

July 22, 2009

A regularly scheduled work session of the Lockport Town Board was conducted at 1:00 p.m. on Wednesday, July 22, 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 Siejak

Also present: Nancy A. Brooks, Town Clerk, Daniel E. Seaman, Town Attorney and Robert Klavoon of Wendel-Duchscherer, Bobbie Mael of the Eastern Niagara Animal Welfare Alliance, Inc. and Barry Kobrin, Fire Chief of Rapids Fire Co.

Supervisor Smith opened the meeting at 1:00 p.m. and introduced Ms. Mael, who then gave a brief presentation about the organization for which she is planning to build a shelter for animals in Wright's Corners in the Town of Lockport.

Ms. Mael stated she owns a parcel on Lake Ave., adjacent to the former Mael's Music Center, on which she plans to build a animal shelter to house the Eastern Niagara Animal Welfare Alliance, Inc. She explained the organization's mission statement and listed the current activities as providing transitional care and shelter for pets of women who are victims of domestic violence; they are also active in facilitating a spay/neutering program and medical treatment for cats and dogs within Niagara County, working to establish low-cost spaying and neutering for animals. Additionally, she stated that the organization is working closely with the Lockport City School District and the House of Hope in the City of Lockport, to provide educational programs for children "at risk".

Ms. Mael explained that she is seeking the Town Board support for establishing the animal center and that the organization is interested in submitting a bid for the Town of Lockport's dog sheltering contract when it expires. She stated that the veterinary program for the organization would be provided by Dr. Budik, of Amherst, NY. The shelter, once built, would provide a 24-hr veterinary technician for administering aide to sick or injured animals, as well as provide consultation by Dr. Budik, who would be on call for serious injuries or illness. She also stated that the kennel would be "state of the art", to provide maximum comfort and cleanliness in animal handling. She is scheduled to appear before the Town of Lockport Planning Board for site plan approval. She provided flyers to the Board and stated she would be available for any questions the Town Board might have.

Supervisor Smith then opened the work session for Town Board action as follows:

1. **Town Clerk**

Town Clerk, Nancy Brooks, presented the names of Andrew Doyle and Brent Ast, members of the Rapids Venture Crew who are now candidates for the volunteer fire service, stating that they had passed the required physical and other requirements of the Town of Lockport Fire Prevention Bureau.

MOTION: to approve both candidates for volunteer fires service with Rapids Fire Co. 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.

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Additionally, the Clerk stated correspondence had been received from: the NYSDOT stating they are initiating a speed study within the Town of Lockport I.D.A. Park; a letter of recommendation for final payment to Tunney Electric, Inc. for the 2008 Pump Station Rehab Ph. 4 Project; notice from the Niagara County Refuse Disposal District and N.Y.S. Senator, George Maziarz, of a "Protect Your Identity Day", a recycling program for electronics and other privacy sensitive items, to be held at Niagara Community College on August 15, 2009 from 10 AM until 4:00 PM.; lastly, she stated she received a Notice of Petition from Delphi Automotive Systems, Inc. as part of their Article 7 Real Property Tax Law assessment claim.

2. **Attorney**

Outdoor Wood-burning Furnaces

Mr. Seaman presented the Town Board with a proposed Local Law which would amend the Town Code and would regulate outdoor wood-burning furnaces. After some discussion, it was determined that the Town Board will review the proposed law for possible action at a later date.

Amendment to the Town of Lockport Procurement Policy

Mr. Seaman presented an amendment to the Town of Lockport Procurement Policy. He stated that the Town Procurement Policy, according to New York State Law, must be reviewed and/or amended bi-annually. The proposed amendment to the Town policy would satisfy the requirement to list the names of each person responsible for authorizing purchases. The amendment would now list each department head as the person responsible. The list of individuals is as follows: Marc Smith, Nancy Brooks, John Shoemaker, Brian Belson, Lewis Hagen, Kathleen Carter, and Kenneth Banker.

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

TOWN OF LOCKPORT

RESOLUTION

WHEREAS, Section 104-b of the General Municipal Law (hereinafter known as GML) requires every town to adopt internal policies and procedures governing all procurement of goods and services not required to be procured by competitive bidding; and

WHEREAS, this policy has been reviewed and comments solicited from those officers of the town involved with procurement;

NOW, THEREFORE, BE IT

RESOLVED that the Town of Lockport does hereby adopt the following procurement policies and procedures:

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GUIDELINE 1. Every prospective purchase of goods or services shall be evaluated to determine the applicability of GML, Section 103. Every town officer, board, department head or other personnel with the requisite purchasing authority (hereinafter known as Purchaser) shall estimate the cumulative amount of the items of supply or equipment needed in a given fiscal year.

