

March 21, 2012

A regularly scheduled work session of the Lockport Town Board was conducted at 1:00 p.m. on Wednesday, March 21, 2012, 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 welcomed everyone to the meeting and opened it up as per the agenda as follows:

1. Town Clerk

The town Clerk reported the following correspondence:

1) Letter requesting Board approval for the National Multiple Sclerosis Society to conduct their annual MS Walk on May 6, 2012, which route follows along the canal within the boundaries of the Town of Lockport. A letter of consent will be forwarded.

2) Two Notices of Public Hearing for the City of Lockport Zoning Board, to be held on Tuesday, March 27, 2012 at 6:00 p.m. at the City of Lockport Municipal Building.

3) Notice of Renewal for the Alcoholic Beverage License (beer & wine only) for Belliveau's Restaurant on Day Road.

4) Notice from Systems East, Inc. that the Town's credit card internet connection will be down for a short time to re-establish a new commercial platform, namely Xpress-pay. Other than a few hours of down time for the new connection to be made, this change will not effect the Town's credit card payment system.

5) Notification from the NYS Office of Real Property Services of an Interim Certificate for Jill Lederhouse, the Town's assessor.

6) Notification from the NYS Dept. of Transportation that they will not lower the speed limit (currently 55 MPH) on Raymond Road between Dysinger Rd (Rt 93) and Rapids Road.

2. Attorney – No report.

3. Engineer

Mr. Klavoon received notice from the NYS Dept. of Transportation that they will be commencing two major paving projects: Transit Road from the Lockport City line south to the Niagara County line; and Route 93 from Robinson Road west to the Lockport By-Pass. Mr. Klavoon stated that the State was requesting the Town's approval to enter a Utility Agreement with the NYSDOT prior to work commencing on these two projects later this summer.

MOTION (2012-54): to authorize the Supervisor to enter an Utility Agreement with the NYS Dept. of Transportation to facilitate two paving projects to be completed by the State during the summer 2012 season, 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.

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Mr. Klavoon also reported that he is in receipt of the bonds and insurances from Turner Underground, the bid winner for the Ridge Road Water Line Replacement project. He expects that work will commence at the site within the next few weeks and he will keep the Board apprised of the project.

4. Town Board Comments

Councilman Siejak reported that he and Mr. Ken Horvath met with representatives from Waste Management regarding ways to improve and increase the Town's recycling capabilities. Several ideas were discussed during the meeting and Waste Management will take this information back to Corporate Division to discuss the possibilities for implementation. One item that was discussed which Waste Management was very enthused about was the idea of having them attend the Town of Lockport Community Day and to provide a Recycling Demonstration for visitors. Councilman Siejak will keep the Board informed of any progress in this area.

Councilman Crocker reminded the Town Board of the 52nd Armed Forces Week which will take place in May 2012. He requested that the Town Board authorize the sponsorship of a table at the Armed Forces Luncheon which will take place at the Buffalo Armory. Cost of the sponsorship is \$300. He stated that the Town has sponsored a table at the luncheon for several years and has offered the tickets to local veterans to attend.

MOTION (2012-55): to authorize the Town to sponsor a table at the 2012 Armed Forces Week Luncheon at the cost of \$300, was made by Council member Crocker, seconded by Supervisor Smith. The motion was CARRIED: AYES - 5, NAYS - 0. Voting AYE: Antkowiak, Pettit, Crocker, Siejak and Smith.

Councilman Crocker also mentioned that the street light at the north end of the Day Road Park parking lot is out. The Town Highway office will be notified and they will pass the information on to NYSEG for repair.

Councilwoman Antkowiak reported that she is working with the Dale Association on the upcoming Health Expo to be held in April as well as working to develop a program with the St. John's Outreach Center. She continues to work with Rob Klavoon on Day Road Park improvements and the summer activities are moving along as planned.

Councilman Pettit mentioned that he had spoken to someone in the Lockport Soccer Association about the Thruway Soccer League and the possibility that they might use the Day Road Park fields. Councilwoman Antkowiak stated the Lockport Soccer Club establishes the schedule for field use at Day Road Park and that if there are no conflicts, she does not see a problem with the Thruway League utilizing the soccer fields. Mr. Seaman stated that the Town should obtain a written request for use of the fields.

5. Supervisor's Comments

Supervisor Smith had several items for discussion and/or action as follows:

Recreation Contract – the Recreation Committee was seeking approval of a contract with the An-Jo Baseball League to provide softball for Town children this summer.

MOTION (2012-56): to authorize a contract with An-Jo Baseball League of Lockport to provide summer softball for Town children 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.

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Supervisor Smith stated that the Town Attorney, in conjunction with the Town Highway Superintendent, has prepared a resolution establishing a written policy on soil disposal and that he was seeking adoption of the policy.

MOTION (2012-57): 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.

TOWN OF LOCKPORT RESOLUTION

BE IT RESOLVED, that this constitutes the policy of the Town of Lockport in the disposal of unneeded ditching dirt:

This Board finds that when conducting ditch cleaning and excavating, excavated materials are accumulated which are of no use to the Town, and which need to be disposed of. These materials are determined to be surplus materials with no market value, and which should be disposed of in the most cost effective manner.

The Highway Superintendent is authorized to dispose of these materials in the manner most convenient as determined by the Superintendent, including, but not limited to:

1. Disposing of dirt and excavated material at any nearby property which is easily accessible for which the owner has requested fill. Generally, unless access is not convenient, this will go to the nearest property where the owner wants fill.
2. Trucking the material to a convenient disposal site.
3. Stockpiling unwanted material at the Town Highway Garage and allowing Town residents or contractors to load and haul the material at such times and in such manner as the Highway Superintendent shall determine.
4. The Highway Superintendent is authorized to use his discretion in disposing of such material.

Contract with Burke Group

Supervisor Smith explained that every two years the Town is required to file GASB-45 reports which are actuarial reports dealing with the fiscal standards for Town employee retirement benefits. The Burke Group is a professional group to assist in this area and the Supervisor requested authorization to enter a contract with the Burke Group in the amount of \$3,000 for said services.

MOTION (2012-58): to authorize the Supervisor to enter an agreement with the Burke Group in the amount of \$3,000 to provide assistance in the filing of the Town of Lockport GASB-45 reports, 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.

Disposal of Surplus Vehicle

The Town Highway Superintendent is requesting authorization to dispose of a surplus vehicle.

MOTION (2012-59): to authorize the Town Highway Superintendent to dispose of a surplus vehicle in a manner that he deems proper, 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. Executive Session Entered

MOTION (2012-60): to enter Executive Session for the purpose of discussing collective bargaining and to consult with the Town Attorney 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 1:15 p.m.

7. Executive Session Ended and Work Session Reconvened

MOTION (2012-61): to exit Executive Session and to reconvene the work session 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 work session was reconvened at 1:55 p.m. with no Town Board action taken during Executive Session.

8. Adjournment

MOTION (2012-62): 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 1:55 p.m. The Lockport Town Board will next meet at 1:00 p.m. on April 2, 2012.

Respectfully submitted,

Nancy A. Brooks, RMC, CMC
Lockport Town Clerk