

April 6, 2011

A regular monthly meeting of the Lockport Town Board was conducted at 7:30 p.m. on Wednesday, April 6, 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 W. Siejak

Also present: Nancy A. Brooks, Town Clerk, Daniel E. Seaman, Town Attorney, David Miller, Town Highway Superintendent, Brian Belson, Town Building Inspector, Robert Lipp, Town Budget Officer, Judith Newbold and Carol Stuart, Deputy Town Clerks.

Following the Pledge of Allegiance, the Supervisor opened the meeting for the following discussion and/or action:

PUBLIC COMMENTS: No one spoke.

BUSINESS MEETING:

1. Approval of Minutes

**MOTION (2011-70):** to approve the minutes of Lockport Town Board meetings conducted on March 2, 2011 and March 16, 2011, 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 to Pay Bills

**MOTION (2011-71):** to approve the payment of bills for the month of April 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 April consist of vouchers# 23846 – 24048 in the amount of \$838,843.31.

3. Communications

The Town Clerk read the following list of candidates from the Town of Lockport Fire Prevention Bureau, who are waiting Town Board approval to join the volunteer fire service.

Aaron Bair.....Rapids  
April Strong.....So. Lockport  
Benjamin Ripson.....So. Lockport

**MOTION (2011-72):** to approve the above mentioned persons for volunteer fire service within the Town of Lockport, 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.

4. Building Inspector's Report

The Supervisor read the Building Inspector's Report for the month ending March 31, 2011, which stated that 28 building permits were issued; \$6,928.00 was collected in fees; and the estimated cost of construction was \$1,620,426.00.

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5. Supervisor's Monthly Financial Report

**MOTION (2011-73):** to approve the Supervisor's monthly financial report for the period ending 03/31/2011, 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. Approval of contract with Niagara County Sewer District

**MOTION (2011-74):** to authorize a contract with the Niagara County Sewer District for the implementation of infiltration and inflow procedures, and for the reimbursement to the Town of up to \$20,000.00 for work completed by the Town of Lockport, 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.

7. Resolution to Adopt Standardization for purchase of Road Sweeper

**MOTION (2011-75)** on a motion by Council member Pettit, seconded by Council member Siejak, the following resolution as duly ADOPTED: AYES - 5, NAYS - 0. Voting AYE: Antkowiak, Pettit, Crocker, Siejak, and Smith.

## R E S O L U T I O N

**WHEREAS**, for reasons for efficiency and economy and compatibility and pursuant to the authority conferred by Subdivision 5 of Section 103 of the General Municipal Law of the State of New York, the Town of Lockport determines that there is a need for standardization on the purchase of replacement street sweeping equipment to that manufactured by Elgin because said equipment is the same type as is currently used by the Town of Lockport, and certain parts, including spare parts and replacement parts are only available for such equipment and because Elgin is the only manufacturer which offers a rear-drive three wheel enclosed sweeper which is rear drive, which the Town operators are trained on, and because existing Elgin equipment has been found to work best in areas of the Town having low clearance, and because future purchase of street sweepers should remain compatible within existing equipment, and

**WHEREAS**, a new street sweeper is presently needed because the existing sweeper is in need of replacement for street sweeping, and will remain in use for certain jobs which are not normal street sweeping jobs such as construction clean up, and

**WHEREAS**, Joe Johnson Equipment, USA, of Rochester, New York, is the exclusive distributor of said equipment in the Western New York area and is, therefore, the sole source for purchase of said equipment, now therefore be it

**RESOLVED**, that street sweeping be and hereby is standardized to Elgin Street Sweeping Equipment, and be it further

**RESOLVED**, that the Town of Lockport Highway Superintendent be authorized to purchase one new Elgin Pelican P street sweeper from Joe Johnson Equipment, USA, for the amount of \$153,949 including delivery to the Town of Lockport highway garage, meeting all specifications as determined by the Town of Lockport Highway Superintendent.

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8. Resolution to amend 2011 Town Highway Budget (for purchase of Street Sweeper & Truck with Plow

**MOTION (2011-76):** On a motion by Council member Siejak, seconded by Council member Pettit, the following resolution as duly ADOPTED: AYES - 5, NAYS - 0. Voting AYE: Antkowiak, Pettit, Crocker, Siejak, and Smith.

