

March 16, 2011

A regularly scheduled work session of the Lockport Town Board was conducted at 1:00 p.m. on Wednesday, March 16, 2011, 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.

Supervisor Smith opened the meeting for the following discussion and/or action:

1. **Town Clerk**

The Town Clerk reported receiving correspondence from the Niagara County Center for Economic Development which Supervisor Smith stated he had also received and responded to. Additionally, the Clerk reported that notices of renewal of alcoholic beverage licenses were received from Pour Boyz Grill and Tap Room, One Eyed Jacks, Inc., Town & Country Club, Inc., and Belliveau's Restaurant, Inc.

2. **Town Attorney**

Lytle Park Nature Preserve – Mr. Seaman stated that a short environmental assessment form, pursuant to S.E.Q.R.A., has been completed for the project of which the Town of Lockport has applied and received a partial grant from the Niagara River Greenway Commission. Mr. Seaman stated that he had prepared a resolution authorizing the project to commence, dependent upon Board approval.

MOTION (2011-60) on a motion by Council member Crocker, seconded by Council member Siejak, the following resolution as duly ADOPTED: 5 AYES, 0 NAYS. Voting AYE: Antkowiak, Pettit, Crocker, Siejak, and Smith.

RESOLVED, that the Town of Lockport undertake a project known as the Park Nature Preserve Project, as described in a plan prepared by the Town and submitted to the Niagara River Greenway Commission, under letter dated September 21, 2010, and

RESOLVED that said project shall be financed in whole from money appropriated from surplus funds of the Town of Lockport, with anticipated reimbursement by the Niagara River Greenway Commission upon completion.

Day Road Park Restrooms - Mr. Seaman stated that the engineers' specifications for the restrooms had been completed and a short form of negative adverse environmental significance had been filed and the project required Town Board authorization to proceed.

MOTION (2011-61): to approve the following resolution was made by Council member Antkowiak, 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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RESOLUTION

WHEREAS, the Town of Lockport owns property commonly known as Day Road Park located at the intersection of Day Road and East High Street; and

WHEREAS, this park is in need of restroom facilities and storage facilities; now there fore be it

RESOLVED, that, a Short Form Environmental Assessment for having been prepared pursuant to the State Environmental Quality Review Act, and this board having reviewed said form, and each provision thereof, and said form indicating that for each provision set forth in said form, no adverse affect will be had on the environment, it is the finding of this board that the construction of said building will not have a significant adverse affect on the environment, and that a determination of non-significance shall be executed, and it is further

RESOLVED, that the Town erect upon the land within said Town Park a building containing restrooms, storage and a concession area; and be it further

RESOLVED, that final sealed plans be prepared by Wendel Engineers and that estimates or bids as necessary be prepared for all portions of the construction not performed by Town forces; and be it further

RESOLVED, that the construction of said building shall be financed in whole from money appropriated from the surplus funds of the Town of Lockport.

3. Engineer

Day Road Park Restrooms – Mr. Klavoon stated that the design plans are completed and he has discussed the plans with the Town Highway Supt. and the Town Sewer and Water Department. He will prepare the bid specifications now that Town Board authorization has been given.

Wal Mart - Mr. Klavoon stated that he has met with Ken Banker of the Water/Sewer Department to discuss some of the plans for slip lining the sewer near the new Wal Mart. Mr. Klavoon will also meet with the Wal Mart engineers to discuss some preliminary construction plans.

4. Town Board Comments

Councilman Pettit questioned whether the Town had consulted with the County to see about reimbursement of some of the Sewer I & I improvements done by the Town. Mr. Klavoon stated that he will be meeting with the County to discuss some of the I & I improvements completed by Town personnel for which the Town should be reimbursed.

Day Road Park – Councilman Pettit stated he recently walked the park and upon his inspection, he found that the newly installed umbrellas are a nice improvement but also suggested that some of the tables remain uncovered for those persons wanting sun exposure. Additionally, he stated that the soccer fields faired the winter well and look very good. He noted however, that there was

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quite a lot of dog feces to be cleaned up. Councilwoman Antkowiak replied that the Town maintenance man does a cleanup of the park early in the spring when the weather improves. Lastly, Councilman Pettit requested that the wood chips near the swings be raked and that the handicapped swing set be repaired before the weather improves and the park is inundated with children.

