

July 20, 2011

A regularly scheduled work session of the Lockport Town Board was conducted at 1:00 p.m. on Wednesday, July 20, 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, Robert Klavoon of Wendel-Duchscherer, Daniel Seaman, Town Attorney late arrival at 1:10 p.m.

Supervisor Smith opened the meeting as follows:

1. **Town Clerk**

The Town Clerk reported the following correspondence:

Notice from the Niagara County Clerk's office that the County is taking title to property adjacent to property owned by the Town. The property is located on Akron Road next to the English Lutheran Cemetery. It will be sold at public auction on Sat., August 20, 2011 at 10:00 a.m. at the Shawnee Fire Hall, 3747 Lockport Road, Sanborn, NY.

Monthly Refuse & Recycling Report from Waste Management for the second quarter of 2011. The report was copied to the Town Board members.

Notice of Application for Renewal of Alcoholic Beverage License for Cammarata's Restaurant on Robinson Road.

2. **Engineer**

**Repairs to Water Line Break/Red Creek/State Route 104** - Mr. Klavoon stated that design plans have been drawn up and are ready to be submitted to the Niagara County Planning Board. This is a Type II action under S.E.Q.R.A. and he stated that this requires Town Board action in the form of a resolution to adopt Lead Agency and to declare a Negative Declaration, a copy of which was prepared and submitted for the Town Board.

**MOTION (2011-155):** On a motion by Council member Siejak, seconded by Council member Pettit, seconded by Council member Pettit, the following resolution was duly ADOPTED: 5 AYES, 0 NAYS. Voting AYE: Antkowiak, Pettit, Crocker, Siejak, and Smith.

**RESOLUTION**

**ADOPTING DETERMINATION OF NON-SIGNIFICANCE**

**OF ENVIRONMENTAL CONSERVATION**

**WHEREAS**, in June 2011, the Town of Lockport experienced a waterline break under the creek bed of Red Creek (tributary to Eighteen Mile Creek) along State Route 104 in the Town of Newfane, and

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**WHEREAS**, the waterline is co-owned by the Town of Lockport and the Town of Newfane, and

**WHEREAS**, the Town of Lockport, acting as Lead Agent for the project has prepared a short form EAF and determined that the proposed action was a Type II action under SEQRA and that it was the agency with the broadest governmental powers for investigating the impact of the proposed action and the greatest capacity for providing the most thorough environmental assessment of the proposed action and the most local agent with permitting authority, and

**WHEREAS**, the Town of Lockport has determined that the proposed project will not adversely affect the natural resources of the of the State and/or the health, safety and welfare of the public, and is consistent with social and economic considerations

**THEREFORE, BE IT RESOLVED**, that the Town of Lockport Supervisor is hereby authorized and directed to sign the Environmental Assessment Form, reviewing the criteria contained in Section 617.11 of the Rules and Regulations of the SEQRA Regulations and thoroughly analyzing the project with respect to potential environmental concerns, determines that the action will not have a significant effect on the environment and that a Negative Declaration is hereby issued.

**BE IT FURTHER RESOLVED**, that the Town of Lockport Supervisor is hereby authorized and directed to sign the Environmental Assessment Form and to check the box thereon indicating that the proposed action will not result on any significant adverse impacts.

**Televising & Flushing of Sewers/Dorchester Rd & Erna Dr** – Mr. Klavoon stated that Town Board approval of the project is required at this time so that bid documentation, approved by the Town Attorney, can be sent out and a bid date set. He would like to set the bid date for 11:00 a.m. on Wednesday, August 17, 2011. He noted that almost the entire project will be reimbursed through the Niagara County Sewer District.

**MOTION (2011-156)**: to approve the televising and flushing of the sewers along Dorchester Road and Erna Drive and to set a bid date for the project as 11:00 a.m. on Wednesday, August 17, 2011, 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.

Councilman Siejak then asked Mr. Klavoon on a status report on the bid process for the Town building envelope improvement project. Mr. Klavoon replied that the Wendel energy engineer will be out to Town Hall for final arrangements sometime within the next week. He also stated that vendor contact information for the bid has been sent to the Town Attorney for bid document preparation.

#### **4. Town Board Reports**

*Councilman Siejak* reported that a mandatory attendance, "Violence in the Work Place" seminar will be conducted at 1:00 p.m. on Wednesday, August 3, 2011 at the Town Hall. All employees and elected officials are expected to attend.

*Councilman Crocker* stated that he was very pleased that the amounts reported in the monthly Refuse & Recycling Report submitted by Waste Management were outstanding.

