

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

**MINUTES**

**Tuesday, February 21, 2023  
6:30 PM**

**PUBLIC HEARING**

**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 Richard A. Sirianni, Councilman Samuel Gatto, Councilman Marc M. Carpenter

Absent:

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)

Robert Patterson complains of Airplanes being repaired all hours of the day and night sound and fumes are disturbing. Supervisor Wallace suggests writing a letter so he may forward to higher elected officials as the Town has no jurisdiction over the airport.

**APPROVAL OF MINUTES**

1. Town Board Meeting of January 17, 2023

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

Ayes – Wallace, Teixeira, Sirianni, Gatto, Carpenter

Noes – none

Abstain – none

Motion carried.

### **PAYMENT OF BILLS**

General Fund prepay vouchers [A] \$89,846.19

General Fund vouchers [A] \$79,082.16

Sewer Fund prepay vouchers [G] \$6,562.46

Sewer Fund vouchers [G] \$167,311.69

Water Fund vouchers [F] \$15,806.63

Water Fund vouchers prepay [F] \$6,492.06

Highway Fund vouchers [DA] \$223,660.26

Highway Fund prepay vouchers [DA] \$33,827.41

Fire Protection prepay vouchers [SF]

Fire Protection [SF] \$205.90

Street Lighting vouchers [SL]

Street Lighting Pre-Pay vouchers [SL] \$10,260.69

Trust & Agency Pre-Pay vouchers [TA] \$2,000.00

Trust & Agency vouchers [TA] \$493.65

Capital Projects prepay vouchers [H]

Capital Projects vouchers [H]

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

Ayes – Wallace, Teixeira, Sirianni, Gatto, Carpenter

Noes – none

Abstain – none

Motion carried.

### **AGENDA**

1. Resolution to approve the Town of Niagara Department of Inspections Business registration application forms as submitted. (Haseley)

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

Ayes – Wallace, Teixeira, Sirianni, Gatto, Carpenter

Noes – none

Abstain – none

Motion carried.

2. Resolution to approve the removal of the outdated underground fuel tanks from the low bidder Pump Doctor for a cost of \$50,076.00. (Herman)

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

Ayes – Wallace, Teixeira, Sirianni, Gatto, Carpenter

Noes – none

Abstain – none

Motion carried.

3. Resolution to post and hire (25) PT Recreation Leaders to fulfill the 2023 recreation programs, halted during Covid, as well as the addition of new responsibilities because of the Veteran Park expansion will result in a return of a full staff. (A. Haseley)

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

Ayes – Wallace, Teixeira, Sirianni, Gatto, Carpenter

Noes – none

Abstain – none

Motion carried.

4. Resolution to award the contract to Fox Fence Inc. (low bidder) in the amount of \$24,439.35 to provide labor, equipment and materials to install 390 LF of 4' high fencing around the perimeter of the Bocce/patio area to the rear of the new Veterans Park Building. Funding to come from the Greenway Veteran Park expansion plan. (Wallace)

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

Ayes – Wallace, Teixeira, Sirianni, Gatto, Carpenter

Noes – none

Abstain – none

Motion carried.

5. Resolution to approve the Budget Amendment:  
Increase A3021 Court Grant  
Increase A1110.02 Court Equipment

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

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

Motion carried.

6. Resolution to adopt the Town of Niagara’s Hazard Mitigation Plan for 2023.  
(Wallace)

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

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

Motion carried.

7. Resolution to accept the resignation of Patricia Wallace as Confidential Secretary to the Supervisor effective February 5, 2023. (Wallace)

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

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

Motion carried.

8. Resolution to appoint Roberta Mojeski to the Board of Assessment review with a term to expire in 2028. (Bird)

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

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

Motion carried.

9. Resolution to approve Local Law No. 1-2023 regulating the use of transient or short-term rentals with the Town of Niagara effective immediately. Public Hearing was held on December 13, 2022. (Wallace)

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

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

Motion carried.

10. Resolution to authorize the Town of Niagara, its officers, employees, agents, and designees to eliminate the health hazard and remove and dispose of the rubbish, refuse, debris, equipment, and vehicles from the vacant lot on Fourth Avenue identified as Tax Map No. 146.13-2-5 and to assess the charges plus a 20% administrative charge against the real property and on the next regular tax bill if not paid within thirty (30) days pursuant to Chapter 178 of the Town of Niagara Town Code.(Risman)

Motion to approve by Councilman Teixeira, second by Councilman Gatto

Ayes – Wallace, Teixeira, Sirianni, Gatto, Carpenter

Noes – none

Abstain – none

Motion carried.