**R E S O L U T I O N**

**RESOLVED**, the Town Board hereby amends the 2011 Highway Fund budget in the amount of \$165,000 to fund the purchase of additional equipment. The increase provides sufficient funds to purchase a street sweeper and a large snow plow truck. The increase is funded from Un-appropriated Fund Balance. The appropriation account to be increase is:

	<u>Increase</u>
a/c	
007.5130.2 Machinery-Equipment	\$165,000

9. Resolution to Authorize the Purchase of a Truck for Highway Dept.

**MOTION (2011-77)** on a motion by Council member Pettit, seconded by Council member Antkowiak, the following resolution was duly ADOPTED: 5 AYES, 0 NAYS. Voting AYE: Antkowiak, Pettit, Crocker, Siejak, and Smith.

**RESOLVED**, that the Town of Lockport Highway Superintendent is hereby authorized to purchase one new 2012 International Workstar (model 7600) from International Truck & Engine Corp. of Albany, New York, at the N.Y. State bid price of \$201,018.10.

10. Resolution to Adopt Neg. Declaration under S.E.Q.R.A. for 2011 Ditching Program

**MOTION (2011-78)** on a motion by Council member Antkowiak, seconded by Council member Pettit, the following resolution was duly ADOPTED: AYES - 5, NAYS - 0. Voting AYE: Antkowiak, Pettit, Crocker, Siejak, and Smith.

**R E S O L U T I O N**

**WHEREAS**, a short form Environmental Assessment Form having been prepared for the excavation and cleaning of existing ditches over and across various properties, including Jennifer Drive, Aaron Drive, Buell Drive, East High Street, Northview Drive, Murphy Road, Bear Ridge Road, Campbell Boulevard, Lockport Road, Old Dysinger Road and Wynkoop Road, and this Board having reviewed said EAF:

**NOW, THEREFORE**, this Board determines that this project is an unlisted project pursuant to SEQRA; that the Town Board is the Lead Agency; that the coordinated review is not required and that based upon all the information set forth in the EAF, the Project will not have a significant adverse affect on the environment, and directs the execution of a negative declaration determination of non-significance.

11. Resolution to Adopt the 2011 Ditching Program

**MOTION (2011-79)** on a motion by Council member Pettit, seconded by Council member Crocker, the following resolution was duly ADOPTED: 5 AYES, 0 NAYS. Voting AYE: Antkowiak, Pettit, Crocker, Siejak, and Smith.

**RESOLUTION**

**RESOLVED THAT**, pursuant to Town Law Section 64(11) (a), this Board hereby determines that the drainage projects set forth herein are beneficial to the Town as a whole, for the purpose of drainage of areas of the Town as affected by the various projects. The Town Superintendent of Highways is hereby authorized:

1. To commence and complete the drainage projects set forth herein, in the order in which he shall determine appropriate, and to complete certain of said projects and to make a determination not to complete others.
2. The cost of the expenditures set forth herein shall be made from the general fund of the Town of Lockport from taxes levied or revenues received in the year in which the projects set forth below are completed.
3. The projects may be completed during the fiscal year 2011 or may be carried forward to future fiscal years, as time allows.
4. The authorization herein shall be subject to the determination of the Superintendent of Highways as to the necessity, the practicality, and the expense of such projects.
5. The Superintendent of Highways is authorized to obtain permits and/or easements for entry upon private properties for the purpose of accomplishing the drainage projects set forth herein. Whenever possible, unless the Superintendent determines otherwise, permanent easements shall be required from property owners in order to accomplish the purposes of this Resolution.
6. The Superintendent of Highways is authorized to determine not to undertake any of the projects set forth herein, if he is unable to obtain appropriate permits or easements, or as he otherwise determines for any reason. In the event that the acquisition of property by the Town Board becomes necessary pursuant to its eminent domain powers, he shall so recommend such action to the Town Board. In such instances, the project shall not proceed without such acquisitions.
7. The Superintendent of Highways is authorized to take any further related and ancillary action as is necessary to accomplish the purposes of this Resolution.

