

June 8, 2011

A regular monthly meeting of the Lockport Town Board was conducted at 7:30 p.m. on Wednesday, June 8, 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, Jeanine Hughes Shaw, Chairwoman of the Town of Lockport Recreation Committee; several members of the Recreation Committee and Tyler Sarratori and his family.

Following the Pledge of Allegiance, Supervisor Smith opened the meeting as follows:

PRESENTATION: 2011 Outstanding Youth Award – Tyler Sarratori of Lockport Senior High School

Councilwoman Antkowiak, liaison to the Town Recreation Committee, introduced Tyler Sarratori and congratulated him on his many achievements. Supervisor Smith then read a prepared proclamation and Chairwoman, Jeanine Hughes Shaw, presented Tyler with a plaque and a check as the Committee's choice as the 2011 Outstanding Youth. Tyler's name has been added to the plaque of "Outstanding Youths" that is hung at the Town Hall.

PUBLIC HEARING: Local Law to Amend the Town of Lockport Sewer Code

The Town Clerk read the Notice of Public Hearing as was published in the Union Sun & Journal. The Supervisor opened the floor up for comment. No one spoke to the matter and the Public Hearing was closed.

PUBLIC HEARING: Local Law to Amend the Town of Lockport Water Code

The Town Clerk read the Notice of Public Hearing as was published in the Union Sun & Journal. The Supervisor opened the floor up for comment. No one spoke to the matter and the Public Hearing was closed.

PUBLIC HEARING: Local Law to Amend the Zoning Code of the Town of Lockport

The Town Clerk read the Notice of Public Hearing as was published in the Union Sun & Journal. The Supervisor opened the floor up for comment. No one spoke to the matter and the Public Hearing was closed.

PUBLIC COMMENTS: The Supervisor then opened the floor for public comments. No one spoke before the Town Board and the regular business meeting was opened for Town Board action as follows:

1. Approval of Town Board Minutes

MOTION (2011-125): to approve the Town Board minutes of 04/25/2011, 05/02/2011, 05/04/2011, and 05/18/2011 was made by Council member Siejak, seconded by Council member Antkowiak. The motion was CARRIED: AYES - 5, NAYS - 0. Voting AYE: Antkowiak, Pettit, Crocker, Siejak and Smith.

2. Approval of Payment of Bills

MOTION (2011-126): to approve the payment of bills for the month of June was made by Council member Crocker, seconded by Council member Antkowiak. The motion was CARRIED: AYES - 5, NAYS - 0. Voting AYE: Antkowiak, Pettit, Crocker, Siejak and Smith. The bills consist of Vouchers #24215-24451 in the amount of \$317,156.76.

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3. Communications.

Volunteer Firemen Approved

The Town Clerk read a list of candidates for the volunteer fire service. The list is as follows:

Zachery Jamieson..... Gasport Fire Co.
Scott Monkelbaan..... So. Lockport Fire Co.

MOTION (2011- 127): to approve the above listed persons for volunteer fire service in 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.

Secondly, the Town Clerk spoke on issues concerning dogs. She thanked David Miller, the Town Highway Superintendent, for use of the Town Highway Garage to conduct a free rabies clinic which was sponsored by the Niagara County Health Dept. on May 21, 2011. She also thanked the Rapids Fire Co. for their assistance with tables, chairs and traffic control for the event and also thanked her deputy clerks for all their assistance. She stated that her office was able to license 30 dogs that afternoon.

Lastly, she mentioned that the summer 2011 Town Newsletter would have two dog related articles: one asking residents to be mindful of the heat and to provide protection to postal workers and to provide ample food, water and shelter for their pets during the hot summer months. The second article was a very important dog census – with a mail-in dog license application for residents to license any unlicensed dogs. She is hoping that by providing a mail-in application, many dogs can be licensed before the owners are fined through the action of a later door-to door canvassing.

4. Building Inspector's Report.

The Supervisor read the report for the month of May 2011, which states that 71 building permits were issued; \$4,162.00 was collected in fees; and \$581,382.00 was the estimated cost of construction.

5. Supervisor's Monthly Financial Report.

MOTION (2011-128): to approve the Supervisor's Monthly Financial Report for the period ending May 31, 2011, 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.

6. Resolution to Authorize Federal PILOT Grant Application – Transit North

MOTION (2011-129): to authorize the Supervisor to apply for a federal Transportation Enhancement PILOT grant for the Transit Road streetscape demonstration program, 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.

7. Resolution to Adopt Update to Town of Lockport Procurement Policy

MOTION (2011-130): to adopt an update to the Town of Lockport Procurement Policy as follows, 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.

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:

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 \$20,000.00 in the fiscal year or (b) public works contracts over \$35,000.00 shall be formally bid pursuant to GML, Section 103.

GUIDELINE 3. All estimated **purchases** of:

1. Less than \$20,000.00 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 \$35,000.00 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.

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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
Miller, David	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 thereafter as is 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 contact.

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.

