

June 3, 2009

A regular monthly meeting of the Lockport Town Board was conducted at 7:30 p.m. on Wednesday, June 3, 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, Brian Belson, Town Building Inspector, Robert Lipp, Town Budget Officer, Kate Carter, Supervisor's Conf. Secretary, Eugene Nenni, Retired Building Inspector, Heather Owen and her parents, Deborah Gaskill, former Town Board Member, and the following persons on the Town Recreation Committee: Judi Newbold, Dolores Cushman and Donna Johnston.

PLEDGE OF ALLEGIANCE – Following the Pledge of Allegiance, Supervisor Smith welcomed all those in attendance and commenced the meeting by opening the Public Hearing as scheduled.

PUBLIC HEARING – Increase and Improvement to 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.

The Town Clerk read the following Notice of Public Hearing as was published in the Union Sun & Journal.

ORDER CALLING PUBLIC HEARING  
TO BE HELD ON June 3, 2009

WHEREAS, the Town Board of the Town of Lockport (herein called the "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 sewer repair including cured-in-place pipe of approximately 1,540 linear feet of existing sewer pipe and additional repair and lining of manhole at the Robinson Road Pump Station Service Area including portions of Marion Place, Beattie Avenue, Robinson Road and Dysinger Road, and at the Northview Gardens Service Area including Greenwood Drive and Northview Drive, 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 \$135,000; and

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 3<sup>rd</sup> day of June, 2009, at 7:30 P.M. (Prevailing Time) to consider said repair 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.

Supervisor Smith opened the floor for public comments – no one spoke on the issue, the hearing was closed.

PRESENTATION: for Eugene Nenni, Retired Building Inspector

Supervisor Smith read a proclamation and presented Gene with a clock in appreciation for his dedication service as Town Building Inspector from 1990 to 2009. Mr. Nenni thanked the Town Board as well as the Town employees that he had worked with, stating that they were always very dedicated, knowledgeable and a pleasure to have worked with. Supervisor Smith, on behalf of the Town Board, Town staff and Town residents, wished Gene and his wife, Margaret, a happy and healthy retirement.

PRESENTATION: 2009 Outstanding Youth Award

Councilwoman Antkowiak along with Janine Hughes-Shaw, Recreation Committee Chairwoman, presented Heather Owen, a student at Lockport High School, with a plaque and a check as the recipient of the 2009 Outstanding Youth Award. Heather held a very high average and exhibited outstanding leadership in her school activities and in the community service she performed over her high school years. Heather thanked the Town Board, the Recreation Committee and her parents.

Additionally, Councilwoman Antkowiak and Chairwoman Shaw introduced the Recreation Committee members and presented a bouquet of flowers to Judi Newbold, Deputy Town Clerk and the Secretary of the Town Recreation Committee, in appreciation for all the hard work she puts into her job as secretary of the Committee.

PUBLIC COMMENTS:

Mr. David Mongiello of Day Road announced that a fund raising event for Colby Criswell, a liver transplant patient, will be held at South Lockport Fire Hall on Saturday, June 6, 2009. He encouraged everyone to attend.

BUSINESS MEETING:

1. Approval of Minutes

**MOTION:** to approve the Town Board minutes of 04/06/2009, 04/08/2009, 04/22/2009, 05/04/2009, 05/06/2009 and 05/26/2009 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.

2. Approval of Payment of Bills

**MOTION:** to approve the payment of the bills for the month of June was made by Council member Crocker, seconded by Council member Antkowiak. The motion was CARRIED: AYES - 5, NAYS - 0. Voting AYE: Antkowiak, Pettit, Crocker, Siejak and Smith.

The bills for the month of June consist of Vouchers # 19228 – 19415 in the amount of \$408,062.12.

3. Communications – There were no communications to report.

4. Building Inspector's Report

Supervisor Smith read the Building Inspector's Report for the month of May 2009, which stated that 74 permits were issued; \$5,182.15 was collected in fees; and the estimated cost of construction was \$473,125.00.

5. Supervisor's Monthly Financial Report

**MOTION:** to approve the Supervisor's Monthly Financial Report for the period ending 05/31/2009, was made by Council member Siejak, seconded by Council member Pettit. The motion was CARRIED: AYES - 5, NAYS - 0. Voting AYE: Antkowiak, Pettit, Crocker, Siejak and Smith.

6. Resolution/Order after Public Hearing – Improvement to Sewer Dist. No. 3 Repairs to Robinson Road Pump Station and in the Northview Gardens Area

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

In the Matter  
of the

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.

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 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 sewer repair including cured-in-place pipe of approximately 1,540 linear feet of existing sewer pipe and additional repair and lining of manhole at the Robinson Road Pump Station Service Area including portions of Marion Place, Beattie Avenue, Robinson Road and Dysinger Road, and at the Northview Gardens Service Area including Greenwood Drive and Northview Drive, Lockport, Niagara County, New York; at a cost not to exceed \$135,000 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 June 3, 2009, at 7:30 P.M. at the Town Hall, 6560 Dysinger Road, Lockport, New York, in the Town; and

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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 3rd day of June, 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, therefor, 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 \$135,000; 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

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. TOWN BOARD COMMENTS

*Councilwoman Antkowiak* – Thanked Mr. Nenni for all the dignity, class, dedication and fairness he displayed as a Town of Lockport employee and wished him many years of happiness and good health in retirement.

She also reminded residents of the Dale Association's program targeting Alzheimer's disease to be held on June 17th from 3-5:00 p.m. at the Town Hall.

Additionally, she mentioned that the Town Newsletter is out and has the summer recreation programs inside which include:

Swim Lessons – Registration will be conducted until June 24<sup>th</sup> at the Town Clerk's office.

Movie Night – Friday, June 26<sup>th</sup> on the grounds of Town Court Bldg. – the "Tale of Desperado" will be shown.

Town Community Day – Sunday, July 19th, at the Town Hall, will feature the American Legion Band of the Tonawanda's, as well as a child finger printing program conducted by the Niagara County Sheriff's Dept., fire and emergency equipment will be on display by the volunteer fire service, games for children and refreshments will be offered.

*Councilman Siejak* – Also wished Mr. Nenni a happy and healthy retirement.

He also welcomed the Participation in Government students in attendance and reminded residents of the Town-wide garage sale which will be conducted June 5-7<sup>th</sup>. He urged everyone to use great caution when driving as there will be many cars stopping, parking and people exiting vehicles along the highways as they take advantage of the many garage sales that will be available.

Additionally, he announced that the Town of Lockport Historical Society will conduct their annual picnic at the Pomeroy School House on June 15<sup>th</sup>. People are urged to attend & asked to bring a dish to pass.

*Councilman Pettit* – Congratulated both Mr. Nenni on his retirement, and Heather Owen on winning her Outstanding Youth Award.

*Councilman Crocker* – Also thanked Mr. Nenni and wished him well and congratulated Heather and her parents on being selected the recipient of the Outstanding Youth Award.

8. Supervisor's Comments

Supervisor Smith stated that while the national economy has been on a down slide, the local economy has shown that home sales in the area are holding at above or at normal assessment valuations. He also expressed that many of the area projects that were put on hold due to the swing in the economy, are now expected to take place and be completed.

9. Adjournment

**MOTION:** to adjourn was made by Council member Pettit, seconded by Council member Siejak. The motion was carried. The meeting ended at 7:53 p.m. The Lockport Town Board will next meet at 1:00 p.m. on Wednesday, June 17, 2009.

Respectfully submitted,

Nancy A. Brooks, RMC, CMC  
Lockport Town Clerk