The projects which are authorized pursuant to this Resolution are:

A. Excavation and cleaning of an existing ditch over and across the following designated properties: Buell Drive, Tax Map No. 123.14-4-3; Jennifer Drive West, Tax Map Nos. 123.14-4-49, 123.14-4-48, 123.14-4-47, 123.14-4-46, 123.14-4-45, 123.4.14-4-44, 123.14.-4-43, 123.14-4-42; and Aaron Drive, Tax Map Nos. 123.14.4-4, 123.14-4-28, 123.14-4-29, 123.14-4-30, 123.14-4-31, 123.14-4-32, 123.4-14-33, 123.14-4-34, 123.4-4-35; Jennifer Drive, Tax Map No. 123.14-4-36.

B. Excavation and cleaning of an existing ditch over and across the following properties: East High Street, Tax Map Nos. 109.04-1-1, 124.05-1-1; Northview Drive, 124.05-1-25, 124.05-1-27;

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C. Excavating and cleaning of an existing ditch over and across the following designated properties: Murphy Road, Tax Map No. 122.00-1-52, 122.00-1-53, 122.00-1-47.21, 122.00-1-48.11; Bear Ridge Road, Tax Map Nos. 122.00-1-81, 122.00-1-82; Campbell Boulevard, Tax Map No. 122.00-1-51; Lockport Road, Tax Map No. 122.00-1-47.1;

D. Excavation and cleaning of an existing ditch over and across the following designated properties: Old Dysinger Road, Tax Map Nos. 139.00-2-22, 139.00-2-16.1; Dysinger Road, Tax Map No. 139.00-2-17.1; Bowen Road, Tax Map No. 139.00-2-15;

E. Excavation and cleaning of an existing ditch over and across the following designated properties: Bowmiller Road, Tax Map Nos. 139.00-1-1.111, 139.00-1-43, 139.00-1-1-111, 139.00-1-42, 139.00-1-41; Dysinger Road, Tax Map Nos. 139.00-1-5.1, 139.00-1-6.111; Wynkoop Road, 139.00-1-6.12, 139.00-1-6.112 and 139.00-1-6.2.

This Resolution is subject to permissive referendum.

12. Resolution to Adopt the 2011 Town Road Construction Program

**MOTION (2011-80)** on a motion by Council member Crocker, seconded by Council member Pettit, the following resolution as duly ADOPTED: 5 AYES, 0 NAYS. Voting AYE: Antkowiak, Pettit, Crocker, Siejak, and Smith.

**RESOLUTION**

**RESOLVED**, that the Highway Superintendent shall undertake the following projects in such order as he shall determine. He shall not be required to complete all projects. In his discretion, he may substitute or add a project as necessary or where circumstances change:

1. Candlewood Drive: Milling, gutter repairs and repaving.
2. Buell Drive: Paving and milling as necessary.
3. Heather Drive: Pave.
4. Sanders Road: Pave.
5. Wicks Road: Pave.
6. Wilson Road: Pave.
7. Groff Road: Partial pave.
8. Bartz Road: Partial Pave.
9. Day Road: Partial pave or slurry (East High to Route 93).
10. Shaffer Road: Slurry.
11. Clean road ditches as determined by the Highway Superintendent.

**AND BE IT FURTHER**

**RESOLVED**, that the contract between the Town Board and the Town Highway Superintendent, as provided pursuant to Highway Law §284, be approved for execution by the Town Board.

13. Resolution to Adopt a Negative Declaration under SEQRA for Purchase of 6570 Dysinger Road

**MOTION (2011-81)** on a motion by Council member Pettit, seconded by Council member Siejak, the following resolution as duly ADOPTED: 5 AYES, 0 NAYS. Voting AYE: Antkowiak, Pettit, Crocker, Siejak, and Smith.

**R E S O L U T I O N**

**WHEREAS**, a short form Environmental Assessment Form having been prepared for the purchase by the Town of Lockport of 6570 Dysinger Road, Town of Lockport, SBL#138.00-2-19, comprising 5.10 acres of vacant land in the Town of Lockport, which will be utilized for general Town purposes, including, but not limited to the storage of records and the future expansion of the Town campus, and this Board having reviewed said EAF; it is determined that the Project is an unlisted project pursuant to SEQRA; that the Town Board is the Lead Agency; that the coordinated review is not required and that based upon all the information set forth in the EAF, the Project will not have a significant adverse affect on the environment, and directs the execution of a negative determination of non-significance.

