

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

MINUTES

**Tuesday, May 21, 2024
6:30 PM**

PUBLIC HEARING

OPEN MEETING (Pledge, Prayer, Roll Call)

(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)

Debbie Bolents-8400 Effie Dr. she mentioned she went to the work session and learned a lot about the views of the Town opting in in Adult Use Cannabis Retail Dispensaries and On-Site Consumption sites, but she still isn't comfortable and would like the Town to not opt in. She has been teaching the word of God to help people who lives have fallen apart because of pot. She questioned the price for mini golf, stating she heard it was going to be \$5.00 and now the cost \$7.00.

Charles Ailing-8130 E. Britton Dr. spoke about the recent accident at the corner of E. Britton and Lockport Rd. and questioned what can be done to make this corner safe. On 5/2/2024 he counted 189 cars pass that corner within a ½ hour, (11:30-Noon) and that is without any of the truck traffic that Amazon will create. Maybe the Town can place white striping in the road to make it more visible for traffic to know where exactly to stop. He also questioned if it would be possible to make E. Britton a one way road.

Tom Webber-7625 Packard Rd. He wanted to see if there are any open permits for 7701 Packard Rd. He is interested in buying the property. He stated the property has not be maintained, there have been sewage issues and property has dead rodents on it. He also spoke about Packard Rd. being narrow and not enough room for 2semi trucks to pass, especially if there are cars parked on the side of the road and it needs to be addressed. One packet of photos were handed in to be included in the minutes. Mr. Webber also handed out packets #1, #2, and #3 containing pictures for the board to view but then took them back at the end of the meeting.

APPROVAL OF MINUTES

1. Town Board Meeting of April 16, 2024

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

Ayes – Virtuoso, Carpenter, Lee, Parks, Teixeira

Noes – none

Abstain – none

Motion carried.

PAYMENT OF THE BILLS

General Fund Pre-Pay vouchers [A] \$76,143.51

General Fund vouchers [A] \$89,741.33

Sewer Fund Pre-Pay vouchers [G] \$1178.44

Sewer Fund vouchers [G] \$326,298.21

Water Fund Pre-Pay vouchers [F] \$9,180.42

Water Fund vouchers [F] \$4,429.59

Highway Fund Pre-Pay vouchers [DA] \$681.86

Highway Fund vouchers [DA] \$11,358.49

Fire Protection Pre-Pay vouchers [SF] \$0

Fire Protection vouchers [SF] \$0

Street Lighting Pre-Pay vouchers [SL] \$7,241.44

Street Lighting vouchers [SL] \$0

Trust & Agency Pre-Pay vouchers [TA] \$0

Trust & Agency vouchers [TA] \$4,042.00

Capital Projects Pre-Pay [H] \$100,562.64

Capital Projects vouchers [H] \$3112.07

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

Ayes – Virtuoso, Carpenter, Lee, Parks, Teixeira

Noes – none

Abstain – none

Motion carried.

AGENDA

1. Presentation by Drescher and Malecki, LLC on the Annual Town Audit. (Virtuoso)

2. Resolution to authorize and approve the settlement of the Patrick Guthrie Worker's Compensation claim for the sum of \$110,000.00 for all present and future wage and indemnity payments, including all attorneys' fees and costs, and the sum of \$33,314.00 for all present and future medical costs and bills. This will fully resolve the entire Workers' Compensation claim. The Town Board also authorizes the Town Supervisor to sign any and all documents needed to finalize and approve the P. Guthrie Workers' Compensation settlement. (Risman)

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 schedule a public hearing on June 18, 2024 at 6:30p.m., in the Town of Niagara Town Hall to consider the adoption of a local law repealing Local law No. 2021-5 which opted out of Adult Use Cannabis Retail Dispensaries and On-Site Consumption sites within the Town of Niagara and which will provide that the Town of Niagara will opt in and allow Adult Use Cannabis Retail Dispensaries and On-Site Consumption Sites within the Town of Niagara after adoption and filing of the Local Law. (Risman)

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

Ayes – Virtuoso, Carpenter, Lee, Parks, Teixeira

Noes – none

Abstain – none

Motion carried.

4. Resolution to purchase a 2021 Ram 1500 Quad Cab from Cecconi's Chrysler Complex in the amount of \$27,433.50. (Virtuoso)

Motion to approve by Councilman Carpenter second by Councilman Lee.

