

TOWN OF NIAGARA
COUNTY OF NIAGARA, STATE OF NEW YORK

7105 LOCKPORT ROAD
NIAGARA FALLS, NEW YORK 14305



PHONE 716.297.2150
FAX 716.297.9262

TOWN BOARD REGULAR MEETING
August 18th, 2026 @ 6:30PM
AGENDA

WORK SESSION
Wednesday, August 12th, 2026 @ 6:30 PM

PUBLIC HEARING

1. To consider the Special-Use Permit request of Market Stores WNY, LLC. to operate an adult-use cannabis retail dispensary out of 5 Colomba Drive/Tax Map #131.09-1-5.
2. To consider the Minor combination of lots request of Ronald and Raquel Kuntz. Tax Map #145.08-2-25 and 7800 Packard Road, Tax Map #145.08-2-24.
3. To consider the major re-subdivision request of Thomas Reynolds PE. of Nussbaumer & Clarke. Tax Map #131.11-1-46.
4. To consider the Special-Use Permit/Home Occupation request of Jack Horning to conduct business from his residence. 4620 Theresa Lane, Tax Map #131.11-1-78.
5. To consider the Special-Use Permit request of Richard Kindzia, for a home occupation from his residence, 7212 St. Joseph Road, Tax Map #131.20-3-49.
6. To consider the Towns amendment proposal to the Towns Zoning District Map. Changing (4) consecutive adjacent parcels located on the West side of Columba Drive. Currently zoned (MR) Mixed Residential to (C-MU) Commercial-Mixed Use. Tax map Numbers: 131.09-2-1.1, 131.09-2-1.2, 131.09-2-1.4, and 131.09-2-1.5

OPEN MEETING (Pledge, Prayer, Roll Call)

(Residents who passed away since our last meeting are Memorialized at the end of this Agenda)

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))

APPROVAL OF MINUTES

1. Town Board Meeting of July 21st 2026

PAYMENT OF THE BILLS

General Fund Pre-Pay vouchers [A] \$
General Fund vouchers [A] \$
Sewer Fund Pre-Pay vouchers [G] \$
Sewer Fund vouchers [G] \$
Water Fund Pre-Pay vouchers [F] \$
Water Fund vouchers [F] \$
Highway Fund Pre-Pay vouchers [DA] \$
Highway Fund vouchers [DA] \$
Fire Protection Pre-Pay vouchers [SF] \$
Fire Protection vouchers [SF] \$
Street Lighting Pre-Pay vouchers [SL] \$
Street Lighting vouchers [SL] \$
Trust & Agency Pre-Pay vouchers [TA] \$
Trust & Agency vouchers [TA] \$
Capital Projects Pre-Pay [H] \$
Capital Projects vouchers [H] \$

AGENDA

1. Resolution to declare a negative declaration on the associated SEQR for the Special-Use Permit request of Lisa M. Danovskis of Market Stores WNY, Inc. allowing for the adult use cannabis retail sales from 5 Colomba Drive. Tax Map #131.09-1-5. (Haseley)
2. Resolution to approve the Special-Use Permit request of Lisa M. Danovskis of Market Stores WNY, Inc. allowing for the adult use cannabis retail sales from 5 Colomba Drive. Tax Map #131.09-1-5. Permit shall expire one year from approval date and is renewable upon written request remitted prior to expiration date and subsequent Town Board Approvals. (Haseley)
3. Resolution to declare a negative declaration on the associated SEQR for the Minor re-subdivision / the combination of (2) lots request of Ronald and Raquel Kuntz. 7800 Packard Road, Tax Map #145.08-2-24 and Tax Map #145.08-2-25. (Haseley)
4. Resolution to approve the Minor re-subdivision/ the combination of (2) lots request of Ronald and Raquel Kuntz. 7800 Packard Road Tax Map # 145.08-2-24 and Tax Map #145.08-2-25. (Haseley)
5. Resolution to declare a negative declaration on the associated EAF for the Major re-subdivision request of Thomas Reynolds, PE of Nussbaumer & Clarke, Inc. Tax Map # 131.11-1-46. (Haseley)

6. Resolution to approve the Major re-subdivision request of Thomas Reynolds, PE of Nussbaumer & Clarke, Inc. Tax map #131.11-1-46. (Haseley)
7. Resolution to declare a negative declaration on the associated SEQR for the Special-Use Permit/Home occupation request of Jack Horning to conduct business from his residence at 4620 Theresa Lane, Tax Map # 131.11-1-78. (Haseley)
8. Resolution to approve the Special-Use Permit/Home occupation request of Jack Horning to conduct business from his residence. 4620 Theresa Lane, Tax Map #131.11-1-78. Permit shall expire one year from approval date and is renewable annually upon written request received prior to expiration and subsequent Town Board Approvals. (Haseley)
9. Resolution to declare a negative declaration on the associated SEQR for the Special-Use Permit request of Richard Kindzia for a home occupation from his residence located at 7212 St. Joseph Road, Tax Map # 131.20-3-49. (Haseley)
10. Resolution to approve the Special-Use Permit request of Richard Kindzia for a home occupation from his residence at 7212 St. Joseph Road, Tax Map #131.20-3-49. Permit shall expire in one year from date of approval and is renewable annually upon written request prior to expiration and upon subsequent Town Board approvals. (Haseley).
11. Resolution to declare a negative declaration on the associated SEQR for the Towns amendment to the Towns Zoning District Map. Changing all (4) parcels located on the West side of Columba Drive currently Zones (MR) Mixed Residential to (C-MU) Commercial-Mixed Use. Tax Map Numbers: 131.09-2-1.1, 131.09-2-1.2, 131.09-2-1.4 and 131.09-2-1.5. (Haseley)
12. Resolution to approve the Towns amendment to the Towns Zoning District Map. Changing all (4) parcels located on the West side of Columba Drive currently Zoned (MR) Mixed Residential to (C-MU) Commercial-Mixed Use. Tax Map Numbers: 131.09-2-1.1, 131.09-2-1.2, 131.09-2-1.4 and 131.09-2-1.5. (Haseley)
13. Resolution to declare a negative declaration on the associated SEQR for the final site plan request of Michael Lukaszewski R.A. 10195 Niagara Falls Blvd, Tax Map #146.19-2-4.22. (Haseley)
14. Resolution to approve the final site plan request of Michael Lukaszewski R.A. 10195 Niagara Falls Blvd, Tax Map #146.19-2-4.22. (Haseley)
15. Resolution to charge Music Mania Monday budget line for Parks workers for the trash pickup and cooler moving. (Sirianni)