14. Resolution to authorize the purchase of 6570 Dysinger Road

**MOTION (2011-82)** on a motion by Council member Crocker, seconded by Council member Antkowiak, the following resolution as duly ADOPTED: AYES-5, NAYS-0. Voting AYE: Antkowiak, Pettit, Crocker, Siejak, and Smith.

**R E S O L U T I O N**

**RESOLVED**, that for general Town Purposes, including but not limited to storage of records, and future expansion of the Town campus, the Town of Lockport is authorized to, and the Town Supervisor is directed to take all necessary steps to purchase the following real property:

6570 Dysinger Road, Town of Lockport  
SBL# 138.00-2-19  
5.10 acres

for the amount of \$250,000.00; and it is further

**RESOLVED**, that the expenditure for said purchase shall be financed in whole from the surplus funds of the Town of Lockport.

15. Resolution to Adopt the Town of Lockport Violence in the Workplace Protection Program

**MOTION (2011-83):** to adopt the Town of Lockport Violence in the Workplace Protection Program, pursuant to Attachment "D" of the Report to the Lockport Town Board dated March 3, 2011, 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.

16. Resolution to Appoint Jill Lederhouse as "Acting Assessor" for the Town

**MOTION (2011-84):** to appoint Jill Lederhouse as "Acting Assessor" for the Town of Lockport, at an annual salary of \$42,000, was made by Council member Siejak, seconded by Council member Crocker. The motion was CARRIED: AYES - 5, NAYS - 0. Voting AYE: Antkowiak, Pettit, Crocker, Siejak and Smith.

17. Resolution to Authorize transfer of funds for Day Road Park Restrooms

**MOTION (2011-85):** to authorize the transfer of \$91,865 from Capital Projects Fund to the General Fund to cover the construction of the Day Road Park Restrooms, 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.

18. Resolution to Amend the 2011 Town Budget to Accommodate the Day Road Park Improvements

**MOTION (2011-86)** on a motion by Council member Siejak, seconded by Council member Antkowiak, the following resolution was duly ADOPTED: 5 AYES, 0 NAYS. Voting AYE: Antkowiak, Pettit, Crocker, Siejak, and Smith.

**RESOLUTION**

**RESOLVED**, that the Town Board hereby amends the 2011 General Fund budget in the amount of \$91,865 to fund improvements to Day Road Park. The increase is funded by an Inter-fund Transfer from the Capital Projects Fund. The revenue and appropriation accounts to be increased are:

	<u>Increase</u>
Revenue a/c	
006.1006.5031 – Inter-fund Transfer	\$91,865
Appropriation a/c	
006.7110.2 – Parks-Cap. Improvement & Equipment	\$91,865

19. Resolution to Amend the 2011 Town Budget – Lytle Nature Preserve Park

**MOTION (2011-87)** on a motion by Council member Antkowiak, seconded by Council member Crocker, the following resolution as duly ADOPTED: 5 AYES, 0 NAYS. Voting AYE: Antkowiak, Pettit, Crocker, Siejak, and Smith.

## RESOLUTION

**RESOLVED**, that the Town Board hereby amends the 2011 General Fund budget in the amount of \$111,698.00 to fund improvements to Lytle Nature Park. The increase is funded from General Fund Un-appropriated Fund Balance. The appropriation account to be increase is:

	<u>Increase</u>
a/c 006.7110.2 Parks – Capital Improv. & Equip.	\$111,698.00

20. Resolution to Amend the 2011 Town Budget Summary Sheet

**MOTION (2011-88):** to amend the 2011 Town of Lockport Budget Summary Sheet as designated by the Town Budget Officer (the budget sheet will reflect the changes in yellow), was made by Council member Pettit, seconded by Council member Siejak. The motion was duly ADOPTED: AYES – 5, NAYS - 0. VOTING AYE: Antkowiak, Pettit, Crocker, Siejak and Smith.

21. Resolution to Amend the 2011 Contract with Lockport Public Library.

**MOTION (2011-89):** to amend the contract with the Lockport Public Library to include a summer 2011 reading program for children, 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.