Councilwoman Antkowiak reported on RCR & R, a recycling company, devoted to the specific recycling of electronic goods; ex: computers, monitors, televisions, key boards, etc. She reported that the company utilizes "Gaylord boxes" to collect the items. These boxes, requiring a 4'x4' area, could be placed in the Town Hall for easy deposit of recyclable materials by residents. Councilwoman Antkowiak stated that the company was well recommended by other municipalities which were contacted for references.

MOTION (2011-62): to authorize the RCR&R Company to place electronics recycling boxes at Town Hall, subject to a contract prepared or reviewed by the Town Attorney, 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.

Lockport Library – the traveling NIOGA van which provides instruction in computer skills will be at the Town Hall later this spring. The Councilwoman will announce the date and time after meeting with library officials.

Day Road Park Reading Program – Councilwoman Antkowiak reported that the library would like to offer summer readings for children as part of their improved services for Town residents. She will investigate this program with regard to newly adopted State laws pertaining to child day camps, as well as with the Town Attorney to see what contract requirements or revisions will be needed if any.

Councilman Siejak stated that he has received information from the U.S. postal service requesting assistance in educating the public on the issue of dog bites during summer postal deliveries. An informational handout was given to the Town Clerk to be given to residents when renewing their dog licenses.

Additionally, Councilman Siejak wanted to give accolades to David Miller and his highway crews for the cleanup of the Wellington Retention Pond; stating that the cleanup helped to improve some of the spring flooding issues faced near Donner Creek. He stressed that routine cleaning of the Town's retention ponds is vital.

5. **Supervisor's Comments**

Sewer/Water Road Pushes - Supervisor Smith reported that this issue had come up during a Department Head meeting and that he wanted it brought to the Town Board for discussion. Ken Banker of the Town Water/Sewer Dept. has reported that his department no longer performs the actual road pushes due to the lack of personnel and the costs associated with the pushes. They have required that these water or sewer pushes be done by the contractor hired by the individual land owner. Mr. Banker would like the Town ordinances changed to reflect this requirement. Town personnel would still be responsible for all hook ups and inspections. Mr. Klavoon stated that he had his office survey what surrounding towns were doing with respect to road pushes and he reported that most towns have their personnel perform the pushes and all inspections. After some discussion, Mr. Seaman summarized the Board's options as:

- 1) either change the Town ordinances to reflect that contractors are responsible to complete all road pushesor
- 2) have the Town personnel responsible for completing all the work but increase fees to cover the associated costs

The issue was tabled for later discussion and or action.

A.E.D. Units – Supervisor Smith stated that he would like to see the heart difibulators purchased for each of the Town buildings. He will investigate costs and report at a later date.

Highway Truck Purchase - the Highway Superintendent would like to purchase a large truck in addition to the street sweeper which was included in his 2011 Highway budget. The cost of the truck is approximately \$205,000. Supervisor Smith would like authorization to utilize surplus funds to authorize such a purchase. He stated that the Town Attorney will prepare a resolution for Town Board action at a later date.

Violence in the Work Place Plan - Mr. Seaman reported that while the Town Board has adopted the Violence in the Work Place Policy, they must also approve a work plan. He is currently preparing the plan which will be given to the VIWP committee for review after which it will be available for Town Board review.

6. **Executive Session Entered**

MOTION (2011-63): to enter Executive Session for the purpose of discussing the work history of an employee and to consult with the Town Attorney was made by Council member Antkowiak, seconded by Council member Siejak. The motion was CARRIED: AYES - 5, NAYS - 0. Voting AYE: Antkowiak, Pettit, Crocker, Siejak and Smith.

The Town Board entered Executive Session at 1:50 p.m.

7. **Executive Session Ended and Work Session Reconvened**

MOTION (2011-64): to exit Executive Session and to reconvene the work session 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 work session was reconvened at 2:30 p.m. with no Town Board action taken during Executive Session.

8. **Position of Acting Assessor Created**

MOTION (2011-65): to establish the position of “acting assessor” 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.

9. **Adjournment**

MOTION (2011-66): to adjourn was made by Council member Crocker, seconded by Council member Siejak. The motion was CARRIED: AYES - 5, NAYS - 0. Voting AYE: Antkowiak, Pettit, Crocker, Siejak and Smith.

The work session ended at 2:32 p.m. The Lockport Town Board will next meet at 1:00 p.m. on Monday, April 4, 2011.

Respectfully submitted,

Nancy A. Brooks, RMC, CMC
Lockport Town Clerk