund vouchers [DA] \$61,664.50

Highway Fund prepay vouchers [DA] \$1,277.27

Fire Protection prepay vouchers [SF] \$135.22

Fire Protection [S] \$

Street Lighting vouchers [SL] \$

Street Lighting Pre-Pay vouchers [SL] \$7,812.96

Trust & Agency Pre-Pay vouchers [TA] \$15,978.79

Trust & Agency vouchers [TA] \$16,825.60

Capital Projects prepay vouchers [H] \$186,549.25

Capital Projects vouchers [H] \$10,000.00

Motion to approve by Councilman Gatto second by Councilman Carpenter

Ayes – Wallace, Teixeira, Gatto, Carpenter

Noes – none

Abstain – none

Motion carried.

AGENDA

- 1. Request to enter into a Professional Services Agreement with independent professional appraisal firm GAR Associates, LLC to perform a Town-wide reassessment project to be completed on or before July 1, 2025 for the total sum of \$215,000 to be paid in accordance with the terms of the attached proposed Agreement over a three-year period and to authorize the Town Supervisor to sign the Agreement and any other necessary documents required for the project.**

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

Ayes – Wallace, Teixeira, Gatto, Carpenter

Noes – none

Abstain – none

Motion carried.

- 2. Resolution for the Town Board to make a SEQRA Determination of Significance with respect to the proposed site plan, approval of Local Law No. 3 of the year 2023 rezoning the property at 8335 Quarry Road from Light Industrial District to Heavy Industrial District, approving a Special Use Permit for the operation of a solid waste management facility to Covanta Environmental Solutions, and granting the renewal and reissuance of a solid waste management facility siting and operating permit pursuant to Chapter 208 of the Town Code for a one year period.**

Motion to approve by Councilman Gatto second by Councilman Carpenter.

Ayes – Wallace, Teixeira, Gatto, Carpenter

Noes – none

Abstain – none

Motion carried.

- 3. Resolution to approve the site plan, Local Law No. 3-2023 rezoning 8335 Quarry Road from Light Industrial District to Heavy Industrial District, approving a Special Use Permit for the operation of a solid waste management facility to Covanta Environmental Solutions, and granting the renewal and reissuance of a solid waste management facility siting and operating permit pursuant to Chapter 208 of the Town Code for a one-year period to Covanta Environmental Solutions.**

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

Ayes – Wallace, Teixeira, Gatto, Carpenter

Noes – none

Abstain – none

Motion carried.

- 4. Resolution to approve the request of Covanta 8335 Quarry Road for the continuation of the overflow employee parking on the adjacent property. Tax Map # 132.13-1-4.**

Motion to approve by Councilman Teixeira second by Councilman Gatto.

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

Motion carried.

- 5. Resolution to accept the letter of resignation from Mr. Richard Sirianni, Town of Niagara Town Board effective August 14, 2023.
Motion to approve by Councilman Carpenter second by Councilman Teixeira**

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

Motion carried.

- 6. Resolution to accept the letter of resignation from Mr. Robert Herman, Highway Superintendent effective August 27, 2023.**

Motion to approve by Councilman Carpenter second by Councilman Gatto

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

Motion carried.

- 7. Resolution to appoint Mr. Richard Sirianni as interim Highway Superintendent effective Tuesday, August 28, 2023 through December 31, 2023. Salary to be pro-rated based on the 2023 Town Budget.
Motion to approve by Councilman Carpenter second by Councilman Gatto**

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

Motion carried.

- 8. Resolution to accept the letter of resignation from Mr. Joseph Burden effective June 30, 2023.
Motion to approve by Councilman Teixeira second by Councilman Carpenter**

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

Motion carried.

- 9. Resolution to declare a negative declaration on the associated SEQR generated for the Special Use permit request of Christopher and Elizabeth Johnson for an in home occupation to operate a beauty salon from their residence at 8310 Lockport Road Tax Map # 132.17-1-9..
Motion to approve by Councilman Teixeira second by Councilman Gatto**

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

Motion carried.

- 10. Resolution to approve the Special Use permit request of Christopher and Elizabeth Johnson for an in home occupation to operate a beauty salon from their residence. 8310 Lockport Road/Tax Map # 132.17-1-9.**

Motion to approve by Councilman Teixeira second by Councilman Gatto

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

Motion carried.

- 11. Resolution to hold a public hearing to be held on September 19, 2023 for the final site plan, rezoning, minor re-subdivision request of Kevin Kirk of Uniland Development 3401 Military Road Tax Map #135.19-1-45.**

Motion to approve by Councilman Teixeira second by Councilman Carpenter

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

Motion carried.

- 12. Resolution to accept the resignation (retirement) of Anthony Ciraolo from the Sewer Dept. as of August 26, 2023**

Motion to approve by Councilman Carpenter second by Councilman Gatto

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

Motion carried.

- 13. Resolution to post and hire an MEO position to the Sewer Dept. start posting date August 16, 2023.**

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 Certification of the current and adjusted Base Proportions.**

Motion to approve by Councilman Carpenter second by Councilman Teixeira

Ayes – Wallace, Teixeira, Gatto, Carpenter

Noes – none
Abstain – none

Motion carried.

15. **Resolution to approve proposed Stormwater Control Facility Maintenance Agreement (attached) between Town of Niagara and the property owner of Project FiFi as well as the performance guarantee to be provided by the owner in the amount of \$4,900,000 pursuant to section 245-65(B) and authorizing the Town Supervisor to sign all necessary Stormwater agreement documents for Project FiFi**

Motion to approve by Councilman Teixeira second by Councilman Gatto

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

Motion carried

TABLED

COMMENTS

Councilman Teixeira congratulated Bob Herman on his retirement and wished him many good years of happiness and health, best wishes to those going out and the new coming in.

Councilman Gatto spoke of the great pleasure it was to have worked with Bob Herman and wishes him nothing but the best in his retirement.

Councilman Carpenter said it is sad to see Bob Herman leave, thanked him for all the long crazy hours he devoted to the Town, but he wishes him nothing but the best in his retirement.

Supervisor Wallace congratulated Bob Herman on all the successful years of Highway Supervisor, thanked him for all of his hard work and devotion to the Town and wishes him the best with retirement.

ADJOURNMENT

Motion to adjourn by Councilman Carpenter second by Councilman Teixeira. All in favor.

Meeting adjourned at 7:07 pm.

Respectfully submitted,

Melissa Cerrillo

Melissa Cerrillo
Deputy Town Clerk

THE MONTHLY AGENDA IS ON THE TOWN WEBSITE

www.townofniagara.com

In Memoriam

Dominic N. DeBose

Lori M. Hare

Peter S. Fatouros

Richard Elridge