That estimate shall take in consideration requirements of other town departments and past history to determine the likely yearly value of the commodity to be acquired. All purchases and public works contracts shall be subject to the requirement of procuring goods and services of the maximum quality at the lowest cost.

GUIDELINE 2. All purchases of (a) supplies or equipment which will exceed \$10,000.00 in the fiscal year or (b) public works contracts over \$20,000.00 shall be formally bid pursuant to GML, Section 103.

GUIDELINE 3. All estimated purchases of:

1. Less than \$10,000.00 but greater than \$5,000.00 require a written request for a proposal (hereinafter known as RFP) and written/fax quotes from three (3) vendors.
2. Less than \$5,000.00 but greater than \$2,500.00 requires a verbal request for the goods and verbal/fax quotes from two (2) vendors.
3. Less than \$2,500.00 are left to the discretion of the Purchaser, subject to department head approval.

All estimated public works contracts of:

1. Less than \$20,000.00 but greater than \$5,000.00 require a written RFP and written/fax proposals from three (3) contractors.
2. Less than \$5,000.00 are left to the discretion of the Purchaser, subject to department head approval.

Any written RFP shall describe the desired goods, quantity and the particulars of delivery. The Purchaser shall compile a list of all vendors from whom written/fax/verbal quotes are offered.

GUIDELINE 4. Purchase or public works contracts in excess of \$5,000.00 shall be approved by the Town Board. The Purchaser may accept a proposal in accordance with these guidelines prior to receipt of approval, but subject to approval. If no separate action by the Town Board has been taken, the approval of vouchered billings by the Town Board shall constitute approval.

GUIDELINE 5. The lowest responsible proposal or quote shall be awarded for purchases or public works contracts unless the Purchaser prepares a written justification providing reasons why it is in the best interest of the town and its taxpayers to make an award to other than the low proposal. If a bidder is not deemed responsible, facts supporting that judgment shall also be documented and filed with the record supporting the procurement.

GUIDELINE 6. A good faith effort shall be made to obtain the required number of proposals or quotations. If the Purchaser is unable to obtain the required number of proposals or quotations, the Purchaser shall document the attempt made at obtaining the proposals. In no event shall the inability to obtain the proposals or quotes be a bar to the procurement.

GUIDELINE 7. Except when directed by the Town Board, no solicitation of written proposals or quotations shall be required under the following circumstances:

- a. Acquisition of professional services;
- b. Emergencies;
- c. Sole source situations;
- d. Goods purchased from agencies for the blind or severely handicapped;
- e. Goods purchased from correctional facilities;
- f. Goods purchased from another governmental agency;
- g. Goods purchased at auction;
- h. Goods purchased for less than \$2,500.00;
- i. Public works contracts for less than \$5,000.00.

The following individuals are responsible for purchasing:

Marc R. Smith	Town Supervisor
Nancy A. Brooks	Town Clerk
John Shoemaker	Town Assessor
Brian Belson	Building Inspector
Kathleen Carter	Supervisor's Secretary
Kenneth Banker	Water Department Head
Lewis J. Hagen, Jr.	Highway Superintendent
David Kinyon	Coordinator of Economic Development

Any other employee making purchases shall act subject to the direction of the Department Head responsible for purchasing.

GUIDELINE 8. This policy shall be reviewed annually by the Town Board at its organizational meeting or as soon as reasonably practicable.

GUIDELINE 9. Except where exempted by Guideline 7, a, Procurement Policy Form shall be completed by the Purchaser and placed in the file relating to the purchase. All additional information gathered in complying with the procedures of this Guideline shall be preserved and filed with the documentation supporting the subsequent purchase or public works contract.

GUIDELINE 10. It is the determination of this Board that for purchases less than \$2,500.00, and public works contracts less than \$5,000.00, the requirement of solicitation of alternative proposals and the paperwork necessary to document them are time consuming and counterproductive to the best interest of the Town. The small number of individuals with purchasing authority and their overall knowledge of available products and services in their respective areas are given weight by this Board in arriving at this finding. Purchasers shall, nevertheless, utilize good business judgment in obtaining products and services at the best overall value to the Town of Lockport.

Rapids Fire Chief

Barry Kobrin, Fire Chief for Rapids Fire Co., then briefly addressed the Town Board. Supervisor Smith announced that the Town Board had approved the two Rapids Venture Crew members into the volunteer fire service. Supervisor Smith congratulated Chief Kobrin on the success of the company's Venture Crew and asked that the Chief have the Venture Crew members attend the next regularly scheduled Board meeting on Wednesday, August 5, 2009. Chief Kobrin thanked the Board and stated that there would be four more Venture Crew members applying for full fire service. Due to the success of the Rapids Venture Crew, Chief Kobrin stated that he has assisted in setting up other Venture Crews at other area volunteer fire companies including Wright's Corners and Terry's Corners. Additionally, he stated that several of the new volunteers will take advantage of a program offered by NY State, that will pay for two years of college, if they qualify under requirements set forth by the State. The students must maintain an "80" average, are required to give at least five years of volunteer fire service, and must maintain good standing (attend at least 10% of fire calls) within the fire company. Chief Kobrin stated that these programs help to maintain a strong and viable volunteer fire service.

