

October 3, 2012

A regular monthly meeting of the Lockport Town Board was conducted at 7:30 p.m. on Wednesday, October 3, 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 W. Siejak

Also present: Nancy A. Brooks, Town Clerk, Daniel E. Seaman, Town Attorney, Judi Newbold, Deputy Town Clerk and Larry Haseley, Town Historian.

Following the Pledge of Allegiance, Supervisor Smith welcomed those in attendance and called the meeting to order as follows:

PUBLIC COMMENT:

Mr. David Mongiello spoke before the Board on a few matters at which point he began speaking on topics that do not follow the Town of Lockport guidelines for public comment. He was informed that he was speaking to subjects off limits and was asked to sit down. He continued to speak and refused to sit down after being asked several more times, at which time he was then escorted from the building.

There were no other persons to speak before the Town Board and the regular business meeting continued as follows:

1. Approval of Minutes

MOTION (2012-159): to approve the minutes of Town Board meetings conducted on 09/04/2012, 09/05/2012 and 09/19/2012 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.

2. Approval of Payment of the Bills

MOTION (2012-160): to approve the payment of bills for the month of October was made by Council member Crocker and seconded by Council member Pettit. The motion was CARRIED: AYES - 5, NAYS - 0. Voting AYE: Antkowiak, Pettit, Crocker, Siejak and Smith.

The bills for the month of October include Vouchers #27530 – #27709 in the amount of \$778,358.33.

3. Town Clerk/Communications

The Town Clerk read the name of Tyler Fending, a candidate for volunteer fire service with South Lockport Fire Company.

MOTION (2012-161): to approve Tyler Fending for volunteer fire service in the Town of Lockport 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.

The Clerk then spoke on the following:

Free Rabies Clinic: On Saturday, Sept. 22, 2012, the Town of Lockport hosted a free rabies clinic and the Town Clerk thanked the volunteer veterinarians, the Niagara County Health Dept. and staff, David Miller, Town Highway Superintendent for allowing

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the Town to host the clinic in the Town Highway Garage, the Rapids Fire Co. for supplying tables, chairs and traffic control, and her two deputy Town Clerks, Judi Newbold and Carol Stuart for helping to conduct a very successful rabies clinic. Several hundred pets were vaccinated and she stated the Town will continue to host an annual clinic to help keep residents and their pets safe.

Gasport Fire Co. Open House – The Clerk announced that Gasport Fire Co. will host an Open House on Sunday, October 7th from 11:00 a.m. - 4:00 p.m. Everyone was encouraged to attend. The Junior Fire Fighters will be on hand to conduct a car wash and UNYTS will be there conducting a blood drive. The fire company is in need of volunteers and hopes that people will come to see their hall and to find what they are all about.

AARP Driving Course - The Town Clerk announced she will be hosting an AARP Driver's Safety Program at the Town Hall on Wednesday, Nov. 28th and Thursday, Nov. 29th from 5:30-8:30 p.m. The class registration is in the Town's Fall Newsletter. The course is \$17 for AARP members, \$19 for non-members and free for veteran's who can provide proof of military service. She stated that the class size is limited and fills up quickly so she advised residents to sign up as soon as possible. The registration deadline is Nov. 21st.

Lastly, the Town Clerk reminded everyone that October is Breast Cancer Awareness Month and urged all women to see their physicians regularly, to practice self examination, and to have annual mammograms as early detection saves lives.

4. Building Inspector's Report

The Supervisor read the report covering the month of September which stated that 44 building permits were issued; \$2,843.00 was collected in fees and the estimated cost of construction was \$587,449.00,

5. Supervisor's Monthly Financial Report

MOTION (2012- 162): to approve the Supervisor's Monthly Financial report for the period ending September 30, 2012, was made by Council member Siejak and seconded by Council member Crocker. The motion was CARRIED: AYES - 5, NAYS - 0. Voting AYE: Antkowiak, Pettit, Crocker, Siejak and Smith.

6. Resolution to Approve Contract with Skateland

MOTION (2012-163): to approve a contract with Skateland to offer roller skating discount passes valid throughout 2012 and expiring September 2013 was made by Council member Antkowiak and seconded by Council member Pettit. The motion was CARRIED: AYES - 5, NAYS - 0. Voting AYE: Antkowiak, Pettit, Crocker, Siejak and Smith.

