

February 27, 2013

A regularly scheduled work session of the Lockport Town Board was conducted at 1:00 p.m. on Wednesday, February 27, 2013, at the Town Hall, 6560 Dysinger Road, Lockport, New York.

Present were: Supervisor: Marc R. Smith

Town Council Members: Cheryl A. Antkowiak
Mark C. Crocker
Paul W. Siejak
Patricia Dufour

Also present: Nancy A. Brooks, Town Clerk, Daniel E. Seaman, Town Attorney, and Robert Klavoon of Audubon Engineering.

Supervisor Smith welcomed all to the work session and opened the meeting for the following discussion and/or action:

1. **Town Clerk** – nothing to report.
2. **Town Attorney** – nothing to report.
3. **Engineer**

Request for Authorization for Design & Service – Carlisle Gardens Sewer Televising & Flushing.

Mr. Klavoon reported that the sewer lines in Carlisle Gardens are some of the oldest in the Town. The televising of the lines should give a good indication of what repair is needed. The estimated cost for the engineering is \$8,000. The total cost of the project is expected to be approximately \$41,000. He requested authorization to proceed with the design.

MOTION (2013-35) to authorize the engineer to proceed with the design and services connected with the Carlisle Gardens Utility Repair Project (Televising & Flushing) in an amount not to exceed \$8,000.00 was made by Council Member Dufour and seconded by Council Member Siejak. The motion was CARRIED: AYES-5, NAYS-0. Voting AYE: Antkowiak, Crocker, Siejak, Dufour and Smith.

Request for Authorization for Design & Service – Lincoln Village Sewer Televising & Flushing.

Mr. Klavoon explained that the scope of the work for the Lincoln Village sewer system is not as large as that in Carlisle Gardens. He requested authorization to proceed with design which he estimated will cost \$4,000.00.

MOTION (2013-36) to authorize the engineer to proceed with the design and services connected with the Lincoln Village Utility Repair Project (Televising and Flushing) at a cost not to exceed \$4,000.00 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.

Recommendation on Lincoln Village Sewer Lift Station - Based on review of the allocated funding in Utility Repair line item in the Town Budget, it was Mr. Klavoon's recommendation that the Lincoln Village Sewer Lift Station Rehab project be left as a 2014 project. He recommended that only the televising and flushing be performed this year.

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Request for Payment on Utility Repair Contract for Robinson Road, Keck Road and Kimberly Drive.

Mr. Klavoon reported that the contractor, Mark Cerrone, has submitted a payment request for work performed to repair water lines in the amount of \$15,001.93. After review of the billing, it was Mr. Klavoon 's recommendation that the bill be paid.

MOTION (2013-37) to approve the payment of \$15,001.93 to Mark Cerrone, Inc. for utility repairs completed according to contract, was made by Council Member Siejak and seconded by Council Member Dufour. The motion was CARRIED: AYES-5, NAYS-0. Voting AYE: Antkowiak, Crocker, Siejak, Dufour and Smith.

Request for Payment for Materials

Mr. Klavoon explained that Mark Cerrone, Inc. had paid for the materials connected with the various water line repairs as mentioned above, in the amount of \$2,342.96, as the contract did not include the cost of materials. After review of the bill submitted, Mr. Klavoon recommended payment in that amount.

MOTION (2013-38) to authorize the payment of \$2,342.96 to Mark Cerrone, Inc. for materials connected with the water line repairs on Robinson Road, Keck Road and Kimberly Drive 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.

4. Town Board Comments

Councilwoman Dufour – stated she had a good first month on the Town Board; that she had met with all the department heads and had gone on LCTV.

Councilwoman Antkowiak stated she had gone to Home Depot to look at possible cabinetry for the Day Road Park Restroom kitchenette. She discussed the possible layout with Dave Miller, Town Highway Superintendent, whose crew will perform the work. The cost of the kitchenette will be coming from the Town Recreation Committee budget.

Dale Association – She reminded the Town Board of the Medicaid/Medicare Insurance Forum that will be hosted at the Town Hall on March 27, 2013.

