

June 29, 2009

A work session of the Lockport Town Board and a special work session of the Town of Lockport Planning Board was conducted at 1:00 p.m. on Monday, June 29, 2009, at the Town Hall, 6560 Dysinger Road, Lockport, New York.

Present were: **Town Board Members:**

Supervisor: Marc R. Smith
Town Council members: Paul H. Pettit
Mark C. Crocker
Paul Siejak
Absent: Cheryl Antkowiak

Town Planning Board Members:

Chairman: Richard Forsey
Members: Robert Langdon
Robert Balcerzak
Walter Thorman
Rodney Conrad
Morris Wingard

Also present: Nancy A. Brooks, Town Clerk, Daniel E. Seaman, Town Attorney, David Kinyon, Director of Economic Development, Randy Roeseler, Robert Klavoon and Orest Ciolko of Wendel-Duchscherer and Timothy Arlington and Don Swanson of Apex Consulting (project consulting engineer for the Town of Lockport).

Supervisor Smith opened the work session by welcoming all present and then proceeded to give the floor to Richard Forsey to call the Town Planning Board meeting to order.

The two Boards then took part in a special site plan presentation for the Yahoo! project which is proposed for development in the Town I.D.A. Park.

Orest Ciolko, of Wendel, presented architectural drawings of the changes to the originally presented site plan. The new plan calls for the construction of an approximately 180,000 sq. ft. complex (down from 192,000 sq. ft.), constructed diagonally across the site parcel, which was intentionally designed to take affect of the prevailing winds at the site location. The total construction area has been minimized to about 35% coverage of the lot space. The new 10° rotation of the buildings will accommodate two retention ponds, one on each end of the complex; a 142 sq. ft. pump station located near Crown Drive, and green space in front and in rear of the buildings, which will be left as natural green areas. The complex now consists of five large pods: 2 large buildings on one side and 3 large pods on the other end of a middle, smaller, administrative building, all of which are connected together. Each of the large pods will be approximately 120' x260'. Each of the pods will have generators located at the rear of building for emergency generation only. The new building foot print is in total compliance with Town setback requirements and the landscaping will also be changed to meet the Town ordinance. Security fencing will be located around the entire complex, including the two retention ponds. The ponds will meet the requirements as set forth by the NYS Dept. of Environmental Conservation. After the drawings were presented, questions from both Boards were addressed by the engineers.

The question of which Board must address the Environmental Impact Statement (E.I.S.) was answered with Mr. Seaman stating that the Town I.D.A. Board, as Lead Agency, will review the Supplemental Statement with regard to the Generic Environmental Impact Statement (G.E.I.S.) for the I.D.A. Park.. Mr. Seaman stated that he believes that the G.E.I.S. should conform to all the necessary requirements. When asked if the Town's Architectural Design Law applies to this project, Mr. Seaman answered, no. Projects within the Town I.D.A. Park do not fall under the law.

Continued next page

Mr. Arlington wanted to note some additional minor changes that include: the need for some minor rock removal that will require blasting ; some at the site of the administration building and some near the first two pods at each end. There may also be some rock removal required to construct the two retention pods. The engineers are still working with the NYSDEC with regard to the pond construction, which is dependent on the S.P.E.D.E.S. requirements. Councilman Siejak questioned whether these ponds would be dry ponds or wet ponds. Mr. Ciolko stated they will be wet ponds used for drainage purposes. Mr. Arlington stated that he reviewed the preliminary drainage report and felt that based on the new building configuration, the ponds are designed with ample size to accommodate the drainage required for the site.

There being nothing further for discussion, Chairman Forsey closed the Town Planning Board meeting at 1:30 p.m. The Town Planning Board is scheduled to meet for a Public Hearing at 4:00 p.m. on Tuesday, June 30, 2009.

Supervisor Smith then reconvened the Town Board work session for business as follows:

1. Clerk/Communcations

Correspondence was received as follows: a thank you from Heather Owen, the 2009 Youth Award recipient; a letter of thanks for support received from the Lockport Public Library; and a copy of the Notice to Proceed letter from Wendel-Duchscherer to Huste Concrete Products, Inc. of New York Mills, NY, to proceed with the Bartz Road Bridge Replacement Project; and information on obtaining grant funds from the Unified Court System.

2. Engineer

Bartz Road Bridge Replacement - Mr. Klavoon reported that the Notice to Proceed had indeed, been mailed to the contractor. He has been trying to coordinate a work schedule with Lewis Hagen, Highway Superintendent, as to when the project will commence.

2009 Sewer Rehab Project

Mr. Klavoon stated that he is beginning to develop the specifications for the Jennifer Dr. sewer televising that was approved in 2008. Bid dates should be set by the end of July for the Jennifer Dr. project and the slip-lining of the Robinson Road sewer line.

2008 Sewer Rehab Project

Mr. Klavoon has sent out a letter to the contractor requesting closeout documentation. He thinks that the contract should be able to be closed in the near future.

3. Town Board Comments

Councilman Pettit – Questioned whether the issue of the new credit card policy will be discussed at the next staff meeting. He has had several comments made to him by department personnel as to the implementation of the new cards and whether the Town can utilize the sales tax exemption. Supervisor Smith state that the credit card use will have no affect on the sales tax exemption on purchases made by the Town.

Soccer Fields – The fields were recently fertilized. A resident asked why the new sprinkler system was working while it rains. Councilman Pettit would like this issue resolved. Additionally, he feels that the soccer fields need to be re-seeded before the fall.

Additionally, Councilman Pettit stated that he is exempt from the required monthly activity reporting for Town officials because he is not registered in the NYS Retirement System.

Councilman Siejak- stated that with regard to the new credit card policy, he believes that there just needs to be more communication on the issue.

4. Supervisor's Comments

Supervisor Smith stated the Town had received a thank you from Heather Owen, the 2009 Youth Award recipient.

Additionally, he stated that the Eastern Niagara Animal Welfare Alliance would like a letter of support from the Town Board. They are establishing a shelter location in the Town of Lockport and would like the opportunity to bid on the dog shelter service contract in the future. The Alliance is presently placing an application before the Town Planning Board. Mr. Seaman suggested that the Town board not take any action at the present time, until more information is available.

****NOTE:** Early departure by Councilman Crocker at 1:15 p.m.

5. Executive Session Entered

MOTION: to enter Executive Session for the purpose of consulting with the Town Attorney was made by Council member Pettit, seconded by Council member Siejak. The motion was CARRIED: AYES - 3, NAYS - 0. Voting AYE: Pettit, Siejak and Smith.

6. Executive Session Ended and Work Session Reconvened

MOTION: to exit Executive Session and to reconvene the work session was made by Council member Siejak, seconded by Council member Pettit. The motion was CARRIED: AYES - 3, NAYS - 0. Voting AYE: Pettit, Siejak and Smith.

The Executive Session ended and the work session was reconvened at 2:10 p.m. with Town Board action taken during the session.

7. Adjournment

MOTION: to adjourn was made by Council member Pettit, seconded by Council member Siejak. The motion was CARRIED: AYES - 3, NAYS - 0. Voting AYE: Pettit, Siejak and Smith.

The Town Board work session was adjourned at 2:10 p.m. The next regularly scheduled meeting of the Lockport Town Board is to be held at 7:30 p.m. on Wednesday, July 1, 2009.

Respectfully submitted,

Nancy A. Brooks, RMC, CMC
Lockport Town Clerk