

February 3, 2010

A Public Hearing and the regular monthly business meeting of the Lockport Town Board were conducted at 7:30 p.m. on Wednesday, February 3, 2010, 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 and Daniel E. Seaman, Town Attorney.

Following the Pledge of Allegiance, Supervisor Smith welcomed everyone in attendance and opened the Public Hearing as follows:

PUBLIC HEARING – Proposed Local Law to Amend the Town of Lockport Zoning Ordinance entitled “A Local Law of the Town of Lockport repealing Sections 170-1 and 170-2 of the Town Code of the Town of Lockport”.

The Town Clerk read the Notice of Public Hearing as was published in the Union Sun & Journal. Supervisor Smith briefly described the proposed Local Law stating the intent was to re-instate a section of the NYS Real Property Tax Law which would enable the Town to offer tax abatement incentives to businesses within the Town. He then opened the floor for public comments. The following person(s) spoke on the matter:

David Mongiello questioned why he was not told or offered such tax abatements when he opened his business along Transit Road several years prior. He stated that he read a Notice of Public Hearing of the Niagara County I.D.A. which will offer such an abatement to one of his competitors. Mr. Mongiello thought this practice was an unfair business advantage to his competitor.

There were no others to speak to the issue, the Public Hearing was closed and the Public Comment segment of the meeting was opened.

PUBLIC COMMENTS: No one spoke.

BUSINESS MEETING:

1. Approval of Minutes

MOTION (2010-35): to approve the Town Board minutes of 01/04/2010, 01/06/2010, and 01/20/2010, 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.

2. Approval of Payment of Bills

MOTION (2010-36): to approve the payment of the bills for the month of February 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.

The bills for the month of February include Vouchers#20984-21168 in the amount of \$589,723.56.

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3. Communications.

The Town Clerk reported the following correspondence was received: notice of intent to renew the Alcoholic Beverage License for Oak Run Golf Course; applications for the Annual Seedling Program sponsored by the Niagara County Soil & Water Conservation Dept. She stated the applications will be available at her office for any interested persons.

Additionally, the Clerk read the names of two candidates for acceptance into the volunteer fire service. The candidates' names are as listed below:

Christina Jasper.....Gasport Fire Co.
Phillip Stern.....Terry's Corners Fire Co.

MOTION (2010-37): to approve the above listed candidates for volunteer fire service in the Town of Lockport 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.

4. Building Inspector's Report

Supervisor Smith read the report for the month of January 2010 which stated that 20 building permits were issued; the total amount of fees collected was \$4,795.70; and the estimated cost of construction was \$230,015.00.

5. Supervisor's Monthly Financial Report

MOTION (2010-38): to approve the Supervisor's Monthly Financial Report for the period ending January 31, 2010, 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.

6. Action after Public Hearing – Adoption of Local Law #1 of 2010 – Repealing Sections 170-1 & 170-2 of the Town Code.

RES. (2010-39): On a motion by Council member Antkowiak, seconded by Council member Crocker, 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.

LOCAL LAW #1 – 2010

The Town Code of the Town of Lockport is hereby amended as follows:

Section 170-1 (Local Law No. 1 of 1977) and Section 170-2 (Local Law No. 1 of 1984) of the Town Code are hereby repealed.

This Local Law shall take effect immediately upon filing with the Secretary of State.

7. Resolution to Adopt Time & Record Keeping for Town Officials

RES. (2010-40): On a motion by Council member Antkowiak, 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.