She also requested that at the March 6, 2013 Town board meeting a proclamation be prepared and read for Dolores Cushman who has retired from the Town Recreation Committee after several years of service.

Day Road Park – The Councilwoman stated she continues to meet with Rob Klavoon on the forth coming construction of a gazebo, as well as plans for the memorial brick walk. As it looks, plans for the brick walk will be put on hold until 2014 but she will continue to work on establishing the program for implementation.

Councilman Crocker stated he plans to attend the Annual Business Awards Dinner on March 28, 2013. He reported that David Kinyon, the Town's Director for Economic Development, will be receiving the organization's Life Achievement Award. He urged everyone to attend.

Mr. Crocker also reported that the Town's insurance company is requesting that quarterly inspections of the Day Road Park Playground be performed. After consulting with the engineer, the estimated cost of performing an audit would be between \$600-\$1200. Mr. Crocker suggested that the Town get a proposal from Titon Development to perform the audit. It is hoped that in the future, a Town employee can be trained to perform the annual audits.

Councilman Siejak questioned if U.S. Representative Chris Collins will provide a representative to be available at the Town Hall on a regular basis for public input. Supervisor Smith stated he has been informed that the Congressman will continue to conduct "Town Hall meetings" for the public just as his predecessor did and that definite plans and scheduling for such meetings are underway.

Councilman Siejak also called upon the Town Board to pass a resolution in support of the Niagara County Legislature's Resolution #IL-011-13, calling for Governor Cuomo and the New York State Legislature to repeal the NY SAFE ACT.

MOTION (2013-39) to support the Niagara County Legislature's Resolution No. IL-011-13, calling for Governor Andrew M. Cuomo and the New York State Legislature to repeal the NY SAFE ACT, 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.

TOWN OF LOCKPORT RESOLUTION #2013-39
TO REPEAL THE NY-SAFE ACT

WHEREAS, the New York State Legislature recently enacted and Governor Andrew M. Cuomo signed into law The New York Secure Ammunition and Firearms Enforcement Act of 2013 ("NY SAFE ACT"), and

WHEREAS, said legislation is problematic in the eyes of the Lockport Town Board, as said ACT would seem to infringe upon the rights of the citizens of the State of New York, and

WHEREAS, as the NY SAFE ACT was adopted after minimal public discussion and input from stakeholders such as private-sector businesses, hunter safety groups, the Shooters Committee on Political Education (SCOPE), the National Rifle Association, the New York State Rifle and Pistol Association, various conservation federations across the state, private citizens, and the law enforcement community, as evidenced by flaws in the law, most notably that police officers are not exempted from its restrictions on firearms and ammunition that are necessary to defend against crime, and after having been available for review by the members of the New York State Legislature for only a few hours, and

WHEREAS, the County of Niagara is home to a thriving sporting industry, as evidenced by the presence of the Fin-Feather-Fur Conservation Society, the Hartland Conservation Club, the Iroquois Arms Collectors Association, the Lake Ontario Trout & Salmon Association, the LaSalle Sportmen's Club, the Lockport Conservation Club, the Middleport Rod & Gun Club, the N.Y.S. Crossbow Hunter's Association, the Niagara County Chapter of SCOPE, the Niagara County Gobblers Chapter NWTF, the Niagara County Sportmen's Association, the Niagara County Trappers Association, the Niagara Musky Association, the Niagara Frontier Friends of the NRA, the Niagara Rivers Anglers Association, the North American Bear Foundation, the North Forest Rod & Gun Club, the Pheasants Forever of WNY #29 – Pioneer Conservation Sportmen's of Niagara County, the Rapids Rod & Gun Club, the Somerset Conservation Club, the Tonawanda Sportmen's Club, the Wheatfield Firearms Safety & Education Committee, the Wilson Conservation Club Auxiliary, the Wilson Conservation Club, and the Wolcottsville Rod & Gun Club, among others, and

