

April 8, 2009

A Public Hearing and the regular monthly meeting of the Lockport Town Board was conducted at 7:30 p.m. on Wednesday, April 8, 2009, at the Town Hall, 6560 Dysinger Road, Lockport, New York.

Present were: Supervisor: Marc R. Smith

Town Council members: Cheryl A. Antkowiak  
Paul H. Pettit  
Mark C. Crocker  
Paul W. Siejak

Also present: Nancy A. Brooks, Town Clerk, Daniel E. Seaman, Town Attorney.  
and members of Boy Scout Troop #4

The meeting was opened with Boy Scout Troop #4 providing a color guard to present the flag. Supervisor Smith led everyone in the Pledge of Allegiance and thanked the scouts for their participation in the evening's proceedings. He then opened the business meeting as follows:

PUBLIC HEARING – Increase and Improvement of Facilities of the Town of Lockport Water District No. 3, the 202 b estimated amount of \$1,645,300.00 for the replacement of approx. 12,800 linear feet of water line on Transit Road, from Robinson Road south to Tonawanda Creek Road.

Supervisor Smith detailed the purpose for the Public Hearing, stating that this had become necessary since the time that the State widened Transit Road years earlier and had paved over the Town's water line. He stated water line breaks had become more common and were very disruptive to traffic. He stated that the Town was interested in submitting the project for the federal stimulus money, thus the need to follow through with the necessary process and paperwork, and the need to conduct a Public Hearing on the project. He then opened the floor for comments. Mr. Seaman stated that the Town had not received any correspondence regarding the project, as per consulting with the Town Clerk.

No one spoke on the matter and the Public Hearing was closed.

The regular business meeting was conducted as follows:

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**PUBLIC COMMENTS:**

Supervisor Smith then opened the floor for residents to speak on issues. The following persons spoke:

Susan Mongiello – Spoke on the issue of the business sign located at 6115 Robinson Road (an electronic display sign) and read letters from supporters ( Bill Rutland and David Miller) of the sign which changes more often than the “not more than once every 10 minutes” as stated in the Town Zoning Ordinance. She stated the sign is used to support fund raising causes in the community as well as for business purposes and that several residents have called to support the use of the sign for which the owner was denied a variance.

Chris Sposito of Newfane, NY– spoke in favor of the Mongiello’s sign, stating that several fund raising groups had benefited from such activity.

David Mongiello, 6115 Robinson Road, spoke on his own behalf, stating that the Town Ordinance does not specifically outlaw “video” signs.

Dale Schaffer – stated that he felt the sign does not hurt anyone and should be permitted.

Donna Pieszala of 6643 Heather Dr. stated as a former Town of Lockport Zoning Board Member, she felt the Town’s ordinances should be reviewed, as they may be too restrictive, especially for small business, and she did not want the Town to get a bad reputation for being “against small business”.

Larry Haseley of 7090 Old English, also a former Town of Lockport Zoning Board member, stated that sign issues had come up before the Zoning Board in the past and those decisions were based on the Ordinances in effect at the time, and he felt that should be the case for all concerned.

There being no one else to speak, the Public Comment portion was closed and the business meeting opened as follows:

1. Approval of Minutes

**MOTION:** to approve the minutes of Lockport Town Board meetings conducted on 03/02/2009, 03/04/2009 and 03/18/2009, was made by Council member Antkowiak, seconded by Council member. The motion was CARRIED: AYES - 5, NAYS - 0.  
Voting AYE: Antkowiak, Pettit, Crocker, Siejak and Smith.

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2. Approval of Payment of Bills

**MOTION:** to approve the payment of bills for the month of April was made by Council member Antkowiak, seconded by Council member Pettit. The motion was CARRIED: AYES - 5, NAYS - 0. Voting AYE: Antkowiak, Pettit, Crocker, Siejak and Smith. The bills for the month of April consists of Vouchers # 18762 – 19026 in the amount of \$870,117.86.

3. Town Clerk – Correspondence

The Clerk read the names of candidates for the volunteer fires service in the Town of Lockport. The candidates' names are:

Andrew Dohring.....Wr. Corners Fire Co.  
Thomas S. Falls .....Gasport Fire Co.

**MOTION:** to approve the above persons for volunteer fire service in the Town of Lockport was made by Council member Pettit, seconded by Council member Antkowiak. The motion was CARRIED: AYES - 5, NAYS - 0. Voting AYE: Antkowiak, Pettit, Crocker, Siejak and Smith.

4. Building Inspector's Report

Supervisor Smith read the Building Inspector's Report for the month of March 2009, which stated that 47 permits were issued; \$3,910.81 was collected in fees; and the estimated cost of construction was \$282,775.00.

5. Supervisor's Monthly Financial Report

**MOTION:** to approve the Supervisor's Monthly Financial Report for the period ending March 31, 2009, was made by Council member Siejak, seconded by Council member Crocker. The motion was CARRIED: AYES - 5, NAYS - 0. Voting AYE: Antkowiak, Pettit, Crocker, Siejak and Smith.