Ayes – Virtuoso, Carpenter, Lee, Parks, Teixeira

Noes – none

Abstain – none

Motion carried.

5. Town Board Approval is requested for the following amendments and transfers to the 2024 Budget:

From:

DA5148.04 Service for other Govts \$2,000.00

To:

DA5140.04 Misc. Contractual \$2,000.00

Increase

DA2665.00 Sale of Equipment \$6,885.00

Increase

DA5130.02 Machine Equipment \$6,885.00

Background:

Transfer and Amendments necessary to maintain Budget values. (Siegmann)

Motion to approve by Councilman Carpenter second by Councilman Lee.

Ayes – Virtuoso, Carpenter, Lee, Parks, Teixeira

Noes – none

Abstain – none

Motion carried.

6. Town Board Approval is requested for the following amendments to the 2024 Budget:

Increase

A2750.00 Host Community Fund \$120,000.00

A4089.00 federal Aid \$23,739.93

Increase

A1357.04 Appraisal \$120,000.00

A9901.09 Transfer to Other Fund \$23,739.93

Background:

Transfers necessary to record use of American Rescue Act for previously approved truck purchase for Water and to maintain Budget values. (Siegmann)

Motion to approve by Councilman Carpenter second by Councilman Parks.

Ayes – Virtuoso, Carpenter, Lee, Parks, Teixeira

Noes – none

Abstain – none

Motion carried.

7. Town Board Approval is requested for the following Budget Transfers and Amendments to the 2024 Budget:

From A1990.4 Contingency \$25,600.00

To:

A1220.02 Supervisor Equipment \$9,500.00

A1220.04 Supervisor Contract \$4,000.00

A1640.02 Central Garage Equip. \$4,500.00

A1950.04 Taxes & Assessment \$5,750.00

A5010.02 Hwy Super Equip. \$1,550.00

A8010.04 Zoning Contractual \$200.00

A8020.04 Planning Contractual \$100.00

Background:

Transfers are necessary to maintain Budget values. (Siegmann)

Motion to approve by Councilman Carpenter second by Councilman Lee.

Ayes – Virtuoso, Carpenter, Lee, Parks, Teixeira

Noes – none

Abstain – none

Motion carried.

8. Town Board Approval is requested for the following Budget amendments to the 2024 Budget:

Increase

F5031.00 Interfund Transfers \$23,739.93

Increase

F9950.09 Transfer to Capital Funds \$23,739.93

Background:

This Amendment is to record receipt of American Rescue Funds for previously approved truck purchase. (Siegmann)

Motion to approve by Councilman Parks second by Councilman Carpenter.

Ayes – Virtuoso, Carpenter, Lee, Parks, Teixeira

Noes – none

Abstain – none

Motion carried.

9. Resolution to authorize the Town Supervisor to sign the Section 147(f) Approval and Written Agreement with Town of Niagara Active Hose Fire Company. (Virtuoso)

Motion to approve by Councilman Carpenter second by Councilman Parks.

Ayes – Virtuoso, Carpenter, Lee, Parks, Teixeira

Noes – none

Abstain – none

Motion carried.

10. Resolution to authorize the hiring of Century 21 North East to provide real estate brokerage services to the Town of Niagara to assist on the sale of Town-owned property located at 4435-4445 Military Road. This resolution will authorize the Town to enter into the attached listing agreement providing for a commission rate of 6% in the event of an agreed-upon sale of the property. (Risman)

Motion to approve by Councilman Teixeira second by Councilman Parks.

Ayes – Virtuoso, Carpenter, Lee, Parks, Teixeira

Noes – none

Abstain – none

Motion carried.

11. Resolution scheduling a public hearing for June 18, 2024 at 6:30pm in Town of Niagara Town Hall to consider proposed Local Law number 2024-1 regulation zoning of solar energy systems within Town of Niagara. (Risman)

Motion to approve by Councilman Parks second by Councilman Teixeira.

Ayes – Virtuoso, Carpenter, Lee, Parks, Teixeira

Noes – none

Abstain – none

Motion carried.

12. Resolution to approve the sale of a Town-owned vacant lot located at 7100 Joanne Circle to Rajendra Sharma for the sum of \$27,000.00, subject to permissive referendum, and authorizing the Town Supervisor to sign all documents required to transfer the property. Tax Map 131.19-2-34. (Risman)

Motion to approve by Councilman Teixeira second by Councilman Lee.