3. Engineer

Bartz Road Bridge

Mr. Klavoon stated that the bridge is presently closed and posted. The Town Highway Dept. is waiting for the delivery of the concrete bridge slabs from the contractor. Lew Hagen, Highway Superintendent, will prepare for the installation while waiting for the delivery. August is the targeted completion date.

2008 Sewer Rehab Project – Ph. 4 (Contract 159-S)

Mr., Klavoon stated that he had received the closing documentation from the contractor and he was recommending the payment of Request #6 – Final Payment in the amount of \$13,067.27 for the above referenced project.

MOTION: to approve the final payment of \$13,067.27 to Tunney Electric, Inc. for the 2008 Sewer Rehab Project, as recommended by Wendel-Duchscherer, 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. When asked if this project was completed within the project budget, Mr. Klavoon stated that it had been completed under budget with no change orders required.

Bid Dates Set for 2009 Sewer Rehab Projects (Jennifer Dr. / Northview Gardens)

Mr. Klavoon requested authorization to set a bid date for the televising and flushing of Jennifer Drive (Sewer Project #2009-2) and the repairs to the Northview Gardens sewer (Sewer Project #160-S).

MOTION: to authorize the Engineer to set bid dates for the Jennifer Drive Sewer Project (#2009-02) and the Northview Gardens Sewer Repair Project (#160-S) for 11:00 a.m. and 11:30 a.m. on Monday, August 17, 2009, was made by Council member Pettit, seconded by Council member Siejak. The motion was CARRIED: AYES - 5, NAYS - 0. Voting AYE: Antkowiak, Pettit, Crocker, Siejak and Smith.

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F.E.M.A. Flood Map Update

Mr. Klavoon reported that only one other resident submitted documentation to be forwarded to the NYSDEC before the July 15th extension deadline. He also added that the DEC had requested that all the Town's information be submitted electronically and that Wendel Duchscherer had complied. They are now waiting for a response.

4. Town Board Comments

Councilman Pettit – Stated that he feels the Day Road Soccer Fields have two areas of work to be completed.

Area "A", consisting of the two existing soccer fields, requires some minor drainage work to be completed as well as some additional grass seeding. He stated that the Town could possibly borrow a "slice seeder" from the Niagara County Parks Dept. to complete the grass seeding before the fall.

Area "B" he believes, has sufficient room to add two more soccer fields along East High Street. These two fields would not be the same caliber playing fields as the two already in existence, but could be readily available within a short period of time with little or no money or work on the Town's part. He stated that he had been in conversation with Mr. Jim Slowey of the Lockport Soccer League and that Mr. Slowey had concurred that these two new fields could be made available in a very short time period. Councilman Pettit stated that the Town would merely need to buy the nets (approx. \$3200), Mr. Slowey's crews would be available to stripe the fields and set the nets.

Councilwoman Antkowiak voiced some confusion regarding Mr. Slowey's involvement because after her discussions with him in 2008, the Board decided that they wanted to take time to thoroughly investigate all possibilities for the development and the scheduling of the soccer fields. She thought that it had been decided at that time, to wait until the fields were completed to make any decisions. She stated that she felt the two existing fields should be the Town's first priority, to ensure that they are completed with exceptional quality.

Councilman Crocker stated he would like to wait until spring 2010 to see what develops with the two main fields and to see, in fact, if two smaller fields could be built on the site. He did say he believes there is a need for small fields as well.

Councilman Siejak also stated that some input from the Town Attorney may be needed.

Supervisor Smith stated that while he appreciated Councilman Pettit's time and effort, he would like, as had been previously discussed at Town Board work sessions, for the Town Recreation Committee to proceed with the investigation and gathering of the necessary information to conduct soccer playing in the park.

Councilwoman Antkowiak stated that Melissa at the Niagara County historical Society has requested permission for the historical Society to host a movie night on Town property in 2010. She will gather more information on this event and will report back to the Town Board.

Community Day held on July 19th was a huge success. It was well attended and she was very pleased with the participation of the volunteer fire companies, the Niagara County Sheriff's Dept., the Lockport Public Library, the Dale Association, and of course, the American Legion Band of the Tonawandas. Supervisor Smith thanked everyone for their participation and stated it was a great way to showcase our community.

Additionally, Councilwoman Antkowiak stated that the next Town Movie Night will be held on August 7th and would feature the Lockport Federation of Musicians.