6. Resolution and Order after Public Hearing - Increase and Improvement of Facilities of Town of Lockport Water District No. 3, in the Town of Lockport, in the County of Niagara, New York pursuant to Section 202—b of the Town Law.

On a resolution by Council member Antkowiak, seconded by Council member Crocker, the following resolution as was to a ROLL CALL VOTE and was duly ADOPTED: 5 AYES, 0 NAYS. Voting AYE: Antkowiak, Pettit, Crocker, Siejak, and Smith.

RESOLUTION AND  
ORDER AFTER PUBLIC HEARING

WHEREAS, the Town Board of the Town of Lockport (herein called "Town Board" and "Town", respectively), in the County of Niagara, New York on behalf of Town of Lockport Sewer District, in the Town (herein called "District"), has requested Apex Consulting Survey & Engineering Services, P.C., duly licensed by the State of New York (herein called "Engineer"), to prepare a preliminary map, plan and report for the increase and improvement of facilities of the District, consisting of the replacement of approximately 12,800 linear feet of 10 inch water line with valves, hydrants, service connection and other fittings and appurtenances on the east side of South Transit Road from Robinson Road to Tonawanda Creek Road, Town of Lockport, Niagara County, New York; at a cost not to exceed \$1,645,300, and

WHEREAS, the Engineer completed such map and plan and estimate of cost and filed same with the Town Board, the Town Board thereafter adopted an order describing in general terms the proposed increase and improvement of the facilities, specifying the estimated cost thereof, and stating that the Town Board would meet to hear all persons interested in said increase and improvement of facilities on April 8, 2009, at 7:30 P.M. at the Town Hall, 6560 Dysinger Road, Lockport, New York, in the Town; and

WHEREAS, copies of such Order, certified by the Town Clerk, were duly published and posted pursuant to the provisions of Article 12 of the Town Law; and

WHEREAS, such public hearing was duly held by the Town Board on this 8th day of April, 2009, at 7:30 P.M. at the Town Hall, 6560 Dysinger Road, Lockport, New York, in the Town, and discussion on the matter having been had and all persons desiring to be heard having been heard, including those in favor of and those in opposition to said increase and improvement of the facilities;

Now, therefore, on the basis of the information given at such hearing, it is hereby

DETERMINED, that it is in the public interest to increase and improve the facilities of the District as hereinabove described and referred to at the estimated maximum cost of \$1,645,300; and it is hereby

ORDERED, that the facilities of the District shall be so increased and improved and that the Engineer heretofore retained by the Town Board shall prepare plans and specifications and make a careful estimate of the expense for said increase and improvement of the facilities and with the assistance of the Town Attorney, prepare a proposed contract for the execution of the work, which plans and specifications, estimate and proposed contract shall be presented to the Town Board as soon as possible; and it is hereby

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FURTHER ORDERED, that the expense of said increase and improvement of facilities shall be financed by the use of surplus funds of the District and by revenues raised by the District in the current fiscal year without the issuance of bonds; and it is hereby

FURTHER ORDERED, that the Town Clerk record a certified copy of this Resolution and Order After Public Hearing in the office of the Clerk of Niagara County within 10 days after adoption thereof.

7. Order Calling Public Hearing – Increase and Improvement of Facilities of Town of Lockport Sewer District No. 3, in the Town of Lockport, in the County of Niagara, New York pursuant to Section 202-b of the Town Law.

On a resolution by Council member Pettit, seconded by Council member Siejak, the following resolution was put to a ROLL CALL VOTE and was duly ADOPTED: 5 AYES, 0 NAYS. Voting AYE: Antkowiak, Pettit, Crocker, Siejak, and Smith.

ORDER CALLING PUBLIC  
HEARING TO BE HELD ON  
May 6, 2009

WHEREAS, the Town Board of the Town of Lockport (herein called "Town Board" and "Town", respectively), in the County of Niagara, New York on behalf of Town of Lockport Sewer District No. 3, in the Town (herein called "District"), has requested Wendel Duchscherer P.C., duly licensed by the State of New York (herein called "Engineer"), to prepare a preliminary map, plan and report for the increase and improvement of facilities of the District, consisting of the construction of approximately 350 linear feet of 2 inch Sewer line and appurtenances on the south and east sides of IDA Drive North and 950 linear feet of 4 inch Sewer line and appurtenances on the east side of Enterprise Drive, Town of Lockport, Niagara County, New York, and pursuant to the direction of the Town, the Engineer has completed and filed with the Town Board such preliminary map, plan and report for said increase and improvement of facilities of the District and has estimated the total cost thereof to be \$139,000

NOW, THEREFORE, BE IT

ORDERED, that a meeting of the Town Board of the Town be held at the Town Hall, 6560 Dysinger Road, Lockport, New York, in the Town, on the 6th day of May, 2009, at 7:30 o'clock P.M. (Prevailing Time) to consider said improvement of facilities of the District and to hear all persons interested in the subject thereof concerning the same and for such other action on the part of the Town Board with relation thereto as may be required by law; and be it,

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FURTHER ORDERED, that the Town Clerk publish at least once in the "UNION SUN & JOURNAL", a newspaper published in the City of Lockport, New York, and hereby designated as the official newspaper of the Town for such publication, and post on the sign board of the Town maintained pursuant to subdivision 6 of Section 30 of the Town Law, a copy of this Order, certified by said Town Clerk, the first publication thereof and said posting to be not less than ten (10) nor more than twenty (20) days before the date of such public hearing.