16. Resolution to declare a negative declaration on the associated SEQR for the final site plan request of Edward Webster. 2541 Military Road, Tax Map #145.12-3-21. (Haseley)
17. Resolution to approve the final site plan request of Edward Webster. 2541 Military Road, Tax Map #145.12-3-21. (Haseley)
18. Resolution to approve spending Highway funds for micro-paving, milling & blacktopping roads, as budgeted for 2026. See attached for included properties. (Siriani).
19. Resolution to approve the 2 Host Community Agreements with Macerich Niagara, LLC and the Town of Niagara and authorize the own Supervisor to sign and execute the agreements. (Virtuoso)
20. Resolution to approve the bid from Black Gold in the amount not to exceed \$21,000.00 to seal and stripe the Town Hall, garage area parking lot and seal only all the walking paths from the ball diamonds to the dog park. Funds available from Capital Projects. (Siriani)
21. Resolution to accept the resignation of part-time police officer Collin Durandetto. (Guiliani)
22. Resolution to call for a Public Hearing on September 15, 2026, at 6:30p.m. at Town of Niagara Town Hall to consider the adoption of proposed Local Law No. 2026-2 repealing the current Chapter 179 sections 1 through 9 of the Town of Niagara Town Code and adopting a new noise law with new sections 179-1 through 179-7 of the Town Code.

TABLED

COMMENTS

ADJOURNMENT

THE MONTHLY AGENDA IS ON THE TOWN WEBSITE

www.townofniagarany.gov

In Memoriam



August 3rd August 10th August 17th



142

AGENDA SUBMITTAL / August 2026

ALL AGENDA ITEMS MUST BE SUBMITTED TO THE TOWN CLERK
BY THE
LAST WORK DAY OF THE MONTH BEFORE 12 P.M.

DATE: 6/26/2026

TO: C. Haseley, Building Inspector

DEPARTMENT: Inspections

RECEIVED
JUN 26 2026
TOWN OF NIAGARA
TOWN CLERK

Resolution to declare a negative declaration on the associated SEQR for the Special-use permit request of Lisa M. Danovskis of Market Stores WNY, Inc. allowing for the adult use cannabis retail sales from 5 Colomba Drive. Tax Map # 131.09-1-5.

ANY EXCEPTIONS MUST BE APPROVED BY THE SUPERVISOR

LATE AGENDA APPROVAL BY TOWN SUPERVISOR _____ (Supervisor Initials)



292

RECEIVED

JUN 26 2026

**TOWN OF NIAGARA
TOWN CLERK**

AGENDA SUBMITTAL / August 2026

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DATE: 6/26/2026

TO: C. Haseley, Building Inspector

DEPARTMENT: Inspections

Resolution to approve the Special-use permit request of Lisa M. Danovskis of Market Stores WNY, Inc. allowing for the adult use cannabis retail sales from 5 Colomba Drive. Tax Map # 131.09-1-5. Permit shall expire one year from approval date and is renewable upon written request remitted prior to expiration date and subsequent Town Board Approvals

ANY EXCEPTIONS MUST BE APPROVED BY THE SUPERVISOR

LATE AGENDA APPROVAL BY TOWN SUPERVISOR _____ (Supervisor Initials)



1/2

RECEIVED

JUN 26 2026

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**TOWN OF NIAGARA
TOWN CLERK**

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LAST WORK DAY OF THE MONTH BEFORE 12 P.M.

DATE: 6/26/2026

TO: Town Clerk

FROM: C. Haseley, Building Inspector

CHA

DEPARTMENT: Inspections

Resolution to declare a negative declaration on the associated SEQR for the Minor re-subdivision / the combination of (2) lots request of Ronald and Raquel Kuntz. Tax Map #'s 145.08-2-24 and 145.08-2-25

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292

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TO: Town Clerk

FROM: C. Haseley, Building Inspector

CHA

DEPARTMENT: Inspections

Resolution to approve the Minor re-subdivision / the combination of (2) lots request of Ronald and Raquel Kuntz. Tax Map #'s 145.08-2-24 and 145.08-2-25

ANY EXCEPTIONS MUST BE APPROVED BY THE SUPERVISOR

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10/2
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AGENDA SUBMITTAL / August 2026

JUN 26 2026

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DATE: 6/26/2026

TO: Town Clerk

FROM: C. Haseley

DEPARTMENT: Inspections

Resolution to declare a negative declaration on the associated EAF for the Major re-subdivision request of Thomas Reynolds, PE of Nussbaumer & Clarke, Inc. Tax Map # 131.11-1-11.

46

ANY EXCEPTIONS MUST BE APPROVED BY THE SUPERVISOR

LATE AGENDA APPROVAL BY TOWN SUPERVISOR _____ (Supervisor Initials)



2022
RECEIVED

JUN 26 2026

AGENDA SUBMITTAL / August 2026

**TOWN OF NIAGARA
TOWN CLERK**

ALL AGENDA ITEMS MUST BE SUBMITTED TO THE TOWN CLERK
BY THE
LAST WORK DAY OF THE MONTH BEFORE 12 P.M.

DATE: 6/26/2026

TO: Town Clerk

FROM: C. Haseley

DEPARTMENT: Inspections

Resolution to approve the Major re-subdivision request of Thomas Reynolds, PE of Nussbaumer & Clarke, Inc. Tax Map # 131.11-1-11.

46

ANY EXCEPTIONS MUST BE APPROVED BY THE SUPERVISOR

LATE AGENDA APPROVAL BY TOWN SUPERVISOR _____ (Supervisor Initials)



19/2

AGENDA SUBMITTAL / August 2026

ALL AGENDA ITEMS MUST BE SUBMITTED TO THE TOWN CLERK
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LAST WORK DAY OF THE MONTH BEFORE 12 P.M.

RECEIVED

DATE: 6/26/2026

TO: Town Clerk

FROM: C. Haseley, Building Inspector

DEPARTMENT: Inspections

JUN 26 2026

**TOWN OF NIAGARA
TOWN CLERK**

Resolution to declare a negative declaration on the associate SEQR for the special use permit/ home occupation request of Jack Horning to conduct business from his residence. 4620 Theresa Lane. Tax map # 131.11-1-78.

