

February 6, 2013

A Public Hearing and the regular monthly meeting of the Lockport Town Board were conducted at 7:30 p.m. on Wednesday, February 6, 2013, at the Town Hall, 6560 Dysinger Road, Lockport, New York.

Present were:                   Supervisor: Marc R. Smith  
  Town Council Members: Cheryl A. Antkowiak  
  Paul W. Siejak  
  Mark C. Crocker  
  Patricia Dufour

Also present: Nancy A. Brooks, Town Clerk, Daniel E. Seaman, Town Attorney, David Miller, Town Highway Superintendent, Brian Belson, Town Building Inspector, Laurence Haseley, Town Historian, Kenneth Horvath, Town Park Ranger and several Boy Scouts and their families.

Following the Pledge of Allegiance, Supervisor Smith opened the meetings as follows:

**PUBLIC HEARING:** Local Law to Establish the Department of Operations

The Town Clerk read the Notice of Public Hearing as was published in the Union Sun & Journal. Mr. Seaman briefly described the purpose and intent of the Local Law and Supervisor Smith then opened the floor for public comments. No one spoke on the matter and the Public Hearing was closed.

**PROCLAMATIONS:** On Obtaining the Rank of Eagle Scout

Supervisor Smith assisted by Laurence Haseley, Town Historian, then presented a proclamation to Ryan Fisher of Troop #8 on obtaining the rank of Eagle Scout for his efforts in helping to clean up the Pomeroy Cemetery.

A proclamation was also given to Kenneth Nole for obtaining the rank of Eagle Scout for his efforts in cleaning, organizing and planting in the Akron Road Cemetery.

Supervisor Smith thanked Mr. Haseley for his assistance in developing the Eagle Scout projects for these two scouts.

**PUBLIC COMMENTS:** Supervisor Smith read the Town policy on public speaking before the Town Board and the following persons spoke:

Cheryl Antkowiak, speaking as a long-time Town resident, spoke on the loss of the Honorable Wesley F. Arnold, retired Town of Lockport Justice. He began his career as a teacher then as a principal in the City of Lockport School District for thirty-three years. He served the town of Lockport for five years as a former Town Council member and retired from serving as a Town Justice for some twenty-six years. Additionally, Wesley was a long-time member of South Lockport Fire Company and served on many civic organizations throughout his life. Cheryl spoke about the long friendship she had with Judge Arnold and the many things he taught her. She stated that he not only had a profound impact on her life but on the community as a whole. He will be sadly missed.

Larry Haseley also spoke on the passing of Judge Arnold stating that he had known Wesley from his early days at South Lockport Fire Company and then later as they shared time as Lockport Town Council members. Mr. Haseley stated that Judge Arnold was a good and decent man who was always willing to help someone and who will be remembered by many.

Claudette Lemieux of Murphy Road read a prepared letter expressing her objection to the Town Board's recent rezoning of property on Hinman Road which allows for the expansion of the LaFarge stone quarry.

Continued next page

Others that spoke in objection to the recent rezoning for the LaFarge expansion included Leonard Sayward, Carol Clark who presented an aerial view of LaFarge and Anthony Battaglia of Murphy Road as well as James Mulrenin of Hinman Road.

There being no others to speak before the Town Board, the Public Comment portion was closed and the regular business meeting continued as follows:

1. Approval of Minutes

**MOTION (2013-29)** to approve the minutes of the Town Board meetings conducted on 01/09/2013 and 01/23/2013 was made by Council Member Siejak and seconded by Council Member Crocker. The motion was CARRIED: AYES-5, NAYS-0. Voting AYE: Antkowiak, Crocker, Siejak, Dufour and Smith.

2. Approval of payment of Bills

**MOTION (2013-30)** to approve the payment of the bills for the month of February was made by Council Member Crocker and seconded by Council Member Antkowiak. The motion was CARRIED: AYES-5, NAYS-0. Voting AYE: Antkowiak, Crocker, Siejak, Dufour and Smith.

The bills for February consist of Vouchers #28270-28457 in the amount of \$463,082.15.

3. Communications.

The Town Clerk read the name of Bonita M. Reid, a candidate for the volunteer fire service at Wright's Corners Fire Company, Inc.

**MOTION (2013-31)** to approve Bonita M. Reid into the volunteer fire service for the Town of Lockport was made by Council Member Antkowiak and seconded by Council Member Siejak. The motion was CARRIED: AYES-5, NAYS-0. Voting AYE: Antkowiak, Crocker, Siejak, Dufour and Smith.

4. Building Inspector's Report

The Supervisor read the report for the month of January 2013 which stated that 26 building permits were issued; \$4,674.10 was collected in fees; and the estimated cost of construction was \$1,329,251.00.

5. Supervisor's Monthly Financial Report

**MOTION (2013-32)** to approve the Supervisor's Monthly Financial Report for the period ending 01/31/2013 was made by Council Member Antkowiak and seconded by Council Member Dufour. The motion was CARRIED: AYES-5, NAYS-0. Voting AYE: Antkowiak, Crocker, Siejak, Dufour and Smith.