7. Resolution to Approve Contract with Ross Rental

MOTION (2012-164): to approve a contract with Ross Rental to provide a Bounce House for Fall Festival 2012 was made by Council member Antkowiak and seconded by Council member Crocker. The motion was CARRIED: AYES - 5, NAYS - 0. Voting AYE: Antkowiak, Pettit, Crocker, Siejak and Smith.

8. Resolution to Override the 2% Tax Levy on Water Dist. No. 3 for 2013

MOTION (2012-165) On a motion by Council member Antkowiak and seconded by Council member Crocker the following resolution was put to a ROLL CALL VOTE and was duly ADOPTED: 5 AYES, 0 NAYS. Voting AYE: Antkowiak, Pettit, Crocker, Siejak, and Smith.

**TOWN OF LOCKPORT
RESOLUTION**

WHEREAS, Subdivision 5 of General Municipal Law §3-c, authorizes a Town Board to override the tax levy limit for a special district by the adoption of a resolution approved by a vote of sixty (60%) of the Town Board;

NOW, THEREFORE, BE IT RESOLVED that the Town Board of the Town of Lockport, County of Niagara is hereby authorized to adopt a budget for the fiscal year 2013 on behalf of the Town of Lockport Water District No. 3 that requires a real property tax levy in excess of the amount otherwise proscribed in General Municipal Law §3-c.

9. Resolution to Adopt 2013 Preliminary Town Budget

MOTION (2012-166): to adopt the 2013 Tentative Town Budget as the 2013 Preliminary Town Budget was made by Council member Pettit and seconded by Council member Siejak. The motion was CARRIED: AYES - 5, NAYS - 0. Voting AYE: Antkowiak, Pettit, Crocker, Siejak and Smith.

10. Res. to Call for Public Hearing on 2013 Preliminary Town Budget

MOTION (2012-167): to call for a Public Hearing on the 2013 Preliminary Town Budget to be held at 7:30 p.m. on Wednesday, Nov. 7, 2012 was made by Council member Antkowiak and seconded by Council member Crocker. The motion was CARRIED: AYES - 5, NAYS - 0. Voting AYE: Antkowiak, Pettit, Crocker, Siejak and Smith.

11. Res. to Call for Public Hearing on 2013 Special District Tax Roll

MOTION (2012-168): to call for a Public Hearing on the 2013 Special District Tax Roll to be held at 7:30 p.m. on Wednesday, Nov. 7, 2012 was made by Council member Siejak and seconded by Council member Antkowiak. The motion was CARRIED: AYES - 5, NAYS - 0. Voting AYE: Antkowiak, Pettit, Crocker, Siejak and Smith.

12. Res. to Call for Public Hearing on 2013 Sewer Tax Roll

MOTION (2012-169): to call for a Public Hearing on the 2013 Sewer Tax Roll to be held at 7:30 p.m. on Wednesday, Nov. 7, 2012 was made by Council member Crocker and seconded by Council member Pettit. The motion was CARRIED: AYES - 5, NAYS - 0. Voting AYE: Antkowiak, Pettit, Crocker, Siejak and Smith.

13. Res. to Call for Public Hearing on 2013 Water Tax Roll

MOTION (2012-170): to call for a Public Hearing on the 2013 Water Tax Roll to be held at 7:30 p.m. on Wednesday, Nov. 7, 2012 was made by Council member Antkowiak and seconded by Council member Siejak. The motion was CARRIED: AYES - 5, NAYS - 0. Voting AYE: Antkowiak, Pettit, Crocker, Siejak and Smith.

14. Res. to Call for Public Hearing on 2013 Fire Contracts

MOTION (2012-171): to call for a Public Hearing on the 2013 Fire Contracts to be held at 7:30 p.m. on Wednesday, Nov. 7, 2012 was made by Council member Pettit and seconded by Council member Crocker. The motion was CARRIED: AYES - 5, NAYS - 0. Voting AYE: Antkowiak, Pettit, Crocker, Siejak and Smith.