ANY EXCEPTIONS MUST BE APPROVED BY THE SUPERVISOR

LATE AGENDA APPROVAL BY TOWN SUPERVISOR _____ (Supervisor Initials)



2 of 2

AGENDA SUBMITTAL / August 2026

ALL AGENDA ITEMS MUST BE SUBMITTED TO THE TOWN CLERK
BY THE
LAST WORK DAY OF THE MONTH BEFORE 12 P.M.

RECEIVED

DATE: 6/26/2026

JUN 26 2026

TO: Town Clerk

FROM: C. Haseley, Building Inspector

CHA

DEPARTMENT: Inspections

**TOWN OF NIAGARA
TOWN CLERK**

Resolution to approve the special use permit/ home occupation request of Jack Horning to conduct business from his residence. 4620 Theresa Lane. Tax map # 131.11-1-78. Permit shall expire one year from approval date, and is renewable annually upon written request received prior to expiration and subsequent Town Board Approvals.

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LATE AGENDA APPROVAL BY TOWN SUPERVISOR _____ (Supervisor Initials)



1d2

RECEIVED

JUN 26 2026

ALL AGENDA ITEMS MUST BE SUBMITTED TO THE TOWN CLERK
BY THE
LAST WORK DAY OF THE MONTH BEFORE 12 P.M.

**TOWN OF NIAGARA
TOWN CLERK**

DATE: 6/26/2026

TO: Town Clerk

FROM: C. Haseley, Building Inspector

DEPARTMENT: Inspections

Resolution to declare a negative declaration on the associated SEQR for the Special -Use Permit request of Richard Kindzia for a home occupation from his residence, 7212 St Joseph Road , Tax Map # 131.20-3-49

ANY EXCEPTIONS MUST BE APPROVED BY THE SUPERVISOR

LATE AGENDA APPROVAL BY TOWN SUPERVISOR _____ (Supervisor Initials)



242
RECEIVED

JUN 26 2026

AGENDA SUBMITTAL / August

ALL AGENDA ITEMS MUST BE SUBMITTED TO THE TOWN CLERK
BY THE
LAST WORK DAY OF THE MONTH BEFORE 12 P.M.

**TOWN OF NIAGARA
TOWN CLERK**

DATE: 6/26/2026

TO: Town Clerk

FROM: C. Haseley, Building Inspector

DEPARTMENT: Inspections

approve
Resolution to ~~declare a negative declaration on the associated SEQR for the~~ Special -Use Permit request of Richard Kindzia for a home occupation from his residence, 7212 St Joseph Road, Tax Map # 131.20-3-49. Permit shall expire in one year from date of approval and is renewable annually upon written request prior to expiration and upon subsequent Town Board approvals. *the*

ANY EXCEPTIONS MUST BE APPROVED BY THE SUPERVISOR

LATE AGENDA APPROVAL BY TOWN SUPERVISOR _____ (Supervisor Initials)



Aug 2026

102 RECEIVED

JUL 17 2026

TOWN OF NIAGARA
TOWN CLERK

AGENDA SUBMITTAL

ALL AGENDA ITEMS MUST BE SUBMITTED TO THE TOWN CLERK
BY THE
LAST WORK DAY OF THE MONTH BEFORE 12 P.M.

DATE: 7/17/2026
TO: Town Clerk
FROM: C. Walsh
DEPARTMENT: Inspector

Resolution to declare a negative declaration on the associated SEQR for the Towns amendment to The Towns Zoning District map. Changing all (4) parcels located on the West side of Columba Drive currently Zoned (MR) Mixed Residential to (C-MU) Commercial –mixed use. Tax Map Numbers :131.09-**2**-1.1 , .1.2 , 1.4 , and 1.5

ANY EXCEPTIONS MUST BE APPROVED BY THE SUPERVISOR

LATE AGENDA APPROVAL BY TOWN SUPERVISOR _____ (Supervisor Initials)



2022 Aug 2026

AGENDA SUBMITTAL

ALL AGENDA ITEMS MUST BE SUBMITTED TO THE TOWN CLERK
BY THE
LAST WORK DAY OF THE MONTH BEFORE 12 P.M.

RECEIVED

DATE: 7/17/2026
TO: Town Clerk
FROM: Charles Haslam
DEPARTMENT: Inspectors

JUL 17 2026

**TOWN OF NIAGARA
TOWN CLERK**

Resolution to approve the Towns amendment to The Towns Zoning District map.
Changing all (4) parcels located on the West side of Columba Drive currently Zoned
(MR) Mixed Residential to (C-MU) Commercial –mixed use .Tax Map Numbers :131.09-
2-1.1 , .1.2 , 1.4 , and 1.5

ANY EXCEPTIONS MUST BE APPROVED BY THE SUPERVISOR

LATE AGENDA APPROVAL BY TOWN SUPERVISOR _____ (Supervisor Initials)



RECEIVED

JUL 28 2026

**TOWN OF NIAGARA
TOWN CLERK**

AGENDA ITEM FORM

ALL AGENDA ITEMS MUST BE SUBMITTED TO THE TOWN CLERK
BY THE
LAST WORK DAY OF THE MONTH BEFORE 12 P.M.

DATE: 07/23/2026

TO: Town Board

FROM: Richard Sirianni

DEPARTMENT: Highway

Type or print agenda item in box below:

Resolution to approve spending highway funds for micro-paving, milling & blacktopping roads, as budgeted for 2026. See attached for included properties.

Three Town Board Member signatures required for adding **Late** Agenda items handed in after **12PM** on the last work day of the month.

_____	_____
_____	_____
_____	_____

ANY EXCEPTIONS MAY BE APPROVED BY THE SUPERVISOR

LATE AGENDA APPROVAL BY TOWN SUPERVISOR _____ (Supervisor Initials)

**AGREEMENT TO SPEND TOWN HIGHWAY FUNDS
SUPPLEMENT #1 – 2026
TOWN OF NIAGARA
COUNTY OF NIAGARA**

Pursuant to the provisions of Section 284 of the Highway Law, we agree that the moneys levied and collected for the repair and improvement of highways, and received from the State for *State Aid for the repair and improvement of highways*, shall be expended as follows:

1. **GENERAL REPAIRS.** The sum of \$25,378.92 shall be expended for general repairs upon 30.02 miles of town highways, including sluices, culverts and bridges, having a span of less than five feet, and boardwalks or the renewals thereof.
2. **IMPROVEMENTS.** The sum of \$246,489.53 shall be set aside to be expended for the Improvement of the town highways.