Councilman Siejak stated that he had been reviewing the County Sales Tax report and that he was pleasantly surprised at how well the Town has done despite the poor economy.

5. **Supervisor's Comments**

Supervisor Smith stated that the Town Court had requested permission to apply for grant money to make improvements at the Town Court facility.

Approval for Town Court to apply for Justice Court Assistance Program Funding

MOTION: to authorize Town Court personnel to apply for Justice Court Program Funding in the amount of \$11,422.00, for various improvements at the Town Court Facility, including but not limited to, a new court sign, a new court desk, and handicapped accessibility for the Town Court building, was made by Council member Antkowiak, seconded by Council member Crocker. The motion was CARRIED: AYES - 5, NAYS - 0. Voting AYE: Antkowiak, Pettit, Crocker, Siejak and Smith.

Town Time Log Sheets – Supervisor Smith reminded Town Board members that the time log sheets (reporting activities for the month of June) are now due and must be submitted at the Town Supervisor's office.

Town Windows to be Cleaned

Supervisor Smith reported that quotes had been obtained for cleaning the windows of Town Hall (both outside and inside including screens). The low bid received was from Kleen Windows , Inc. of Grand Island, in the amount of \$198.00/ per cleaning. Supervisor Smith stated that he felt a schedule to clean the windows three times per year (April, July, Oct.) would be appropriate. Councilman Crocker also requested that a quote for the other two buildings on site.

MOTION: to award the cleaning of Town hall windows to Kleen Windows, Inc. of Grand Island, New York, at a cost of \$198.00 per cleaning, 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.

Truck Route Signage

Supervisor Smith stated he had received a request from the Town I.D.A. to seek additional street signage from the NYSDOT for the truck routes in or near the I.D.A. Park , in particular, Routes 93, 31 & 270.

MOTION: to go to the NYSDOT to request additional street signage for the truck routes near the Town of Lockport I.D.A. Park, in particular, Routes 31, 93 & 270, was made by Council member Pettit, seconded by Council member Siejak. The motion was CARRIED: AYES - 4, NAYS - 0. Voting AYE: Antkowiak, Pettit, Siejak and Smith.

* NOTE: Councilman Crocker was not present for this motion and vote.

Mowing of Lytle Park

Supervisor Smith reported that Mr. Ken Horvath (Town Park's attendant) has offered to mow areas in or near Lytle Park, with his own equipment, for a minor fee adjustment to his contract. On the suggestion of Mr. Seaman, the matter was deferred for further discussion in Executive Session.

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Approval for Highway Dept. to Purchase Mower at State Bid Price

Town Highway Superintendent, Lew Hagen, submitted a request authorizing him to purchase one (1) John Deere 997Z 72" Mower, for the NYS Bid Price of \$12,613.04.

MOTION: to authorize the Town Highway to purchase one John Deere 997Z mower at the NYS Bid Price of \$12,613.04 was made by Council member Pettit, seconded by Council member Siejak. The motion was CARRIED: AYES - 5, NAYS - 0. Voting AYE: Antkowiak, Pettit, * Crocker, Siejak and Smith

- NOTE: Councilman Crocker rejoined the meeting and was present until adjournment.

Town Development Check List

Supervisor Smith reported that the Town's department heads had submitted their ideas for revising the Town of Lockport requirements for development in the Town and that the revised "Check List" was almost ready for implementation. He thanked all persons for their input and stated he believed that this will be a welcomed, more simplified and more "user friendly" check list for contractors and developers to utilize when interested in developing businesses or subdivisions within the Town.

6. Executive Session Entered

MOTION: to enter Executive session for the purpose of consultation with the Town Attorney was made by Council member Crocker, seconded by Council member Pettit. The motion was CARRIED: AYES - 5, NAYS - 0. Voting AYE: Antkowiak, Pettit, Crocker, Siejak and Smith.

The Town Board entered Executive Session at 2:50 p.m.

7. Exit Executive Session and Reconvene the Work Session

MOTION: to exit Executive Session and to reconvene the work session 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.

Contract with American Legion Band Approved

MOTION: to approve a contract with the American Legion Band of the Tonawandas in the amount of \$1800.00, for the concert performed at the July 19, 2009 Community Day celebration, was made by Council member Antkowiak, seconded by Council member Crocker. The motion was CARRIED: AYES - 5, NAYS - 0. Voting AYE: Antkowiak, Pettit, Crocker, Siejak and Smith.

8. Adjournment

A motion to adjourn was made by Councilman Pettit, seconded by Councilman Siejak. The motion was CARRIED: AYES-5, NAYS-0. The meeting was ended at 2:50 p.m.

The Lockport Town Board will next meet at 1:00 p.m. on Monday, August 3, 2009.

Respectfully submitted,

Nancy A. Brooks, RMC, CMC
Lockport Town Clerk