Town of Lockport
RESOLUTION

WHEREAS, title 2 NYCRR 315.4 (New York Compilation of Codes Rules and Regulations), entitled Regulation on Reporting for Elected or Appointed Officials requires reporting of time for Elected or Appointed Officials of employers participating in the New York State Retirement System, and

WHEREAS, said regulations requires that the Town of Lockport Town Board establish a standard work day for each Elected or Appointed official servicing Niagara County, and

WHEREAS, title 2 NYCRR 315.4 requires that Elected or Appointed Officials who do not keep a record or log of work activities, which record or log is required to be submitted to the Lockport Town Clerk, and such official reporting work activities shall not including the following: "on call time", and

WHEREAS, the Resolution establishing the standard work day is required to be adopted by the first regular session of the Town Board following 180 days from the date of taking office, and

WHEREAS, the Town wishes to establish a list of Elected and Appointed Officials by title with the tentative work day (week) for each,

NOW, THEREFORE, BE IT:

RESOLVED, that the Town Board of the Town of Lockport hereby establishes for the purposes of determining days worked and days reportable to the New York State Retirement System the standard work day for Elected and Appointed Officials as follows, until further action of this Board:

ELECTED OFFICIALS

Town Supervisor...	30 Hours/Week 6 Hours/Day
Town Councilperson Deputy Supervisor...	15 Hours/Week 3 Hours/Day
Town Councilperson...	7.5 Hours/Week 1.5 Hours/Day
Town Clerk...	40 Hours/Week 8 Hours/Day

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Town Highway Superintendent...	40 Hours/Week 8 Hours/Day
Town Justice (2)...	15 Hours/Week 3 Hours/Day

APPOINTED OFFICIALS

Town Assessor...	40 Hours/Week 8 Hours/Day
Town Building Inspector...	40 Hours/Week 8 Hours/Day
Town Attorney...	30 Hours/Week 6 Hours/Day

and, be it further

RESOLVED, that each Town Official, elected and appointed, for whom the Town does not maintain a daily record of actual time worked, and who are members of the New York State Pension System, shall, within 150 days of January 1, 2010 (or within 150 days of his/her date of taking office, if he/she did not take office as of January 1, 2010) keep a record of work activities for 3 consecutive months, with time allocations to such activities, and shall submit the same to the Town Clerk within 180 days of taking office, and it is further

RESOLVED, that except for the Elected Officials, each employee of the Town, including Appointed Officials, shall keep actual times records which shall be maintained by the Town, with one copy being filed with the Town Payroll Clerk by the Town Payroll Clerk, and one being filed with the Town Clerk, and be it further

RESOLVED, that the Town Clerk and Town Payroll Clerk shall each maintain such records for a period of not less than 10 years.

8. Town Board Comments

Councilman Pettit – Reminded residents to use caution and yield to the large snow plows during winter months. He urged drivers not to follow plows too closely, as the plows cannot always see behind when they back up. He also reminded residents of the Town Parking Ordinance which prohibits parking on Town highways from 1:00 a.m. – 7:00 a.m. during the months of November – April.

Councilman Siejak – Had nothing to report but thanked all those present for attending.

Councilwoman Antkowiak – Thanked the Dale Association for conducting the first free hearing/vision and blood pressure clinic at the Town Hall in January. She stated that despite terrible winter weather, the program was well received and well attended. The next event scheduled for April, will be a program on "Nutrition for One of Two", targeted for elderly persons who sometimes cook only for themselves and/or a

spouse. The program will include a cooking session at the Town Hall. There will be plenty of advance notice of the day and time of the event.

Additionally, Councilwoman Antkowiak gave her condolences to the Donald Roeseler family. Mr. Roeseler, who passed away January 31, 2010, served on the Town's Board of Assessment Review for many years and she had the pleasure of serving on the BAR with him. She stated that he was a hard worker, a good mentor, and contributed much to the Town of Lockport. He will be missed.

9. Supervisor's Comments

Supervisor Smith gave condolences on behalf of himself and the Town Board, to the family of the woman recently killed on Dysinger Road. He stated that the Board's thoughts and prayers are with the family at the time of this terrible tragedy.

10. Adjournment

MOTION (2010-41): to adjourn 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.

The meeting ended at 7:40 p.m. The Lockport Town Board will next meet at 1:00 p.m. on Monday, February 22, 2010.