Road Repair Program 2026: (Crack filling) from the lowest responsible bidder for the amount of \$15,000 as part of our maintenance program. For all roads listed below we are using Holcim Company for Company for patching materials and blacktop, Suit-Kote for Micro Pave, Midland for tack coat, and Donagal for Milling. This and other priorities such as line painting, drainage and equipment rentals in 2026 shall not exceed an overall cost of \$246,489.53. All targeted roads will be done providing the materials needed do not exceed the funds available.

- a) The road repair commencing at Theresa Ln leading southwest through **Shanie Dr.** and ending at Hermitage St.

Length: 320' long	Width 24'
Not to exceed \$4,000	Micropave
Crack filling	
- b) The road repair commencing at Divide Rd. leading through **Theresa Lane** and ending at the dead end.

Length: 1338' long	Width 24'
Not to exceed \$17,000	Micropave
Crack filling	
- c) The road repair commencing at Divide Rd. leading through **Hermitage St.** and ending at Grauer Rd.

Length: 1617' long	Width 24'
Not to exceed \$21,000	Micropave
Crack filling	

- d) The road repair commencing at Military Rd. leading through **Richmond Ave.** and ending at Tuscarora Rd.

Length: 1556' long
Not to exceed \$18,000
Crack filling

Width 22'
Micropave

- e) The road repair commencing at **Theresa Lane** heading east on Kay Ellen Drive to the dead end and ending there.

Length: 700' long
Not to exceed \$9,000
Crack filling

Width 24'
Micropave

- f) The road repair commencing at Hyde Park through **Birch Ave.** and ending at St. Paul St.

Length: 1020' long
Not to exceed \$46,000
Milling Road 4 inches

Width 23'
Type 7F Top 2" Thick
Binder Type 3

- g) The road repair commencing at Hyde Park Blvd. through **Nevada Ave.** and ending at Portland Rd.

Length: 581' long
Not to exceed \$28,000
Milling Road 4 inches

Width 22'
Type 7F Top 2" Thick
Binder Type 3

- h) The road repair commencing at Lockport Rd. through **Panama Ave.** and ending at Rhode Island Ave.

Length: 1011' long
Not to exceed \$30,000
Milling Road 4 inches

Width 21'
Type 7F Top 2.5" Thick

- i) The road repair commencing at Hyde Park through **Louisiana Ave.** and ending at Portland Ave.

Length: 675' long
Not to exceed \$30,000
Milling Road 4 inches

Width 22'
Type 7F Top 2 Thick
Binder Type 3

Executed in duplicate this _____ day of _____, 2026

TOWN SUPERVISOR

COUNCILPERSON

COUNCILPERSON

COUNCILPERSON

COUNCILPERSON

TOWN SUPERINTENDENT

One copy must be filed in the Town Clerk's Office and one in the Niagara County Dept. of Public Works,
225-231 South Niagara Street, Lockport, NY 14094



RECEIVED

JUL 31 2026

**TOWN OF NIAGARA
TOWN CLERK**

AGENDA SUBMITTAL

**ALL AGENDA ITEMS MUST BE SUBMITTED TO THE TOWN CLERK
BY THE
LAST WORK DAY OF THE MONTH BEFORE 12 P.M.**

DATE: August 2026
TO: Town Board
FROM: Richard Sirianni
DEPARTMENT: Highway/Parks Supt.

Type or print agenda item in box below:

Resolution to approve the bid of Black Gold in the amount not to exceed \$21,000 to seal and stripe the Town Hall, Garage area parking lot and seal only all the walking paths from the ball diamonds to the dog park. Funds from Capital Projects available.

ANY EXCEPTIONS MUST BE APPROVED BY THE SUPERVISOR

LATE AGENDA APPROVAL BY TOWN SUPERVISOR _____ (Supervisor Initials)

ESTIMATE

Black Gold Sealer
87 Martin Court
Grand Island, NY 14072

fasotwo@gmail.com
+1 (716) 598-4019
www.blackgoldsealer.com



Bill to
Rick Sirianni
Town of Niagara
7105 Lockport Road
Niagara Falls, NY 14305

Ship to
Rick Sirianni
Town of Niagara
7105 Lockport Road
Niagara Falls, NY 14305

Estimate details

Estimate no.: 1069
Estimate date: 06/22/2026

#	Product or service	Description	Amount
1.	Sealer	Sealcoat approx. 104,032 sq feet of Un-sealed asphalt with (1) one coat of commercial grade Asphalt Emulsion sealer. Area to be sealed will be: edged for vegetation, power cleaned and oil spots treated. Barrier provided for traffic control. Sealer will be brushed on by hand.	\$11,310.00
2.	Striping	Re-stripe lot per Rick Sirianni layout, including changes made to the current layout.	\$650.00

Total **\$11,960.00**

Note to customer

Quote provided is for (1) one mobilization. Additional site visits will incur a \$250 charge. Payment is Net 10 days. A 2% per month late charge will be added to balances over 30 days. We are licensed and insured. Customer is responsible for clearing area to be sealed of vehicles and equipment. Tax exempt customers please forward the proper documentation otherwise sales tax will be added to the final invoice.

By accepting this, customer agrees to all terms and conditions herein and are hereby accepted.

Accepted date

Accepted by

ESTIMATE

Black Gold Sealer
87 Marlin Court
Grand Island, NY 14072

fasotwo@gmail.com
+1 (716) 598-4019
www.blackgoldsealer.com



Bill to
Town of Niagara
7000 Lockport Road
Niagara Falls, New York 14305
United States

Ship to
Town of Niagara
Veterans Park - Walking Path
7000 Lockport Road
Niagara Falls, New York 14305
United States

Estimate details
Estimate no.: 1070
Estimate date: 06/25/2026

#	Product or service	Description	Amount
1.	Sealer	Sealcoat approx. 78,350 sq feet of sealed asphalt with (1) one coat of commercial grade Asphalt Emulsion sealer. Area to be sealed will be: edged for vegetation, power cleaned and oil spots treated. Barrier provided for traffic control. Sealer will be brushed on by hand.	\$8,100.00
Total			\$8,100.00

Note to customer

Quote provided is for (1) one mobilization. Additional site visits will incur a \$250 charge. Payment is Net 10 days. A 2% per month late charge will be added to balances over 30 days. We are licensed and insured. Customer is responsible for clearing area to be sealed of vehicles and equipment. Tax exempt customers please forward the proper documentation otherwise sales tax will be added to the final invoice.
By accepting this, customer agrees to all terms and conditions herein and are hereby accepted.

