

December 28, 2011

A Public Hearing and a regularly scheduled work session of the Lockport Town Board were conducted at 1:00 p.m. on Wednesday, December 28, 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

Absent: Daniel E Seaman, Town Attorney

Also present: Nancy A. Brooks, Town Clerk and Robert Klavoon of Wendel-Duchscherer.

PUBLIC HEARING: Local Law Authorizing a Loan to the Town of Lockport I.D.A.

The Supervisor opened the meeting for public comment. No one spoke on the topic and the hearing was closed and the Supervisor opened the regularly scheduled work session and the following discussion and/or action was taken.

1. **Town Clerk**

The Town Clerk reported correspondence as follows:

- Alcoholic Beverage License Renewal Application – Belliveau's Restaurant
- 2012 Projected Educational Training for Building & Assessment Departments.
- 2012 Contract for NICAP, Inc.
- Thank You from Niagara Co. Dept. of Health – Environ. Health Division for conducting a successful rabies immunization clinic in May 2011.

MOTION (2011-277): to approve the 2012 Contract with the Niagara Community Action Program, Inc. in the amount of \$1200.00 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.

2. **Approval of Payment of Year-End Bills**

MOTION (2011-278): to approve to pay the year-end bills 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.

3. **Approval of Minutes**

MOTION (2011-279): to approve the minutes of Town Board meetings on 12/07/2011, and 12/14/2011, 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.

4. **Engineer**

Mr. Klavoon reported that J.R. Swanson remains under contract with the Town for utility repairs. He stated that some \$19,000 plus of the authorized limit of \$139,000 has been charged to date. The contract calls for the payment of time and material and

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he reported that J.R. Swanson will maintain the current fees going into 2012 and that it was Wendel's recommendation to extend the contract for one more additional year.

MOTION (2011-280): to approve a one-year extension of the contract with J.R. Swanson for utility repairs, for the amount remaining on the current limit of \$139,000.00, 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.

5. Resolution to Balance Accounts for Year End

MOTION (2011-281): to authorize the Supervisor, as chief fiscal officer, to balance the accounts for the fiscal year ending 12/31/2011, the monies to be taken from unexpended balances, was made by Council member Pettit, and seconded by Council member Antkowiak. The motion was CARRIED: AYES - 5, NAYS - 0. Voting AYE: Antkowiak, Pettit, Crocker, Siejak and Smith.

6. Resolution to Authorize Supervisor to Spend 2012 Highway Funds

MOTION (2011-282): to authorize the Town Supervisor to spend the 2012 Highway Funds, 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.

7. Resolution to Authorize No Surcharge for Delinquent Tax Payments

MOTION (2011-283): to authorize the Tax Receiver not to impose a service charge for the required mailing of delinquent notices to Town taxpayers, 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.

8. Resolution to Adopt a Local Law Authorizing a Loan to Town I.D.A.

MOTION (2011-284): on a motion by Council member Pettit and seconded by Council member Antkowiak, the following resolution to adopt a Local Law Authorizing a Loan to the Town of Lockport Industrial Development Agency was put to a ROLL CALL vote and was duly ADOPTED: 5 AYES, 0- NAYS. Voting AYE: Antkowiak, Pettit, Crocker, Siejak and Smith.

The Local Law in its entirety is as follows:

L O C A L LAW - No. 7 of 2011

A Local Law Authorizing a Loan to the Town of Lockport Industrial Development Agency

Be it enacted by the Town Board of the Town of Lockport as follows:

1. The Town of Lockport finds it is in the public's interest to lend the amount of Twenty Thousand Dollars (\$20,000.00) to the Town of Lockport Industrial Agency.
2. The Town is authorized and directed to lend said amount to the Town of Lockport Industrial Development Agency, and to take a note in said amount from the Agency for said amount payable in annual installments of \$4,000.00 plus accrued interest at the rate of 1.5%.
3. This Local Law shall take effect immediately upon the filing with the Secretary of State.

9. Town Board Comments

Councilman Pettit – No comments.

Councilwoman Antkowiak – thanked the Town Supervisor for the opportunity to serve as Deputy Town Supervisor for the past two years. She enjoyed her time and also thanked the Town Board for all their support during her time of service.

She also reported that in the coming year she will continue to work to develop and improve programs offered by the Lockport Library and the Dale Association. Additionally, she will be working closely with Mr. Klavoon on projects at the Day Road Park.

Councilmen Crocker and Siejak - had nothing to report.

10. Supervisor's Comments

Supervisor Smith reported that the reimbursable mileage rate for 2012 will be at 55.5 cents/per mile.

Stating he had issues to discuss on the employment history of an employee, the Supervisor asked for a motion to enter Executive Session.

11. Executive Session Entered

MOTION (2011-285): to enter Executive Session for the purpose of discussing the work history or employment of a Town employee 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 Town Board entered Executive Session at 1:12 p.m.

12. Executive Session Ended and Work Session Reconvened

MOTION (2011-286): to exit Executive Session and reconvene the work session was made by Council member Siejak and 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 1:45 p.m. with no Town Board action taken during Executive Session.

13. Adjournment

MOTION (2011-287): to adjourn 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.

The meeting ended at 1:45 p.m. The Lockport Town Board will next meet at 7:30 p.m. on Wednesday, January 4, 2012 for the Town's annual reorganization meeting.

Respectfully submitted,

Nancy A. Brooks, RMC, CMC
Lockport Town Clerk