8. Order Calling Public Hearing - Increase and Improvement of Facilities of Town of Lockport Water District No. 3, in the Town of Lockport, in the County of Niagara, New York pursuant to Section 202-b of the Town Law.

ORDER CALLING PUBLIC  
HEARING TO BE HELD ON  
May 6, 2009

WHEREAS, the Town Board of the Town of Lockport (herein called "Town Board" and "Town", respectively), in the County of Niagara, New York on behalf of Town of Lockport Water District No. 3, in the Town (herein called "District"), has requested Wendel Duchscherer P.C., duly licensed by the State of New York (herein called "Engineer"), to prepare a preliminary map, plan and report for the increase and improvement of facilities of the District, consisting of the construction of approximately 2,035 linear feet of 12 inch water line with valves, hydrants, service connection and other fittings and appurtenances on the north side of Enterprise Drive and the north side of IDA Park North roadway, Town of Lockport, Niagara County, New York, and pursuant to the direction of the Town, the Engineer has completed and filed with the Town Board such preliminary map, plan and report for said increase and improvement of facilities of the District and has estimated the total cost thereof to be \$281,000

NOW, THEREFORE, BE IT

ORDERED, that a meeting of the Town Board of the Town be held at the Town Hall, 6560 Dysinger Road, Lockport, New York, in the Town, on the 6th day of May, 2009, at 7:30 o'clock P.M. (Prevailing Time) to consider said improvement of facilities of the District and to hear all persons interested in the subject thereof concerning the same and for such other action on the part of the Town Board with relation thereto as may be required by law; and be it,

FURTHER ORDERED, that the Town Clerk publish at least once in the "UNION SUN & JOURNAL", a newspaper published in the City of Lockport, New York, and hereby designated as the official newspaper of the Town for such publication, and post on the sign board of the Town maintained pursuant to subdivision 6 of Section 30 of the Town Law, a copy of this Order, certified by said Town Clerk, the first publication thereof and said posting to be not less than ten (10) nor more than twenty (20) days before the date of such public hearing.

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9. Town Board Comments:

*Councilwoman Antkowiak* – Welcomed all residents and the Scouts of Troop #4 and thanked them for the Color Guard presentation. She also reminded residents that the Spring Newsletter should be out soon and that the application for the “2009 Outstanding Youth Award” is enclosed and she encouraged students to apply. She also addressed the “Participation in Government” students in attendance and encouraged them to consider participation in the volunteer fires service.

In addition, Councilwoman Antkowiak reported that Mr. Mark Kilroy had been appointed to the Town of Lockport Recreation Committee, and she welcomed him as a new member.

*Councilman Siejak* – Thanked all residents for their feed back on the proposed F.E.M.A. maps and thanked Town Historian, Larry Haseley, for providing a Town history presentation to Troop #4, prior to the evenings’ Town Board meeting. He also reported on the Town Brush Pickup Schedule which will be printed in the Spring Newsletter.

*Councilman Pettit* – He also encouraged people to consider the volunteer fire service and commended those persons already participating, for the tremendous job and service they provide to the Town of Lockport. Additionally, he read a letter from Mark Miles, an AAA representative and former area resident, who wanted to thank and commend the Town Highway Dept. on the wonderful job of keeping the roads maintained this winter.

*Councilman Crocker* – Reported on the Town’s efforts to assist residents in their applications to remove their homes from the proposed F.E.M.A. Flood Map. He stated that several homes have been surveyed and look like favorable for being removed from the flood map, while other homes previously in the flood zone may be scheduled to be removed. He offered his assistance and encouraged persons to contact him immediately as there is a May deadline for applications to be submitted.

Additionally, he mentioned the request for a speed reduction on Day Road near the park. He stated that the NYSDOT completes road studies every two years and that one was done on Day Road less than two years ago. He stated that for the Town to request a speed study, a petition of local residents must be presented to the Town Board.

10. *Supervisor Smith* – Thanked the scouts of Troops #4 and Larry Haseley for his Town history presentation.

Additionally, he stated that the Town is currently working on the I & I Sewer Line Project which helps to decrease the amount of water flowing into the sanitary sewer lines.

There being nothing more to report on, Supervisor Smith called for adjournment.

**MOTION:** to adjourn was made by Council member Pettit, seconded by Council member Crocker. The motion was CARRIED: AYES - 5, NAYS - 0. Voting AYE: Antkowiak, Pettit, Crocker, Siejak and Smith.

The meeting was ended at 8:06 p.m.

The Lockport Town Board will next meet at 1:00 p.m. on Wednesday, April 22, 2009.

Respectfully submitted,

Nancy A. Brooks, RMC, CMC  
Lockport Town Clerk