Accepted date

Accepted by



Perfect Seal 716

560 56th Street | Niagara Falls, New York 14304
7162368385 | perfectseal716@gmail.com | www.perfectseal716.com

RECIPIENT:

Town of Niagara Town Hall

7105 Lockport Road
Niagara Falls, NY 14305

Estimate #1112

Sent on _____

Total **\$21,620.00**

Product/Service	Description	Qty.	Unit Price	Total
Sealing-Town Hall	-Power clean -Treat oil spots -Trim edges -Seal parking lot -Latex and sand added -Barricade sealed entrances and exits -Stripe Existing Pattern -Barricade sealed entrances and exits	1	\$21,620.00	\$21,620.00

Subtotal **\$21,620.00**

**New York Tax
Exempt (0.0%)** **\$0.00**

Total **\$21,620.00**

NOTE: DOES NOT INCLUDE PERMITS, OR LICENSE FEES. NO ALLOWANCE FOR UNFORSEEN DIGGING/EARTHWORK CONDITIONS. I.E. FOUNDATIONS, SOFT CONDITIONS OR UNMARKED UTILITIES

We are NOT responsible for damage to property resulting in tracking of wet materials by persons or vehicles. It is recommended that you stay off that area for 24 hours.

This quote is for one mobilization only; additional mobilizations will be surcharged.
Charges will be incurred for any changes/additions to this quote once work has been commenced.

Acceptance of Quote & TERMS: The above prices, specifications and conditions are satisfactory and are hereby accepted. You are authorized to do the specified.

Payment Terms: Due upon receipt of invoice. 2% per month finance charge will be applied on accounts over 30 days. Modifications to payment schedule must be made prior to any work being performed. The customer will be responsible for any and all collection fees incurred.



Perfect Seal 716

560 56th Street | Niagara Falls, New York 14304
7162368385 | perfectseal716@gmail.com | www.perfectseal716.com

RECIPIENT:

Town of Niagara Town Hall

7105 Lockport Road
Niagara Falls, NY 14305

Estimate #1113

Sent on _____

Total **\$18,000.00**

Product/Service	Description	Qty.	Unit Price	Total
Sealing- Recreational Walking Path	-Power clean -Treat oil spots -Trim edges -Seal parking lot -Latex and sand added -Barricade sealed entrances and exits	1	\$18,000.00	\$18,000.00

Subtotal **\$18,000.00**

New York Tax Exempt (0.0%) **\$0.00**

Total **\$18,000.00**

NOTE: DOES NOT INCLUDE PERMITS, OR LICENSE FEES. NO ALLOWANCE FOR UNFORSEEN DIGGING/EARTHWORK CONDITIONS. I.E. FOUNDATIONS, SOFT CONDITIONS OR UNMARKED UTILITIES

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Payment Terms: Due upon receipt of invoice. 2% per month finance charge will be applied on accounts over 30 days. Modifications to payment schedule must be made prior to any work being performed. The customer will be responsible for any and all collection fees incurred.

Price Breakdown: Sealcoating and Striping

Please find the following breakdown of all services we have provided in this proposal. This proposal originated on July, 02, 2026. **Job Number:** 1824

Item	Description	Cost
1	Sealcoating - veteran park walkways	\$7,900.00
2	Sealcoating - town hall parking lot	\$12,000.00
Total		\$19,900.00

Optional Services:

Item	Description	Cost
1	Sealcoating - 2 coats	\$20,200.00
Total:		\$20,200.00

Authorization to Proceed & Contract

Maloney Paving & General Contracting LLC proposes the above scope of work to be performed in accordance with the specifications and/or drawings found herein.

Any alteration or deviation from the above specifications will be executed upon written order and will become an extra charge, over and above, the proposed amount. All agreements are contingent upon strikes, accidents, and/or delays beyond our control.

Maloney Paving & General Contracting LLC are not to be held responsible for any building or structure foundation defects that occur during the scope of work being performed. This includes, but is not limited to, foundation cracking, shifting, or collapsing.

Due to unforeseeable conditions during excavation, depths may go deeper than anticipated. Hidden tree roots, concrete, rocks, or other objects, disclosed or not disclosed, that are encountered during the project and require additional time and labor, will incur an additional charge to the contract. Work will be stopped and the owner notified.

Acceptance

We agree to pay the total sum or balance in full upon completion of this project.

Payment in full after completion of the job is required.

Deposit Requirements:

A deposit of 1/3 down is required upon acceptance of contract.

Any legal fees incurred are the responsibility of the customer.



RECEIVED

AUG 04 2026

**TOWN OF NIAGARA
TOWN CLERK**

AGENDA SUBMITTAL

ALL AGENDA ITEMS MUST BE SUBMITTED TO THE TOWN CLERK
BY THE
LAST WORK DAY OF THE MONTH BEFORE 12 P.M.

DATE: 8/4/2026
TO: Town Board
FROM: Chief Craig Guiliani
DEPARTMENT: Police

Resolution to accept the resignation of part-time police officer Collin Durandetto.

ANY EXCEPTIONS MUST BE APPROVED BY THE SUPERVISOR

LATE AGENDA APPROVAL BY TOWN SUPERVISOR _____ (*Supervisor Initials*)

08/04/2026

Town of Niagara Board and Chief Guiliani:

I regret to inform the board and the Chief, that I have been offered and taken a full-time position with the Niagara County Sheriff's Office. I want to thank all of you for the opportunity to start my career in law enforcement and appreciate the opportunity you have given me.

Respectfully,

A handwritten signature in blue ink, appearing to read 'CD', is written above the printed name.

Collin Durandetto

RECEIVED

AUG 04 2026

TOWN OF NIAGARA
TOWN CLERK



AGENDA ITEM FORM

ALL AGENDA ITEMS MUST BE SUBMITTED TO THE TOWN CLERK
BY THE
LAST WORK DAY OF THE MONTH BEFORE 12 P.M.

DATE: *August 04*
September 15, 2026
TO: Town of Niagara Town Board
FROM: Michael B. Risman, Esq.
DEPARTMENT: Town Attorney

Type or print agenda item in box below:

Resolution to call for a public hearing on September 15, 2026, at 6:30 P.M. at Town of Niagara Town Hall to consider the adoption of proposed Local Law No. 2026-2 repealing the current Chapter 179 sections 1 through 9 of the Town of Niagara Town Code and adopting a new noise law with new sections 179-1 through 179-7 of the Town Code.

Three Town Board Member signatures required for adding **Late** Agenda items handed in after **12PM** on the last work day of the month.