8. Authorize Contract for Repairs to Concrete Floors at 6570 Dysinger Road

MOTION (2011-131): to authorize the Supervisor to enter an agreement with Concrete Solutions, to level the concrete floors located at 6570 Dysinger Road (former Carpenter's Union Hall), in the amount of \$3,150.00, 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.

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9. Authorize Repairs and Upgrade of Co 2 & NO 2 Sensors at Water Garage

MOTION (2011-132): to authorize the Supervisor to enter an agreement with Johnson Controls to repair and upgrade the Co 2 and NO 2 sensors at the Town Water Garage, in the amount of \$9,975.00, was made by Council member Crocker, seconded by Council member Antkowiak. The motion was CARRIED: AYES-5, NAYS-0. Voting AYE: Antkowiak, Pettit, Crocker, Siejak and Smith.

10. Resolution to adopt SEQRA on a proposed Local Law to Amend the Zoning Code

MOTION (2011-133): on a motion by Council member Pettit, seconded by Council member Siejak, the following resolution was duly adopted. AYES-5, NAYS – 0. Voting AYE: Antkowiak, Pettit, Crocker, Siejak and Smith.

Town of Lockport

RESOLUTION

WHEREAS, A Short Environmental Assessment Form has been prepared for the Proposed Local Law entitled, "Local Law amending the Zoning Code of the Town of Lockport,"

NOW, THEREFORE, THIS BOARD FINDS AS FOLLOWS:

The Town of Lockport is the Lead Agency. The action is an Unlisted Action pursuant to the State Environmental Quality Review Act (SEQRA). After reviewing the Environmental Assessment Form and considering the information contained therein and relative factors and information, this Agency finds that this action will not have a significant adverse effect on the environment and accordingly, directs that a Negative Declaration be executed.

11. Adoption of Local Law to Amend the Zoning Code of the Town of Lockport

MOTION (2011-134): on a motion by Council member Siejak, seconded by Council member Crocker, the following resolution was duly ADOPTED: AYES - 5, NAYS - 0. ROLL CALL VOTE: Voting AYE: Antkowiak, Pettit, Crocker, Siejak and Smith.

Town of Lockport
L O C A L LA W No. 1 of 2011

Chapter 200 of the Code of the Town of Lockport, the Zoning Law and map of the Town of Lockport, as adopted and amended from time to time, is hereby amended as follows:

The following described parcel of land which is currently in the Industrial Use District (IN District) is hereby rezoned so that it will form a part of the General Business District (B-2 District) and the regulations applying to the General Business District shall apply to said parcel:

That portion of Tax Map#108-2-4 which is adjacent to and west of Tax Map#108.00-2-11.112 and which is bounded on the west by a line parallel to the west bounds of Tax Map #108.00-2-11.112 and distant 100 feet west therefrom, and bounded on the east by the west line of Tax Map#108.00-2-11.112 which is the present west line of the B-2 District.

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12. Adoption of Local Law to Amend the Sewer Code of the Town of Lockport

MOTION (2011-135): on a motion by Council member Antkowiak, seconded by Council member Siejak, the following resolution as duly ADOPTED: AYES - 5, NAYS - 0.
ROLL CALL VOTE: Voting AYE: Antkowiak, Pettit, Crocker, Siejak and Smith.

Town of Lockport

L O C A L L A W No. 2 of 2011

Chapter 150 of the Code of the Town of Lockport is hereby amended as follows:

Section 150-6 is amended by adding the following:

1. Notwithstanding any of the provisions of this Chapter, the Town, at District expense, may install or cause to be installed "A Clamps" and related work on sewer residential service externals where:
 - a. Such laterals were installed prior to the requirement for the use of "A Clamps" by Town regulations; and
 - b. The Town is acting pursuant to a program for reduction of Inflow and Infiltration by Order of the Town Board, and such lines have been identified by the Superintendent for inclusion in such Program; and
 - c. Property owners have granted Town Access and executed any required agreements.
2. Nothing in this section shall relieve the residential property owner from the obligation, at owner's expense, to prevent inflow and infiltration through its service lateral or to maintain and repair or replace service laterals, including, but not limited to, the installation of "A Clamps" when necessary.

13. Adoption of Local Law to Amend the Water Code of the Town of Lockport

MOTION (2011-136): on a motion by Council member Crocker, seconded by Council member Antkowiak, the following resolution as duly ADOPTED: AYES - 5, NAYS - 0.
ROLL CALL VOTE: Voting AYE: Antkowiak, Pettit, Crocker, Siejak and Smith.

Town of Lockport

L O C A L L A W No. 3 of 2011

Chapter 193 of the Code of the Town of Lockport is hereby amended as follows:

1. §193-4(B) (3) is repealed and the following is adopted in its place:

193-4 (B) (3) – Taps and lines

 - (a) Except when service lines must be laid beneath streets or roads, service line will be laid to and including the curb box by the District as part of the service connection cost.
 - (b) Prior to connection, a building permit must be obtained. No service will be connected to vacant lots by the District.

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- (c) Service connections pursuant to subdivision construction (PIP Program) shall be installed to all subdivision lots at the developer's expense.
- (d) Service connections and lines from the main which extend under roads or streets shall be installed to the curb box by the owner at its expense under Superintendent inspection by prior arrangement with the Superintendent.