15. Res. Authorizing Supervisor to Notify Niagara Co. Real Property on Unpaid Sewer/Water/Refuse

MOTION (2012-172): to authorize the Supervisor to notify Niagara County Real Property of unpaid Sewer, Water and Refuse before November 1, 2012 and to have Real Property add those amounts to the 2013 Niagara County Tax Roll, was made by Council member Siejak and seconded by Council member Crocker. The motion was CARRIED: AYES - 5, NAYS - 0. Voting AYE: Antkowiak, Pettit, Crocker, Siejak and Smith.

16. Res. to Authorize Town Highway Supt. to seek bids for Pickup Truck

MOTION (2012-173): to authorize the Town Highway Superintendent to seek bids and to purchase one ¾ ton pickup truck 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.

17. Resolution to Approve the Standardization for Purchase of Large Trucks

After a brief explanation for the purpose of this resolution by Mr. Seaman, the following Town Board action was taken.

MOTION (2012-174): On a motion by Council member Pettit and seconded by Council member Antkowiak, the following resolution was put to a ROLL CALL VOTE and was duly ADOPTED: 5 AYES, 0 NAYS. Voting AYE: Antkowiak, Pettit, Crocker, Siejak, and Smith.

TOWN OF LOCKPORT

RESOLUTION FOR STANDARDIZATION- LARGE TRUCKS

WHEREAS, the Highway Department of the Town of Lockport, Niagara County, New York, presently owns International Brand Trucks and has on hand a supply of spare parts therefore, and

WHEREAS, to purchase a different make truck would be inefficient and uneconomical since alternate and additional supplies of spare parts would have to be purchased which would not be interchangeable with the ones already on hand, and

WHEREAS, the Town of Lockport Personnel is trained on and knowledgeable about International Truck maintenance and repairs, and

WHEREAS, for other reasons such as handling and operation of the equipment attaching snow plows and other implements, it is determined by this Board desirable to purchase an additional truck of the same make as the ones presently owned by the Town,

NOW, THEREFORE, BE IT RESOLVED, that for reasons of efficiency and economy and pursuant to the authority conferred by subdivision 5 of § 103 of the General Municipal Law, it is determined by this Board that there is a need for standardization in the purchase of trucks for the Town Highway Department, and

BE IT FURTHER RESOLVED that the Superintendent of Highways be and he hereby is authorized to contract for the purchase of a new International Truck of a similar model as the ones presently owned by the Town Highway Department with the lowest responsible bidder after advertisement for sealed bids and public bidding in the manner provided by Section 103 of the General Municipal Law, and

BE IT FURTHER RESOLVED that for future purchases of large trucks that this Resolution shall remain in full force and effect.

18. Resolution to Approve the Standardization for Purchase of Truck Equipment

MOTION (2012-175) On a motion by Council member Crocker and seconded by Council member Pettit, the following resolution as put to a ROLL CALL VOTE and was duly ADOPTED: 5 AYES, 0 NAYS. Voting AYE: Antkowiak, Pettit, Crocker, Siejał, and Smith.

TOWN OF LOCKPORT

RESOLUTION FOR STANDARDIZATION- TRUCK EQUIPMENT

WHEREAS, the Highway Department of the Town of Lockport, Niagara County, New York, presently owns all Viking Cives Brand snow plowing equipment, including plows, boxes, sanders and other snow removal equipment and appurtenances for the utilization on snow plowing trucks, and has on hand a supply of spare parts therefore, and

WHEREAS, to purchase different types and models of equipment and equipment made by different manufacturers would be inefficient and uneconomical since alternate and additional supplies of spare parts would have to be purchased which would not be interchangeable with the ones already on hand, and

WHEREAS, the Town of Lockport Personnel is trained on and knowledgeable about Viking Cives Brand equipment maintenance and repairs, and

WHEREAS, for other reasons such as handling and operation of the equipment and other implements, it is determined by this Board desirable to purchase additional snow plowing equipment including plows, boxes, sanders, and other snow removal equipment and appurtenances of the same make as the ones presently owned by the Town,

NOW, THEREFORE, BE IT RESOLVED, that for reasons of efficiency and economy and pursuant to the authority conferred by subdivision 5 of Section 103 of the General Municipal Law, it is determined by this Board that there is a need for standardization in the purchase of snow plow equipment including plows, boxes, sanders, and other snow removal equipment and appurtenances utilized on snow plowing trucks, for the Town Highway Department, and