ANY EXCEPTIONS MAY BE APPROVED BY THE SUPERVISOR

LATE AGENDA APPROVAL BY TOWN SUPERVISOR _____ (Supervisor Initials)

TOWN OF NIAGARA
LOCAL LAW NO. 2026-2

The Town of Niagara hereby adopts Local Law No. 2026-2 by repealing the current sections 179-1 through 179-9 of Chapter 179 of the Town of Niagara Town Code and inserting new sections in Chapter 179 as follows:

§ 179-1 Findings; intent.

The Town Board determines that the creation of excessive and unreasonable noise within the Town limits of the Town of Niagara is a detriment to the comfort, convenience, safety, health and welfare of the citizens of the Town and that persons within the Town are entitled to have maintained noise levels which are not a detriment to life, health, welfare and enjoyment of property. Therefore, it intends hereby to prohibit all excessive and unreasonable noise from all sources pursuant to its police power in order to preserve, protect and promote health, safety and welfare and the peace, quiet, comfort and repose of persons within the Town.

§ 179-2 Definitions.

As used in this chapter, the following terms shall have the meanings indicated below:

AMBIENT NOISE

The all-encompassing noise associated with a given environment, being usually a composite of sounds from near and far.

DAY

The hours between 7:00 a.m. and 9:00 p.m., except Fridays and Saturdays, when the day hours shall be 7:00 a.m. to 11:00 p.m.

DECIBEL

A standard unit of acoustic measurement having a zero-reference of 0.0002 microbar.

EVENING

The hours between 9:00 p.m. and 7:00 a.m. except Fridays and Saturdays, when the evening hours will be 11:00 p.m. to 7:00 a.m.

IMPULSIVE NOISE

A noise of short duration.

NOISE-RATING NUMBER

The criteria established in the noise-rating curves of the International Organization for Standardization (ISO).

OCTAVE BAND

The range of sound frequencies divided into octaves in order to classify sound according to pitch.

PERSON

Any individual, firm, corporation, association, club, partnership, society or any other form of association or organization.

PUBLIC RIGHT-OF-WAY

Any street, sidewalk or alley or similar place which is owned or controlled by the Town of Niagara, including not limited to walks, regardless of designation.

PUBLIC SPACE

Any real property or structure thereon which is owned, controlled or leased by the Town of Niagara.

PURE TONE

A sound having a single pitch.

REAL PROPERTY BOUNDARY

An imaginary line along the ground surface and its vertical extension, which separates the real property owned by one person from that owned by another person or from any public right-of-way or from any public space.

SOUND

An oscillation in pressure, partial velocity or other physical parameter in a medium with internal forces that cause compression and rarefaction of the medium.

SOUND-LEVEL METER

An instrument, including a microphone, an amplifier, an output meter and frequency-weighting networks, used for the measurement of sound in a specified manner and calibrated in decibels.

SOUND-REPRODUCTION DEVICE

Any device, instrument, mechanism, equipment or apparatus for the amplification of any sounds from any radio, phonograph, stereo, tape player, musical instrument, television, loudspeaker, phone, or other sound-making or sound-producing device or any device or apparatus for the reproduction or amplification of the human voice or other sound.

UNREASONABLE NOISES

Any noise which is defined in §§ 179-4 or 179-5 of this chapter.

VEHICLE

Any land conveyance, self-propelled or propelled by an internal source.

VESSEL

Includes every description of watercraft used or capable of being used as a means of transportation in, on or upon water, including but not limited to nondisplacement craft and seaplanes.

WITHIN THE COMMERCIAL AREA

Sound emanating from a source within the commercial area. Sound shall not be considered "within the commercial area" if it is projected into, heard or felt in a residential area, and such sound shall be considered to be within the residential area and governed by the rules relating thereto.

ZONING DISTRICT

A district established in accordance with Chapter 245, Zoning, of the Town of Niagara Town Code.

§ 179-3 Unreasonable noise prohibited.

It shall be unlawful for any person to make, continue, cause to be made or permit to be made any unreasonable noise within the geographical boundaries of the Town of Niagara or within those areas over which the Town has jurisdiction. The determination as to the existence of unreasonable noise may be established either by the specific acts considered to be unreasonable noise enumerated within § 179-4 or by the measurements exceeding the limitations set forth in § 179-5.

§ 179-4 Specific acts constituting unreasonable noise.

The following acts and the causes thereof are declared to be in violation of this chapter and to constitute unreasonable noise:

- A. The use of any sound-reproduction device outside a structure either on private property or on a public right-of-way or public space at any time within the residential areas or within the commercial areas which, by causing noise, annoys or disturbs the quiet, comfort or repose of a reasonable person of normal sensitivities. This provision shall not be construed to prohibit public performances being conducted in accordance with the provisions of a special permit granted by the Town.
- B. The use of any sound-reproduction device inside a structure in such a manner as to result in the sound or any part thereof from such apparatus to be projected therefrom outside of the structure or out of doors at any time within the residential areas or during evening hours in the commercial areas whereby the sound can be audibly heard more than 100 feet from the real property boundary line from which the noise emanates. Sound which crosses any real property boundary shall be deemed to be projected within the meaning of this chapter. Nothing within Subsections A and B herein shall be construed to prevent the operation of any such apparatus by any person within any building or structure, provided that the sound therefrom or any part thereof is not projected outside of any building or out of doors, or to prohibit the use of any apparatus with a personal earphone so that the sound therefrom or any part thereof is not audible to persons other than the user of the earphone.
- C. The operation of any sound-reproduction device on a vessel so that the sound therefrom is audible on land, which annoys or disturbs the quiet, comfort or repose of a reasonable person of normal sensitivities.
- D. The use and operation of any sound-reproduction device in a vehicle which would constitute a threat to the safety of pedestrians or vehicle operators or where conditions of overcrowding or street repair or other physical conditions are such that the use of a sound reproduction device would deprive the public of the right to the safe, comfortable,

convenient and peaceful enjoyment of a public street, park or place for public purpose and would constitute a threat to the safety and welfare of the public.

- E. The operation of any sound-reproduction device within 500 feet of any school, church, health-care facility, clinic or courthouse while the same is in session or conducting business therein so as to interfere with the functions of such activities.
- F. The operation of any sound-reproduction device within 500 feet of any hospital, nursing home or similar facility whereby the sound emanating from the device can be audibly heard within the building or structure therein and so as to interfere with the functions of such activities or disturb or annoy the patients in the activity.
- G. Yelling, shouting or hooting at any time or place so as to annoy or disturb the quiet, comfort and repose of a reasonable person of normal sensitivities.
- H. The use of any drum, loudspeaker or other instrument or device for the purpose of attracting attention to any business, which annoys or disturbs the quiet, comfort and repose of a reasonable person of normal sensitivities.
- I. Construction activity.

