

October 19, 2011

A regularly scheduled work session of the Lockport Town Board was conducted at 1:00 p.m. on Wednesday, October 19, 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 the following correspondence:

- a) A letter from the NYSDOT- notice of completion and acceptance of the mill & overlay with gutter replacement along Rt. 78m adjacent to the Towns of Lockport & Newfane.
- b) Notice of Public Hearing for the Town of Cambria Zoning Board of Appeals

2. **Town Attorney**

Mr. Seaman prepared and presented the Town Board with a resolution to increase the Town water rates, to be effective January 1, 2012. The new rates are an increase of \$5.00 to the flat rate across the board, and a .15 increase to each of the plus rates across the board.

After review and some discussion, the following action was taken:

**MOTION (2011-227)** on a resolution by Council member Crocker, seconded by Council member Antkowiak, the following resolution as duly ADOPTED: 5 AYES, 0 NAYS.  
Voting AYE: Antkowiak, Pettit, Crocker, Siejak, and Smith.

**TOWN OF LOCKPORT**

**RESOLUTION**

**WHEREAS**, pursuant to Town Code Section 193-16, the Town Board may establish water use rates,

**NOW, THEREFORE, BE IT RESOLVED:**

The water rates for water sale in and by the Town of Lockport and its Districts are hereby established as follows:

**TOWN OF LOCKPORT RATES**

Quarterly – Residential & Business (Commercial) and Industrial

First	Up to 5,000 gallons	\$ 15.00 (Flat Rate)
Plus next	10,000 gallons	\$ 1.90 Per Thousand
Plus next	100,000 gallons	\$ 1.85 Per Thousand
Plus over	115,000 gallons	\$ 1.20 Per Thousand

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Quarterly – Apartments (Multiple Unit Residential where units are not individually metered)

First	Up to 5,000 gallons	\$ 15.00 (Flat Rate)
Plus next	10,000 gallons	\$ 1.90 Per Thousand
Plus next	100,000 gallons	\$ 1.85 Per Thousand
Plus over	115,000 gallons	\$ 1.20 Per Thousand

\*Plus \$15.00/Per Unit Per Quarter

Monthly – Mobile Manufactured Home Parks

First	Up to 5,000 gallons	\$ 15.00 (Flat Rate)
Plus next	10,000 gallons	\$ 1.90 Per Thousand
Plus next	100,000 gallons	\$ 1.85 Per Thousand
Plus over	115,000 gallons	\$ 1.20 Per Thousand

\*Plus \$5.00/Per Unit Per Month

Monthly – Large Industrial – Co-Gen

The greater of \$.85 per thousand gallons or the rate paid by the Town of Lockport to the Niagara County Water District per thousand gallons plus \$.10 per thousand gallons, whichever is greater.

Quarterly – Sale to Municipalities

The rate paid by Town of Lockport and its Water Districts to the Niagara County Water District plus fifteen percent (15%) of such rate.

These rates shall be in effect for the next billing date after adoption of this Resolution, and shall be billed at the intervals set forth herein.

**3. Engineer**

Mr. Klavoon reported that the Heatherwoods Subdivision paving project is completed and he will seek Town Board approval for the P.I.P. which will add 25 lots, at the Town Board meeting scheduled for November 16, 2011.

PRV Repair Project – Mr. Klavoon stated that only one of the 10 PRV pits has been repaired. The Town crew, working with the assistance of the Niagara County DPW, have completed the Heather Drive PRV pit and have moved onto the Enterprise Dr (I.D.A.) PRV pit.

Red Creek Water Line Replacement – sealed bids for this project have been slated for 11:00 a.m. on Wed., October 26, 2011. Mr. Klavoon is hoping to have a bid recommendation ready by the October 31, 2011 Town Board work session.

Erna Dr/Dorchester Rd. Sewer Televising & Flushing – Mr. Klavoon stated that the project specifications are completed and have been sent to the Attorney for review.

#### 4. **Town Board Comments**

*Councilman Siejak* referring to the YTD Recycling Report ( 3<sup>rd</sup> quarter of 2011) received from Waste Management, stated that he was pleased to see the recycled material amounts increase over 2010.

Additionally, he asked for a status report on the new Wal Mart which had been reported would brake ground in October. Supervisor Smith stated that there was nothing new to report. Both he and Mr. Seaman stay in touch with Wal Mart representatives but have heard nothing new as to when the project will commence.