22. Town Board Comments

*Councilwoman Antkowiak* spoke on several topics which included:

Children's Reading Program - She informed those present that the Lockport Public Library will conduct a reading program for children at the Day Road Park on Thursday during the months of July and August.

Additionally, the library will offer some computer classes for students and young adults to be held at the Town Hall, the dates and times to be announced at a later date.

Kidney Screening Program - the National Kidney Foundation will conduct a kidney disease screening for residents on Saturday, April 9, 2011 at the Town Hall from 10:00 a.m. - 2:00 p.m. She encouraged everyone to participate.

Outstanding Youth Award for 2011 – applications for area seniors can be picked up at the guidance offices, the Lockport Public Library and the Town Clerk's office. The award, which includes a proclamation, a plaque and a check for \$500, will be chosen by the Town of Lockport Recreation Committee, who have set an application deadline of April 21, 2011.

The new 32 gallon recycling cans have arrived and are available at the Town Clerk's office for the price of \$18 each. The Town also has a smaller, 18 gallon bi available at the price of \$8.00. She stated that she has met with a representative of C.I.D. who stated that the Town of Lockport ( one of only two WNY towns chosen for their pilot "Think Green" program) is doing very well. He would like to see the tonnage of recycled goods increase. Hopefully, the new containers will assist residents in increasing the amount of goods recycled at the curb which will help all residents to have increased award points to use for coupons at participating merchants.

Memorial Tree Park – The memorial trees are selling very well. Interested persons should contact Stedman's Nursery to purchase trees and set up memorials plaques. The amount of trees available are limited so people are urged not to hesitate if they would like a tree planted for a loved one.

*Councilman Siejak* reported that the NYS Highway Dept. will be paving Route 78 from the Lockport City line to Route 104 in Newfane. He stated the work is scheduled to be done from May – July 2011.

He also reported that the U.S. Postal Service has sent out notices regarding the increase in the number of dog bites. He urged all dog owners to be responsible and keep dogs from intimidating or causing injury to postal workers, especially with nice weather approaching.

*Councilman Pettit* welcomed all the Participation in Government students.

He reported that the spring 2011 Town Newsletter has been mailed and that there are many important articles for residents to read, including the new brush pickup schedule and as always the recreation programs offered to residents.

Councilman Pettit also thanked Mr. Bob Lipp, Town Budget Officer, for his many years of service to the Town of Lockport. Mr. Lipp plans to retire at the end of April 2011.

He then thanked David Miller, Town Highway Superintendent for the fine job he and his staff did during this very bad winter.

Lastly, in light of the recent loss of Clarence Trooper Kevin Dobson, Councilman Pettit reminded all area residents of the new State law requiring motorists to slow down and/or move over into the next lane for all stopped police, fire, and emergency rescue vehicles.

*Councilman Crocker* also welcomed the students present and commented that the present Town Board is very fiscally conservative. The Town Board had a 100-year infrastructure done some years ago so that they could utilize sound budgeting strategies for major expenses such as large equipment and utility replacement or repair. As a result of such planning, the Town of Lockport has yet to have a "town" tax and is in good fiscal condition.

### 23. Supervisor's Comments

Supervisor Smith announced the Community Celebration to be held in commemoration of the commencement of the demolition of the Lockport Mall. The event will be held at 2:00 p.m. on April 13<sup>th</sup> in front of the old Ames Department Store. The public is welcomed.

Supervisor Smith also commended Mr. Lipp for his many years of dedication and service to the Town of Lockport.

Lastly, Supervisor Smith stated that re-assessment notices have been mailed out to home owners. He stated that he has met with the Acting Assessor and GAR Associates, who are responsible for setting the assessments and they have assured him that the newly revised assessment are correct based on new home sales in our area. Anyone who questions their assessment can phone the Assessor's office at 439-9526 or follow the assessment grievance process which will take all unsatisfied cases before the Town of Lockport Board of Assessment Review.

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There being nothing further, Supervisor Smith called for adjournment.

**MOTION (2011-90):** to adjourn 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.

The meeting ended at 8:05 p.m. The Lockport Town Board will next meet at 1:00 p.m. on Monday, April 25, 2011,

Respectfully submitted,

Nancy A. Brooks, RMC, CMC  
Lockport Town Clerk