(1) The performance or engagement in construction work, building, excavating, hoisting, grading, demolishing, dredging or pneumatic hammering within the limits of the Town between the hours of 9:00 p.m. and 7:00 a.m. that causes sound which annoys or disturbs a reasonable person of normal sensitivities in a residential real property zone, except for emergency work of public service utilities or as otherwise provided in Subsection (2) herein.

(2) Any person desiring to engage in the aforesaid activity beyond the stated hours of limitation, based upon cases of urgent necessity or upon the interests of public health, safety and convenience, may apply to the Highway Superintendent for a special permit allowing such activity. The permits, if granted, shall be limited to a period of up to three days duration but may be renewed for additional periods of up to three days each if the emergency or need continues. In the issuance of these permits, the Highway Superintendent shall weigh all facts and circumstances and shall determine whether the reasons given for the urgent necessity are valid and reasonable, whether the public health, safety and ultimate convenience will be protected or better served by granting the permit requested and whether the manner and amount of loss or inconvenience to the party in interest imposes a significant hardship.

- J. The sounding of any horn, security alarm or other auditory signaling device in any vehicle, vessel, engine, machine or stationary boiler for period of time longer than five minutes, except as required by law or to provide a warning signal during use thereof. This provision shall not be construed to prohibit the use and operation of a signal device in an emergency vehicle.
- K. The operation of a vehicle without an adequate muffler or exhaust system to prevent any unreasonable noise in violation of the New York State Vehicle and Traffic Law § 375, Subdivision 31.

- L. The use and operation of any lawn maintenance device, including mowers, edgers, trimmers and power-driven hedge shears, between the hours of 9:00 p.m. and 7:00 a.m. that causes sound that annoys or disturbs a reasonable person of normal sensitivities in a residential real property zone. This provision does not apply to the operation of such equipment on golf courses.
- M. The use and operation of air conditioners, snowblowers, solid waste collection vehicles and equipment or other mechanical devices which cause noise that annoys or disturbs the quiet, comfort or repose of a reasonable person of normal sensitivities, except upon cases of urgent necessity or upon the interests of public health, safety and convenience. This provision shall not be construed to prohibit the use and operation of Town, county, state or other governmental equipment otherwise in compliance with the provisions of this chapter.
- N. The keeping of any animal or bird which causes noise that annoys or disturbs the quiet, comfort or repose of a reasonable person of normal sensitivities.
- O. Any and all other sounds or noises in residential areas that exceed 55 decibels during day hours and 45 decibels during evening hours.
- P. Any other excessive or unreasonable noise which either annoys, disturbs, injures or endangers the comfort, repose, health, peace or safety of a reasonable person of normal sensitivities, except that the enumerated provisions of Subsections A through O of this section shall govern and regulate the actions and activities therein prohibited, and nothing contained in this Subsection P shall apply to those actions and activities set forth in subsections A through O of this section.

§ 179-5 Additional guidelines to determine unreasonable noise.

- A. The subject noise must exceed ambient noise by five decibels or more in any octave band to be declared excessive or unreasonable.
- B. Sound projecting from one use district into another use district having a lower noise-level limit shall not exceed the limits of the district into which it is projected.
- C. This chapter shall not negate or otherwise void any other noise related regulations found in any other chapter or section of the Town Code.

§ 179-6 Method of measurement.

- A. Noise measurements shall be made with a sound-level meter and compatible octave band analyzer manufactured according to the specifications of the American National Standards Institute, USA Standard Specification for General Purpose Sound Level Meters (S1.4-1971) and Preferred Center Frequencies for Acoustical Measurements (S1.6-1960) or any subsequent nationally adopted standard superseding the above standards.

- B. Except where impractical, sound measurements shall be made from the specific position of the complainant at the premises from which noise complaints are received and shall be made at a height of at least three feet above the ground and three feet away from walls, barriers, obstructions or other sound-reflective surfaces. Where the nature of the noise permits, the slow response setting shall be used to obtain the noise level on the sound-level meter. The sound analysis curve shall be plotted in decibels upon the noise-rating numbers chart, and the highest portion of the curve in any octave band above a noise-rating curve shall be the noise-rating number for the measurement. The average curve of several noise measurements may be used to plot the sound analysis curve.
- C. When detailed sound analysis measurement cannot be made, a measurement of the noise using the A scale of a standard sound-level meter may be made, and the noise-rating number shall be determined by this measurement minus eight decibels.

§ 179-7 Penalty for offenses

- A. Every violation of any provision of this Chapter be punishable by a fine or penalty of not more than \$1,500 or by imprisonment for not more than 15 days, or by both such fine and imprisonment, for each offense, in every case wherein no punishment or fine for a violation thereof is provided. Each day that a violation continues shall be deemed a separate violation. In addition to the aforesaid fines and penalties, a licensee who violates any provision of the Code shall be subject to a suspension or revocation of his license.

(1) The arresting officer may issue and serve an appearance ticket upon the arrested person and release him/her from custody, provided that the police officer who has issued and served the appearance ticket, at or before the time the appearance ticket is returnable, files with the Town Court, an accusatory instrument charging the named person with the appropriate offense pursuant to this chapter and in accordance with the New York State Criminal Procedure Law §§ 140 and 150.

(2) If the defendant does not appear in the Town Court on the return date of the appearance ticket, the court may issue a summons or a warrant of arrest based on the accusatory instrument filed as authorized by all applicable provisions of the New York State Criminal Procedure Law.

- B. A Town of Niagara police officer, who in the course of his/her duties and with firsthand knowledge observes a person in violation of the Town's noise ordinance, may make and arrest without a warrant as authorized and provided by the New York State Criminal Procedure Law § 140.10. In the event a police officer makes an arrest without a warrant pursuant to this chapter, he/she must without unnecessary delay bring the arrested person before a local criminal court and file an appropriate accusatory instrument charging the individual with the appropriate offense as required by the New York State Criminal Procedure Law § 140.20.
- C. This chapter shall be administered and enforced by the Town of Niagara Police Department.