WHEREAS, the Legislature of the County of Niagara has called upon Governor Cuomo, the New York State Assembly, and the New York State Senate to immediately repeal the NY SAFE ACT, and to re-establish open dialogue with the public, inclusive of representatives from stakeholders such as those groups listed above, be it

RESOLVED, that the Town Board of the Town of Lockport, Niagara County, does hereby support the Niagara County Legislature in its effort to call upon Governor Cuomo and the New York State Legislature to immediately repeal the NYS SAFE ACT, and to re-establish open dialogue with the public, inclusive of representatives of the stakeholders such as the groups listed above, and

RESOLVED, that the Town Board of the Town of Lockport, Niagara County, shall forward copies of this Resolution to the Niagara County Legislature; to Governor Cuomo; Senate Vice President Pro Tem George D. Maziarz; Senate Temporary President Dean G. Skelos; Senate Deputy Majority Leader Thomas W. Libous; Member of the Assembly Jane L. Corwin; Member of the Assembly John D. Ceretto; Member of the Assembly Ray Walter; Member of the Assembly Stephen Hawley; Member of the Assembly Robin Schimminger; Speaker of the Assembly Sheldon Silver; Assembly Majority Leader Joseph Morelle; Assembly Minority Leader Brian M. Kolb; President Barack H. Obama; U.S. Senator Charles E. Schumer; U. S. Senator Kirsten E. Gillibrand; U. S. Rep. Chris Collins; U. S. Rep. Brian M. Higgins; the New York State Association of Towns; the Niagara County Federation of Conservation Clubs; the New York State Rifle and Pistol Association; the Board of Directors of SCOPE; the Remington Arms Company, LLC; the Kahr Arms Company; Kimber America; and all others deemed necessary.

5. **Supervisor's Comments/Reports**

Niagara Escarpment Legacy Report – The Greenway Commission has funded a survey of the Niagara Escarpment throughout Niagara County. They are looking for information on any special locations or highlights to key on in the survey; in particular things such as special species or flora that are indicative of the escarpment.

Town of Lockport Designation as a MS4 Storm Water Community – Supervisor Smith asked Mr. Klavoon to briefly explain to the Board what this new designation means. Mr. Klavoon stated that this designation is centered on any development in the Town that is over one acre in size. It directs that the Town of Lockport is hereby responsible for the enforcement of the DEC Storm Water Regulations as they pertain to development such as subdivisions, plazas. It will require the Town to submit annual reports of the major development within the Town and will also require some changes to the Town Zoning Code and planning procedures with respect to site plan design review. Supervisor Smith and Mr. Klavoon will be meeting with DEC representatives to begin discussion of this in the near future. They will also meet with the WNY Storm Water Coalition as well.

6570 Carpenter's Building Exterior Repairs – Sealed bids were received and after review, it was Mr. Klavoon and Supervisor Smith's recommendation that the Base Bid and Alternate #1 be the bid awarded. The low bidder for Base Bid and Alternate #1 was Sicoli Construction of Niagara Falls, NY in the amount of \$58,700.00. This will be placed on the March 6th Town Board Meeting Agenda for action at that time.

Robinson Road Sidewalk Extension – the NYSDOT has informed the Town that the project has been listed as a 2014 construction project.

Lincoln Avenue Water Line Relocation – the Town is waiting for Niagara County to provide a final determination on the cost.

Budget Amendments - Kate Carter, Budget Officer, has recommended the following resolutions to amend the 2012 Town Budget:

Budget Amendment for Phase2 of the Sliplining Sewer Project

a/c 8120.4 Sewer Collection Contractual Expense Increase - \$26,500.00

MOTION (2013-40) to amend the 2012 Sewer District #3 Budget in the amount of \$26,500.00 to fund the expenditures not provided on the original budget for the purpose of providing funds to finance payments on Phase 2 of the Sanitary Sewer Sliplining Project, the funds to be taken from the Unreserved Fund Balance, was made by Council Member Siejak and seconded by Council Member Antkowiak. The motion was CARRIED: AYES-5, NAYS-0. Voting AYE: Antkowiak, Crocker, Siejak, Dufour and Smith.