Ayes – Virtuoso, Carpenter, Lee, Parks, Teixeira

Noes – none

Abstain – none

Motion carried.

13. Resolution to purchase a P550 pan and tilt sewer camera from POW-R-MOLE for \$11,513.45 and have 32' of manholes relined by USI for \$8,480.00. Total of \$19,993.45 to be reimbursed by Niagara County Sewer District I&I grant money for the 2024 year. (Beiter)

Motion to approve by Councilman Carpenter second by Councilman Teixeira.

Ayes – Virtuoso, Carpenter, Lee, Parks, Teixeira

Noes – none

Abstain – none

Motion carried.

14. Town Board Approval is requested for the following Budget Amendments to the 2024 Budget:

Increase

A4089 Federal Aid, Other \$58,919.60

Increase

A3120.2 Police Equipment \$58,919.60

Background:

This Amendment is to record receipt of American Rescue Funds for the previously

approved Tahoe purchase. (Siegmann)

Motion to approve by Councilman Carpenter second by Councilman Lee.

Ayes – Virtuoso, Carpenter, Lee, Parks, Teixeira

Noes – none

Abstain – none

Motion carried.

15. Resolution scheduling a public hearing for June 18, 2024 at 6:30p.m. in Town of Niagara Town Hall to consider proposed Local law number 2024-2 revising the penalties for violations of the sign regulations contained in Chapter 204, Section 204-12 of the Town Code. (Risman)

Motion to approve by Councilman Lee second by Councilman Parks.

Ayes – Virtuoso, Carpenter, Lee, Parks, Teixeira

Noes – none

Abstain – none

Motion carried.

16. Resolution to authorize and approve the settlement of the Raymond Jasper Workers' Compensation claim for the sum of \$80,000 for all present and future wage and indemnity payments, including attorneys' fees and costs, but not including present and future medical costs and bills. The Town Board also authorizes the Town Supervisor to sign any and all documents needed to finalize and approve the Raymond Jasper Workers' Compensation salary and indemnity settlement. (Risman)

Motion to approve by Councilman Teixeira second by Councilman Carpenter.

Ayes – Virtuoso, Carpenter, Lee, Parks, Teixeira

Noes – none

Abstain – none

Motion carried.

17. Resolution to approve the change in Article XVII Health Insurance Section 5 to add the following paragraph in the Police Contract:
The Town will provide medical insurance consistent with the other sections of this article to eligible retirees when an employee retires after twenty-five (25) years of service and has not reached his/her 65th Birthday, he/she will be eligible to receive 85% paid medical insurance premium coverage under the single or family plan offered by the Town to eligible employees by the insurance carrier providing benefits to current employees pursuant to Article XVII, Section 1.

Motion to approve by Councilman Lee second by Councilman Carpenter.

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

Motion carried.

18. Resolution to sell Town surplus equipment on Auctions International. (Virtuoso)

Motion to approve by Councilman Teixeira second by Councilman Parks.

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

Motion carried.

19. Resolution to appoint Councilman Mike Lee as Liaison to the Recreation Dept. and Senior Program. (Virtuoso)

Motion to approve by Councilman Teixeira second by Councilman Parks.

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

Motion carried.

TABLED

COMMENTS

Councilman Lee and Teixeira both had no comments at this time. Councilman Carpenter is looking forward to a successful year with the park opening the Mini-Golf, and hopes people will enjoy it. Councilman Parks mentioned that the Lions Club has planned a wonderful ceremony for Memorial Day. Supervisor Virtuoso thanked Vicki for the all the hard work planting our Town flower pots for the season. She also mentioned the Music Mania Concert schedule is out, the Fireworks are scheduled for July 6th, and that corn hole, mini golf and bocce are now open and recreation has a-lot of fun events planned.

ADJOURNMENT

Motion to adjourn by Councilman Carpenter second by Councilman Lee. All in favor. Meeting Adjourned at 7:22 pm.

THE MONTHLY AGENDA IS ON THE TOWN WEBSITE

www.townofniagara.com

In Memoriam

**Bonnie Bolton
Julia Porter
Leige James Clare Sr.
Paul Sansano
Ronald London Sr.**