11. Resolution to post and hire Ms. Kristen Rodgers to the position of FT Payroll Clerk from the Certified Civil Service List. The position is a competitive Non union exempt salary position with a starting date of Wednesday, February 22, 2023. (Wallace)

Motion to approve by Councilman Sirianni, second by Councilman Gatto

Ayes – Wallace, Teixeira, Sirianni, Gatto, Carpenter

Noes – none

Abstain – none

Motion carried.

12. Resolution to hire Anisa Mahmood on a lateral transfer from Niagara Falls Police Dept. effective March 6, 2023. (Guiliani)

Motion to approve by Councilman Gatto second by Councilman Carpenter

Ayes – Wallace, Teixeira, Sirianni, Gatto, Carpenter

Noes – none

Abstain – none

Motion carried.

**TABLED**

1. Resolution to call for a Public Hearing for the Solid Waste Facility Siting Permit and the associated property re-zoning, special use permit and final site plan requests of Darek Teeter CES V. President of Covanta Environmental Solutions, LLC 8335 Quarry Road, Tax Map Number 132.13-1-4. Hearing to be scheduled for 6:30 pm, on March 21, 2023 at Town of Niagara Town Hall. (Haseley)

**COMMENTS**

Everyone on the Dias congratulates Patti Wallace for her retirement after 49 years of service and welcome Anisa Mahmood to the Town Police Force.

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

**Respectfully submitted,**

*Sylvia Virtuoso*

**Sylvia Virtuoso  
Town Clerk**

THE MONTHLY AGENDA IS ON THE TOWN WEBSITE  
[www.townofniagara.com](http://www.townofniagara.com)

[In Memoriam](#)  
[Paul Chido](#)  
[Shirley Venturin](#)  
[Daniel Kogo](#)  
[Doris Heschke](#)  
[Joyce Pierce](#)  
[Rita Ann Stainsby](#)  
[Lorraine Wilcox](#)  
[James Hosie](#)

## RESOLUTION

### Town of Niagara Town Board

Re: Fourth Avenue Health Hazard Clean-Up in the Town of Niagara, County of Niagara, and State of New York

WHEREAS, Brian Tahara is the owner of a vacant lot on Fourth Avenue which is identified as Tax Map No. 146.13-2-5; and

WHEREAS, the property has an accumulation of rubbish, refuse, debris, inoperable or abandoned vehicles, and other debris abandoned or stored on this property; and

WHEREAS, this property constitutes a public and private nuisance pursuant to Chapter 178 of the Town of Niagara Town Code (Chapter 178); and

WHEREAS, this blight is a potential health hazard and dangerous condition, and adversely affects neighboring property, and persons within the Town; and

WHEREAS, Chapter 178 establishes a legal procedure for the removal of rubbish, refuse, debris, and inoperable or abandoned vehicles from private property by the Town; and

WHEREAS, the Town Code Enforcement Officer duly notified the property owner in writing on October 19, 2022, that a health hazard exists and to eliminate the health hazard within ten days from the date of the notice, and advising the owner that upon his failure to comply that the Town will take action to eliminate the condition; and

WHEREAS, the blighted condition of the property has not been corrected by the owner and is, in fact, in worse condition presently; and

WHEREAS, Sections 178-16 and 178-17 of the Town Code authorizes the Town Board to authorize, direct, and proceed to have the health hazard eliminated and to assess the

costs of clean-up against the real property, plus an administrative charge of 20% on the next regular tax bill forwarded to the property owner by the Town; it is hereby

RESOLVED, that the Town of Niagara and its employees are hereby authorized and directed to eliminate the health hazard and remove all rubbish, litter, equipment, vehicles, weeds, growths, and debris from the property known as Tax Map No. 146.13-2-5; and be it further

RESOLVED, that the Town shall keep an accurate and itemized account of the expenses incurred for all labor, equipment, and materials furnished and any other costs incurred in cleaning up the property and shall charge the property owner for all such costs, plus a 20% administrative fee, and in the event of non-payment within thirty days, the Town Clerk shall forward the unpaid account to the Town Assessor for inclusion in the next regular property tax bill sent to such owner by the Town; and it is further

RESOLVED, that the Code Enforcement Officer shall mail a copy of this Resolution by first-class mail to the last-known address of the property owner.