*Councilwoman Antkowiak* reported that the Town has received a check in the amount of \$118 from Rochester Recycling CO., as its return on the volume of recycled electronics picked up through September. She is still actively working on moving the recycling bins to an outdoor storage container. She has found an appropriate style of container to house the recyclable electronics and must now meet with the Dave Miller, Town Highway Superintendent, to make final arrangements for the new outdoor storage container to be purchased and installed.

Fall Festival 2011 – The event went well despite inclement weather. Several of the planned activities had to be eliminated due to the rain but the event moved indoors to the Town Hall and nearly 400 residents, mostly children, were able to partake and enjoy the festivities.

Open House for the Aging – Councilwoman Antkowiak stated she has met with representatives from NICAP as well as the Niagara County Office for the Aging and is planning for an “open house” for the aging to be held at the Town Hall sometime in early 2012. This event would not be like the heath fair but would center around such subjects as health insurance and other topics of importance to the aging population. She will report more in the weeks ahead.

*Councilman Pettit* reported that he has received two quotes for security improvements to be made to the Town Hall. Supervisor Smith stated he must obtain one more quote before the matter can be brought before the Town Board.

*Councilman Crocker* congratulated Councilwoman Antkowiak and the Town Recreation Committee on hosting a successful Fall Festival, despite poor weather.

#### 5. **Supervisor's Comments**

**Transit Road Grant Application** – the Supervisor explained that David Kinyon once again is seeking Town Board approval to submit a grant application for the Transit North project. The Town's original grant has made it through to the first grant review process but the Town has been asked to scale back the grant application amount being sought. The original application amount of \$20 million has now been scaled back to \$10,970,000.00. Mr. Kinyon has now prepared an application which includes only that portion of Transit Road from Robinson Road north to the Lockport City line. He requires Town Board approval for submittal of the application.

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**MOTION (2011-228)** on a motion by Council member Antkowiak, 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**

**RESOLVED**, that David Kinyon, as Director of Economic Development for the Town of Lockport, is hereby authorized and directed to file an application for funds from the New York State Office of Parks, Recreation and Historic Preservation in accordance with the provisions of Title 9 of the Environmental Protection Act of 1993, in an amount not to exceed \$10,970,000.00, and upon approval of said request to enter into and execute a project agreement with the State for such financial assistance to the Town of Lockport for the Transit North Project and, if appropriate, a conservation easement/preservation covenant to the deed of the assisted property.

**Day Road Park Trail Grant Application** - Supervisor Smith stated that Mr. Kinyon was also applying for a grant application for the extension of hiking trails and a new entrance for the Day Road Park, in the amount of \$77,441.00, which would be a 50/50 match by the Town of Lockport. Therefore, the Town's projected investment for the project is estimated to be \$30,000 – \$35,000.00.

**MOTION (2011-229):** 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.

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

**RESOLVED**, that David Kinyon, as Director of Economic Development for the Town of Lockport, is hereby authorized and directed to file an application for funds from the New York State Office of Parks, Recreation and Historic Preservation in accordance with the provisions of Title 9 of the Environmental Protection Act of 1993, in an amount not to exceed \$77,441.00, and upon approval of said financial assistance to the Town of Lockport for the Day Road Park Trail Extension Project and, if appropriate, a conservation easement/preservation covenant to the deed of the assisted property.

**2012 Town Board Appointments** – Supervisor Smith asked the Town Board to review the current Appointment List and to bring forth any possible candidates for vacancies which may occur in the upcoming year.

**6. Executive Session Entered**

**MOTION (2011-230):** to enter Executive Session for the purpose of discussing the work history of a Town employee and to consult with the Town Attorney 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 Town Board entered Executive Session at 1:26 p.m.

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

**MOTION (2011-231):** to exit Executive Session and to reconvene the work session 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.

The work session was reconvened at 2:15 p.m. with no Town Board action taken during Executive Session.

**8. Adjournment**

**MOTION (2011-232):** to adjourn 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 work session was ended at 2:15 p.m. The Lockport Town Board will next meet at 1:00 p.m. on Monday, October 31, 2011.

Respectfully submitted,

Nancy A. Brooks, RMC, CMC  
Lockport Town Clerk