RECEIVED

JUL 31 2026

**TOWN OF NIAGARA
TOWN CLERK**

AGENDA SUBMITTAL

**ALL AGENDA ITEMS MUST BE SUBMITTED TO THE TOWN CLERK
BY THE
LAST WORK DAY OF THE MONTH BEFORE 12 P.M.**

**DATE: August 2026
TO: Town Board
FROM: Sylvia Virtuoso
DEPARTMENT: Supervisor**

Type or print agenda item in box below:

Resolution to approve the 2 Host Community Agreements with Macerich Niagara, LLC and the Town of Niagara and authorize the Town Supervisor to sign and execute the agreements.

ANY EXCEPTIONS MUST BE APPROVED BY THE SUPERVISOR

LATE AGENDA APPROVAL BY TOWN SUPERVISOR _____ (Supervisor Initials)

HOST COMMUNITY AGREEMENT

This Agreement ("Agreement") dated the ____ day of _____, 2026, between the Town of Niagara, a New York municipal corporation (the "Town") and Macerich Niagara, LLC, a Delaware Limited Liability Company ("Company"), to provide the terms of an annual payment by Company to the Town.

WHEREAS, the Town provides certain services for the businesses, residents, property owners, and visitors to the Town who shop and make purchases at the Fashion Outlets Mall ("Mall"); and

WHEREAS, Company owns the property described in Exhibit A (the "Mall") which attracts numerous visitors to the Community, but which also imposes police and other costs upon the Community and, therefore, Company wishes to make an annual payment to assist the Town in providing services which benefit the Company, its tenants and customers, and to support Company investments in improvements over time to enhance the facilities; and

WHEREAS, the Company and the Niagara County Industrial Development Agency ("NCIDA") have entered into a ten (10) year Amended and Restated Payment in Lieu of Taxes Agreement ("PILOT") for the Mall dated on or about June 1, 2026,

IT IS HEREBY AGREED AS FOLLOWS:

1. The term of this Agreement will be ten (10) years unless otherwise terminated by mutual written consent.
2. Company will make an annual payment to the Town in the amount of Two Hundred Thousand Dollars (\$200,000) commencing October 1, 2026 and renewing each October 1 during the term of this Agreement, which funds will be deposited into the Town General Fund and shall be used for services and projects benefitting the Town's residents and visitors.
3. Company will make an additional voluntary contribution of Fifty Thousand Dollars (\$50,000) for each twelve-month period commencing October 1, 2026, and renewing each October 1 thereafter during the term of this Agreement. Funds provided by Company will be used to support charitable and community organizations that provide services and benefits to the residents of the Town of Niagara.
4. The charitable contribution of \$50,000 will be placed by the Town in a separate Trust and Agency Account. The manager of the Mall may make suggestions each year to the Town Supervisor as to charitable and community organizations who should receive funds from this account. The Town of

Niagara Town Board will select and approve all payments to charitable and community organizations. All funds remaining unspent as of December 31 of each year may be transferred by the Town to its General Fund.

5. Payments in lieu of property taxes shall be governed by the separate Amended and Restated PILOT between the Company and the NCIDA dated on or about June 1, 2026.
6. At the expiration of the ten (10) year term of this Agreement, this Agreement shall automatically renew each year for a one-year term, unless either party serves written notice to the other to terminate no later than April 1 of each year.
7. Company and the Town hereby represent and warrant to each other that each has the right, power and authority to enter into this Agreement. This Agreement shall survive any subsequent transfer of the Mall by Company either by assignment, sale, merger, or consolidation.
8. Notices of this Agreement shall be sent in writing as follows:

To: Company:

Macerich Niagara, LLC
c/o The Macerich Company
401 Wilshire Boulevard
Suite 700
Santa Monica, California 90401
Attn: _____

With a Copy to:

Macerich Niagara, LLC
c/o The Macerich Company
401 Wilshire Boulevard
Suite 700
Santa Monica, California 90401
Attn: _____

HOST COMMUNITY AGREEMENT

This Agreement ("Agreement") dated the ____ day of _____, 2026, between the Town of Niagara, a New York municipal corporation (the "Town") and Fashion Outlets II, LLC, a Delaware Limited Liability Company ("Company"), to provide the terms of an annual payment by Company to the Town.

WHEREAS, the Town provides certain services for the business, residents, property owners, and visitors to the Town who shop and make purchases at the Fashion Outlets Mall ("Mall"); and

WHEREAS, the Company owns the property described in Exhibit A (the "Mall Expansion Project") which attracts visitors to the benefit of the Community. The Company wishes to continue to make annual payments to assist the Town in providing services to its residents and visitors; and

WHEREAS, the Company and the Niagara County Industrial Development Agency ("NCIDA") have entered into a ten (10) year Amended and Restated Payment in Lieu of Tax agreement ("PILOT") for the Mall dated on or about June 1, 2026,

The Parties Hereby Agree as Follows:

1. Company will make an annual payment to the Town in the amount of One Hundred Thousand Dollars (\$100,000) commencing October 1, 2026 and renewing each October 1 during the term of this Agreement, which funds will be deposited in the Town of Niagara General Fund and shall be used for services and projects benefitting the Town's residents and visitors as well as the Mall.
2. The term of this Agreement shall be ten (10) years, unless otherwise terminated by mutual written consent.
3. Payments in lieu of property taxes shall be governed by a separate Amended and Restated PILOT entered into between the Company and the NCIDA dated on or about June 1, 2026, for the same ten (10) year period.
4. At the expiration of the ten (10) year term, this Agreement shall automatically renew each year for a one-year term, unless either party serves written notice to the other to terminate no later than September 1 of each year.
5. Nothing in this Agreement shall be admissible in any Court of law or other forum as evidence of the parties' intent in any manner, except in a proceeding to enforce this Agreement.

6. Company and the Town hereby represent and warrant to each other that each has the right, power, and authority to enter into this Agreement. This Agreement shall survive any subsequent transfer of the Mall Expansion project by Company either by assignment, sale, merger, or consolidation.
7. Notices of this Agreement shall be sent in writing as follows:

To: Company:

Fashion Outlets II, LLC
c/o The Macerich Company
401 Wilshire Boulevard
Suite 700
Santa Monica, California 90401
Attn: _____

To: Town of Niagara:

Town of Niagara
7105 Lockport Road
Niagara Falls, NY 14304
Attn: Town Supervisor

8. Payment shall be made by check payable to the "Town of Niagara" and shall be mailed to the address noted above.
9. The failure to make the full amount of the payment required under this Agreement on or before October 1 of each year shall constitute a default under this Agreement as well as under the Host Community Agreement between the Town and Macerich Niagara, LLC.
10. This Agreement replaces and supersedes prior Host Community Agreements between the Town and Company.