Respectfully submitted,

Nancy A. Brooks, RMC, CMC
Lockport Town Clerk



Office of the New York State Comptroller
 New York State and Local Retirement System
 Employees' Retirement System
 Police and Fire Retirement System
 110 State Street, Albany, New York 12244-0001

Standard Work Day and Reporting Resolution

RS 2417-A

(12/10)

BE IT RESOLVED, that the Town of Lockport / Location code 30323 hereby establishes the following as standard work days for elected and appointed officials and will report the following days worked to the New York State and Local Employees' Retirement System based on the time keeping system records or the record of activities maintained and submitted by these officials to the clerk of this body:

Title	Name	Social Security Number (Last 4 digits)	Registration Number	Standard Work Day (Hrs/day)	Term Begins/Ends	Participates in Employer's Time Keeping System (Y/N)	Days/Month (based on Record of Activities)	Tier 1 (Check only if member is in Tier 1)	Not Submitted (Check box if no record of activities completed or timekeeping system)
Elected Officials									
Board Member	Cheryl A. Antkowiak	4631	3988689-3	6	1/1/08 - 12/31/11	N	15	<input type="checkbox"/>	<input type="checkbox"/>
Town Clerk	Nancy A. Brook	0358	3431492-2	8	1/1/10 - 12/31/13	N	60	<input type="checkbox"/>	<input type="checkbox"/>
Board Member	Mark C. Crocker	9429	4178795-3	6	1/1/10 - 12/31/13	N	15	<input type="checkbox"/>	<input type="checkbox"/>
Supervisor	Marc R. Smith	4401	4102643-6	6	1/1/10 - 12/31/11	N	60	<input type="checkbox"/>	<input type="checkbox"/>
Appointed Officials									
Deputy Supervisor	Cheryl A. Antkowiak	4631	3985689-3	6	1/1/11 - 12/31/11	N	15	<input type="checkbox"/>	<input type="checkbox"/>
Water/Wastewater Maintenance Person II	Kenneth H. Banker	1812	3079045-5	8	1/1/11 - 12/31/11	Y	N/A	<input type="checkbox"/>	<input type="checkbox"/>
Building Inspector	Brian M. Belson	9393	4251536-4	8	1/1/11 - 12/31/11	Y	N/A	<input type="checkbox"/>	<input type="checkbox"/>

If additional rows are needed, please use form RS2417-B and attach.

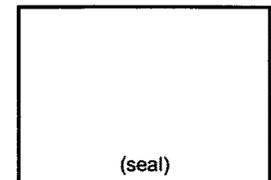
On this 16th day of February, 2011 _____ Date enacted: 2/3/2010
 (Signature of clerk)

I, Nancy A. Brooks, clerk of the governing board of the Town of Lockport, of the State of New York, do hereby certify that I have compared the foregoing with the original resolution passed by such board, at a legally convened meeting held on the 3rd day of February, 2010 on file as part of the minutes of such meeting, and that same is a true copy thereof and the whole of such original.

I further certify that the full board, consists of 5 members, and that 5 of such members were present at such meeting and that 5 of such members voted in favor of the above resolution.

IN WITNESS WHEREOF, I have hereunto Set my hand and the seal of the Town of Lockport
 (Name of Employer)

This document consists of 2 page(s) (see additional RS2417-B forms attached).



Affidavit of Posting

Location Code: 30323

Employer Name: Town of Lockport

Affidavit attesting that the Standard Work Day and Reporting Resolution was posted and available to the public for a minimum of 30 days.

State of New York)
County of Niagara)

Nancy A. Brooks being duly sworn, deposes and says:
(Name)

1. That (s)he is the Town Clerk of Town of Lockport.
(Title) (Employer)
2. That the posting of the Resolution began on Feb. 8, 2010 and continued for at least 30 days.
3. That the Resolution was posted and available to the public on the (please check one):
 Employer's website at e-lockport.com
 Official sign board at _____
 Main entrance to office of the clerk at _____

Name Nancy G. Brooks
(Signature of clerk of governing body)

Title Town Clerk