BE IT FURTHER RESOLVED that the Superintendent of Highways be and he hereby is authorized to contract for the purchase of new Viking Cives Brand snow plowing equipment including, plows, boxes, sanders, and other equipment and appurtenances of a similar model as the ones presently owned by the Town Highway Department with the lowest responsible bidder after advertisement for sealed bids and public bidding in the manner provided by Section 103 of the General Municipal Law, and

BE IT FURTHER RESOLVED that for future purchases of snow plowing equipment that this Resolution shall remain in full force and effect.

19. Town Board Comments

Councilman Crocker – Mr. Crocker welcomed everyone and briefly explained the Town Budget process, especially for the benefit of all the Participation in Government students that were present. He also apologized that the students had to see someone (Mr. Mongiello) escorted from the building. Mr. Crocker explained that the Town Board welcomes public comment and interaction with the Board but they also require some degree of respect and adherence to the guidelines that are set forth. He stated that while freedom of speech is a basic principle and a cornerstone on which our country was founded, a society has to have guidelines for public behavior and public comment. In Mr. Mongiello's case, he clearly was abusing the guidelines.

Councilman Pettit - reminded residents of the Town's Winter Parking Ordinance which states that there is no parking on Town highways after 1:00 a.m. from November 1, 2012 to April 1, 2013.

Councilman Siejak reminded residents that there is no hunting permitted on Town property, in particular the Town parks, John Austin Nature Trail Park and Lytle Park.

He also relayed a message from the Town Assessing Dept. regarding the Enhance 1 Star program, stating that if you turn 65 by 12/31/2013, you qualify for this tax reduction program. Residents who qualify must provide proof of age and a copy of their 2011 income statement before March 1, 2013. Anyone having questions can contact the Town Assessing Dept. at 439-9526.

Councilwoman Antkowiak – informed residents that the Fall Newsletter is out and they should have received a copy in the mail. She reminded residents of the following:

Fall Festival – the 4th annual festival will be held rain or shine on Sunday, October 21, 2012 from 1:00-3:00 p.m. at the Town Hall. There will be cider, donuts, pumpkin painting, games and prizes for the children. She encouraged everyone to attend.

Library Computer Classes – the November classes at Town Hall are continuing. On Oct. 9th there will be a "Computer Basics" class and on Nov. 13th will be an "Introduction to Keyboarding" class. Interested persons should contact the Library to register.

Councilwoman Antkowiak also stated she will be meeting with the Director of the Library to discuss new and interesting programs for Town residents. Anyone having special interests or ideas for educational programs can contact her.

Dale Association – She asked that residents keep an eye out for elderly neighbors or friends, especially since winter is coming.

Lastly, she commented on the issue of the dismissal of Mr. Mongiello from the Town Hall. She stated that she felt the main concern at hand was a demonstration of a lack of respect for others. She feels this is a real break down in our society and she encouraged everyone to think before they speak; that you control your actions and everyone must act with respect for others no matter what the situation.

20. Supervisor's Comments

Supervisor Smith spoke regarding the 2013 Town Budget. He reported that over the last eight years, with the exception of only one of those years, there has been an overall net decrease of \$114.17 per household. While the tax payer did not see that decrease in their tax bill, due to appreciation, the Town Board has strived to hold down the fees that residents pay so that residents will have a good predictability for estimating their taxes. Those fees cover such services as sewer, water, highways, snow removal, refuse, recycling, fire protection, emergency rescue, and recreation. When the math is done, the home owner pays an average of \$58/month for each of those services, which he stated is most likely lower than the fee a homeowner pays for their phone or cable bill. He believes this represents a decent value for the quality of life in the Town and he assured residents that the Town Board will continue to work hard to provide that quality of life to Town residents in the future.

21. Adjournment

MOTION (2012-176): to adjourn 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.

The meeting ended at 8:00 p.m. The Lockport Town Board will next meet at 1:00 p.m. on Wednesday, October 17, 2012.

Respectfully submitted,

Nancy A. Brooks, RMC, CMC
Lockport Town Clerk