2. §193-5 is repealed and the following is adopted in its place:

Section 193-5 Termination of Service

A. Termination by the District

- 1. No person, except the Superintendent shall terminate or restrict service at any connection to or from the Town water system.
- 2. The Superintendent may immediately terminate service from or in any District main or to any service connection, at any time, without notice when necessary for emergency situations or to prevent loss of large amounts of water or, whenever necessary, to preserve the integrity of the system; prevent contamination; prevent backflow; or when necessary, for the safety of residents of the Town.
- 3. Upon 15-days notice by mail to the customer, service may be terminated by the Superintendent, for any of the following reasons:
 - (a) Failure to provide the Superintendent access to property for inspection of maintenance, reading, replacement or repair of a water meter, or any part of the water supply system.
 - (b) Failure to repair an unmetered leak in the service within 10 days of detection and notification to repair (verbal or written) by the Superintendent.
 - (c) Failure to install a meter valve or back flow preventer upon notice to do so.
 - (d) Failure to maintain, calibrate, replace, provide records or perform any other requirement for a privately owned meter, or
 - (e) Failure to repair, maintain, replace any service.

5.2 Termination Requested by the Owner

5.21 Long-term Termination Requests (one year or longer)

An owner requesting discontinuance of service shall submit a "Water Service Termination Request Form" to the Superintendent. Upon receipt of such form, the water will be shut off at the curb, after payment of the turn-off fee; provided the Superintendent will not terminate service when the premises is occupied by a tenant. Reinstatement of service will require a turn on fee.

3. §193-7 is amended by adding thereto the following:

193-7 (f) No person shall obstruct access to a fire hydrant or establish or allow any condition which would hinder its usefulness for firefighting purposes, nor shall any person obscure visibility of a hydrant by plantings, objects or parked vehicles or any other means.

§193-16 is hereby repealed and the following is adopted in its place:

§193-16. The Town Board shall, from time to time, by resolution, establish and amend water use rates, fees and charges for the purposes of meeting the expenses of the Districts in such amounts as shall be determined to be in the best interest of the Districts. Such rates, fees and charges shall be on file in the Town Clerk's office.

14. Town Board Comments.

Councilman Crocker thanked everyone for attending the meeting.

Councilman Pettit congratulated Tyler Sarratori as well as his parents on the accomplishments of Tyler and for his receiving the 2011 Outstanding Youth Award.

He also spoke on the issue of recycling bins; explaining the sizes of bins as well as the prices of each. He stated that the amount recycled by each household only helps to defray the costs paid by all Town residents for such service.

Councilwoman Antkowiak congratulated Tyler on receiving the Outstanding Youth Award and then spoke to several issues which include the following:

Barge Canal Optimist Bicycle Rodeo – will be held from 6-8:00 p.m. on June 13, 2011 at the Day Road Park.

YWCA Sponsored Swim Lessons – Will be held at Lockport Senior High School. A \$20 discount pass is available for each child. Enrollment applications can be picked up at the Town Clerk's office.

Day Road Park Craft Program – the YWCA will conduct classes for small children and they will be held at the park in August. Sign-up sheets are at the Town Clerk's office.

Free Town Movie Nights- the first of the movie nights will be Saturday, June 25th The movie will be "Shrek Ever After" and the 2nd movie night will be Saturday, August 6th and the movie will be "Toy Story 3". Free soda & popcorn will be available. Bring lawn chairs. The movies will be shown, rain or shine.

Electronics Recycling - *Councilwoman Antkowiak* explained that small electronic components can be recycled by bringing items to the Town Hall. Large cardboard collection containers are located at the rear entrance of Town Hall, where items will be held for weekly pickup.

Rotary Club Sponsored Blood Drive – to be held from 2:00 -7:00 p.m. at the Town Hall on Wednesday, June 22, 2011.

Lastly, *Councilwoman Antkowiak* thanked the Dale Association for conducting an "Open House" membership drive for Town residents. She stated that 10 new memberships were received and that several residents were on hand to witness the many services which are available to Town residents through the Dale Association. She urged all senior citizens to participate in or investigate the services offered.

Councilman Siejak congratulated Tyler on receiving the 2011 Outstanding Youth Award and informed residents that the summer newsletter should arrive within the next few days.

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15. Supervisor's Comments.

Supervisor Smith also congratulated Tyler and then spoke briefly of the terrible accident which took place on Dysinger Road in May, in which two young boys were hit by a drunk driver. He stated that his thoughts and prayers are with the young men and their families and assured everyone that the Town of Lockport is doing all that it can to improve conditions, including meeting with NYS Senator, George D. Maziarz on the matter.

There being nothing more before the Town Board, he asked for a motion to adjourn.

MOTION (2011-137): 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 8:00 p.m. The Lockport Town Board will next meet at 1:00 p.m. on Wednesday, June 22, 2011 in the Snyder Room of Town Hall.

Respectfully submitted,

Nancy A. Brooks, RMC
Lockport Town Clerk, CMC