*Councilwoman Antkowiak* quickly commented on the Refuse/Recycling Report stating that Waste Management reports that the Town of Lockport, as a pilot project for the Think Green Recycling Rewards program, is by far the leader in the state.

**Rochester Recycling** – Councilwoman Antkowiak reported that the company has been overwhelmed by the amount of electronic recycling the Town has done in the past few weeks. The Town has received its first reimbursement check based on the volume of material recycled. She has also contacted Dave Miller, Town Highway Superintendent, with regards to finding an alternative site for the recycling bins to be located, as the present collection site within the Town Hall is not sufficient.. She will keep the Town Board informed of possible solutions.

**2011 Community Day** - was very successful despite the extreme heat on July 17<sup>th</sup>. Councilwoman Antkowiak thanked all those who participated and helped to work the event.

**Day Road Park Pavillion** - Councilwoman Antkowiak will meet with Mr. Klavoon in the near future to discuss the construction of the pavilion.

**Town Swim Program** – The Summer 2011 Kids Swim Program at the YWCA was very successful. Over 120 Town children registered for the instruction classes.

*Councilman Pettit* reported that he has reached a stand still in obtaining quotations for new steel doors for the Town Clerk and Town Water Dept. offices. He stated that he has contacted another vendor but they were not interested in quoting the project. Mr. Seaman was consulted and he stated that the Town's Procurement Policy must be followed. Supervisor Smith stated that his office would assist Councilman Pettit in finding vendors and that the Town may consult the State's bid list.

Councilman Pettit stated however, that other portions of the security improvements for the Town Hall have already been implemented.

#### 5. **Town Attorney Report**

Mr. Seaman, having previously prepared two proposed Local Laws; one to amend the Dog Control Ordinance and one to amend the Peddlers & Hawkers Ordinance; stated that he recommended and that it was necessary for Town Board action at this time for possible adoption of these laws at the August 3, 2011 Town Board meeting.

Supervisor Smith requested that a Council member introduce the proposed Local Law to amend the Dog Control Ordinance. Councilman Pettit introduced the Local Law.

#### **Public Hearing Called on Proposed Local Law to Amend the Dog Control Ordinance**

**MOTION (2011-157):** to call for a Public Hearing on a proposed Local Law to Amend the Dog Control Ordinance to be held at 7:30 p.m. on Wednesday, August 3, 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.

Supervisor Smith then requested that a Council member introduce the proposed Local Law to amend the Peddlers & Hawkers Ordinance. Councilman Crocker introduced the Local Law.

#### **Public Hearing Called on Proposed Local Law to Amend the Peddlers & Hawkers Ordinance**

**MOTION (2011-158):** to call for a Public Hearing on a proposed Local Law to Amend the Peddlers & Hawkers Ordinance to be held at 7:30 p.m. on Wednesday, August 3, 2011, 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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Mr. Seaman then stated that he has drafted a new Property Maintenance Law which will address the issue of property maintenance relative to vegetation. He requested the Town Board review the proposed Local Law and recommended its introduction at the August 1, 2011 Town Board work session and a Public Hearing for the September Town Board meeting can be called as well.

**6. Supervisor's Reports**

**Harvest Ridge Subdivision** – David Miller, Town Highway Supt., has informed the Supervisor that he intends to install three-way stop signs within the subdivision to slow traffic down and prevent traffic from cutting through the subdivision.

**Tiger Grant Application** – Supervisor Smith reported that David Kinyon will once again prepare a grant application to obtain Federal Tiger Grant funds for the Transit North Project.

**MOTION (2011-159):** to authorize David Kinyon, Town of Lockport Economic Development Director, to apply for Federal Tiger Grant funding for the Transit North Project, 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.

**7. Executive Session Entered**

**MOTION (2011-160):** to enter Executive Session for the purpose of consulting with the Town Attorney and to discuss the work history of a Town employee, 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 Town Board entered Executive Session at 1:22 p.m.

**8. Exit Executive Session and Reconvene the Work Session**

**MOTION (2011-161):** to exit Executive Session and to reconvene the work session 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.

The work session was reconvened at 2:05 p.m. with no Town Board action taken during Executive Session.

**9. Adjournment**

**MOTION (2011-162):** 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 2:05 p.m. The Lockport Town Board will next meet at 1:00 p.m. on Monday, August 1, 2011.

Respectfully submitted,

Nancy A. Brooks, RMC, CMC  
Lockport Town Clerk