6. Action Taken After Public Hearing – Adoption of Local Law #2013-01

**MOTION (2013-33)** on a motion by Council Member Siejak and seconded by Council Member Crocker, the adoption of the proposed Local Law to Establish a Dept. of Operations was put to a roll call vote and was duly ADOPTED: AYES - 5, NAYS - 0. Voting AYE: Antkowiak, Crocker, Siejak, Dufour and Smith.

The Local Law in its entirety is as follows:

LOCAL LAW # 2013-1

The Town Code of the Town of Lockport is hereby amended by adopting Chapter 51 as follows:

51-1. Establishment. The Department of Operations is hereby established in the Town of Lockport.

51-2. The Department of Operations shall be responsible for:

- A. The oversight, operation and maintenance of the Town Districts, including Water, Sewer, and Lighting Districts, and such other districts as shall hereafter be established, combined, or changed to Town Functions.
- B. The oversight, operation and maintenance of Town Parks.
- C. The oversight, operation and maintenance of Town Facilities including buildings and all Town Lands, except the Highway Garage.
- D. The oversight, operation and maintenance of all Town owned equipment utilized by the Department.

51-3. The Department of Operations shall not have authority over areas of operations or duties of the elected Town Highway Superintendent.

51-4. The Department of Operations shall be headed by the Town Director of Operations. Whose Job Description shall be established by the Niagara County Civil Service Commission and adopted by the Town Board by Resolution.

51-5. The Director of Operations shall have authority to appoint and remove employees.

51-6. The Director of Operations shall report to the Town Supervisor and the Town Board.

51-7. This Local Law is established as authorized by Municipal Home Rule Law, Sections 10 (1) (i), 10 (1) (ii) (a) (1), and 10 (1) (ii) (d) (3), and Town Laws Section 64 (23).

51-8. This Local Law shall not be construed to delegate or transfer any powers of the Town Board contained in Sections 61,64 and Articles Twelve, Fourteen, and Fifteen of Town Law.

This Local Law shall take effect immediately upon filing with the Secretary of the State.

7. Town Board Comments.

*Councilman Crocker* welcomed all those in attendance. Mr. Crocker stated he appreciated the comments from those persons living on Murphy Road and Hinman Road. He stated the Town Board had done extensive investigation of all the issues involved with the approval of the rezoning that allowed the LaFarge Stone Quarry to expand. He stated that any future plans by LaFarge would need to be given to the Town well in advance and public notification would be necessary before any action could be taken by the Town Board. He also stated that the Town of Lockport has no intentions of closing Hinman Road. Lastly, Councilman Crocker introduced Patricia Dufour as the newly appointed Council member to fill the remaining term of Paul Pettit who passed away in November 2012.

*Councilwoman Dufour* stated it was an honor to fill out the term of Paul Pettit and that she was looking forward to working with the Town Board and to serving the residents of our community. She said she was eager to learn as well as eager to meet the residents of the Town.

*Councilman Siejak* stated that he also appreciated the comments of those who spoke on the LaFarge issue. He welcomed the Participation in Government students that were present and told them that this particular meeting was a good one to attend as it was a good tool for them to learn just how local government is supposed to work. He also congratulated the two Eagle Scouts on their achievements and welcomed Councilwoman Dufour as a new member of the Town Board.

*Councilwoman Antkowiak* thanked the residents for attending the meeting. She announced the various upcoming events that will be conducted at the Town Hall including: a Medicare Forum to be held on March 27, 2013; a variety of computer classes during February and March and she announced that the 2013 Outstanding Youth Award Applications can be obtained at the Town Clerk's office, the library and at Lockport High School. The deadline for the applications is April 29<sup>th</sup>. Lastly, she welcomed Councilwoman Dufour, asked residents to remember seniors within the community and asked students to find a mentor and something that they like and can excel in and then find a way that they can give back to their community.

8. Supervisor's Comments.

Supervisor Smith thanked the residents of Murphy Road and Hinman Road for their input. Addressing one of the Hinman Road resident's statements on the Town's Master Plan, he explained that the Town's Master Plan is currently being revised and is just now in a draft version. There will be Public Hearings conducted to seek public comments on the revision before the Town Board can take any action.

There being nothing further, the following motion to adjourn was entertained.

**MOTION (2013-34)** to adjourn was made by Council Member Antkowiak and seconded by Council Member Dufour. The motion was CARRIED: AYES-5, NAYS-0. Voting AYE: Antkowiak, Crocker, Siejak, Dufour and Smith.

The meeting was ended at 8:09 p.m. The Lockport Town Board will next meet at 1:00 p.m. on Wednesday, February 27, 2013.

Respectfully submitted,

Nancy A. Brooks, RMC, CMC  
Lockport Town Clerk