

March 6, 2013

A regular monthly meeting of the Lockport Town Board was conducted at 7:30 p.m. on Wednesday, March 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 and Daniel E. Seaman, Town Attorney, David Miller, Town Highway Superintendent, Jeanine Shaw, Town Recreation Committee Chairwoman and several current and past members of the Town Recreation Committee, Dolores Cushman and members of her family.

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

PROCLAMATION FOR DOLORES CUSHMAN(retiring member of the Town Recreation Committee)

Supervisor Smith, along with Cheryl Antkowiak, Town Board liaison to the Recreation Committee, read a proclamation honoring Dolores for her dedicated service to the Recreation Committee and to her community. Dolores was a member of the Recreation Committee for over 16 years. During those many years, she helped serve up many coffees, teas, hot chocolates, hot dogs, sodas and ice creams to area children and adults as they were entertained by many of the events and programs sponsored by the Recreation Committee. Additionally, Dolores was a key member of the Recreation Committee in the development, and finally the implementation, of the Day Road Park. While Dolores is retiring from the Committee, she still plans to attend their events and to assist whenever possible. The Town Board in appreciation, also gave Dolores a photo collage of her many years and a "Lockport" afghan to keep her warm. She is wished many more years of good health and happiness.

PUBLIC COMMENTS: The Supervisor read the Town's Public Comment Policy and the following individuals all spoke in opposition to the Town Board's recent decision to rezone a portion of the Town which allows for the expansion of the LaFarge Stone Quarry:

Carol Clark – 5395 Murphy Road
Sally Sayward – 5607 Murphy Road
Claudette Lemieux – 5635 Murphy Road
Leonard Sayward – 5607 Murphy Road
Jeanette Prohaska – 5733 Wynkoop Road
Robert Ensminger – 5677 Muphy Road

There being no other public comments, Supervisor Smith closed that portion of the meeting and opened the regular business meeting as follows:

1. Approval of Minutes

MOTION (2013-46) to approve the minutes of Town Board meetings conducted on 02/04/2013, 02/06/2013 and 02/27/2013, 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.

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2. Approval of Payment of Bills

MOTION (2013-47) to approve the bills for the month of March was made by Council Member Dufour and seconded by Council Member Crocker. The motion was CARRIED: AYES-5, NAYS-0. Voting AYE: Antkowiak, Crocker, Siejak, Dufour and Smith.

The bills for March include Vouchers #28458 – 28646 in the amount of \$463,575.34.

3. Communications

The Town Clerk read the name of a candidate for volunteer fire service who was approved by the Town of Lockport Fire Prevention Bureau. The candidate's name is James A. Foller, a candidate for Gasport Fire Company.

MOTION (2013-48) to approve James A. Foller as a volunteer with the Gasport Fire Company 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.

4. Building Inspector's Report

The Supervisor read the Building Inspector's Report for the month of February which states that 21 building permits were issued; the amount of fees collected was \$3,615.20 and the estimated cost of construction was \$969,150.00.

5. Supervisor's Monthly Financial Report

MOTION (2013-49) to approve the Supervisor's Monthly Financial Report for the period of February 1, 2013 – February 28, 2013 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.

6. Approval of Construction of Parking Lot for Day Road Park

MOTION (2013-50) to approve the construction of the Day Road Park parking lot along East High St. at a cost of \$10,300.00 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 Town Highway Dept. will complete the work as time allows.

7. Resolution to Award Bid for Exterior Improvements for Carpenter's Building

MOTION (2013-51) to award the bid for the exterior improvements of the Carpenter's Building to Sicoli Construction of Niagara Falls, the low bidder with the amount of \$58,700.00, was made by Council Member Crocker and seconded by Council Member Siejak. The motion was CARRIED: AYES-5, NAYS-0. Voting AYE: Antkowiak, Crocker, Siejak, Dufour and Smith.

8. Approval of Contract with Highway Superintendent for 2013 Paving Projects

MOTION (2013-52) for the execution of a contract with the Town Highway Superintendent authorizing the 2013 Paving Project List as provided, 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.

9. Approval of 2013 Ditching Projects

MOTION (2013- 53) on a motion by Council Member Antkowiak and seconded by Council Member Dufour, the following resolution was duly ADOPTED: AYES - 5, NAYS - 0. Voting AYE: Antkowiak, Crocker, Siejak, Dufour and Smith.

TOWN OF LOCKPORT

RESOLUTION

RESOLVED THAT, pursuant to Town Law Section 64(11)(a), this Board hereby determines that the drainage projects set forth herein are beneficial to the Town as a whole, for the purpose of drainage of areas of the Town as affected by the various projects. The Town Superintendent of Highways is hereby authorized:

1. To commence and complete the drainage projects set forth herein, in the order in which he shall determine appropriate, and to complete certain of said projects and to make a determination not to complete others.

2. The cost of the expenditures set forth herein shall be made from the general fund of the Town of Lockport from taxes levied or revenues received in the year in which the projects set forth below are completed.

3. The projects may be completed during the fiscal year 2013 or may be carried forward to future fiscal years, as time allows.

4. The authorization herein shall be subject to the determination of the Superintendent of Highways as to the necessity, the practicality, and the expense of such projects.

5. The Superintendent of Highways is authorized to obtain permits and/or easements for entry upon private properties for the purpose of accomplishing the drainage projects set forth herein. Whenever possible, unless the Superintendent determines otherwise, permanent easements shall be required from property owners in order to accomplish the purposes of this Resolution.

6. The Superintendent of Highways is authorized to determine not to undertake any of the projects set forth herein, if he is unable to obtain appropriate permits or easements, or as he otherwise determines for any reason. In the event that

the acquisition of property by the Town Board becomes necessary pursuant to its eminent domain powers; he shall so recommend such action to the Town Board. In such instances, the project shall not proceed without such acquisitions.

7. The Superintendent of Highways is authorized to take any further related and ancillary action as is necessary to accomplish the purposes of this Resolution. This Resolution is subject to permissive referendum.

The projects which are authorized pursuant to this Resolution are:

A. Excavation and cleaning of an existing ditch over and across the following designated properties:

Reger Drive, Tax Map Nos. 122.00-2-9.11, 122.00-2-23.2, 122.04-2-25, 122.04-2-28, 137.02-2-2, 137.02-2-5, 138.05-1-1.1, 138.05-1-1.4, 138.05-1-1.7, 138.05-1-29.2, 122.00-2-20.1, 122.00-2-24.2, 122.04-2-26, 122.04-2-30, 137.02-2-3, 137.02-2-6, 138.05-1-1.2, 138.05-1-1.5, 138.05-1-1.8, 138.05-1-29.5, 122.00-2-20.2, 122.04-2-24, 122.04-2-27, 137.02-2-1, 137.02-2-4, 137.02-2-7, 138.05-1-1.3, 138.05-1-1.6, 138.05-1-29.1, 138.05-1-29.6, 138.05-1-29.7, 138.05-1-29.8, 138.05-1-29.32.

B. Excavation and cleaning of an existing ditch over and across the following properties:

Heritage Point Subdivision, Tax Map No's. 152.03-1-9.1, 152.03-1-15.2, 152.03-1-17.12, 152.03-1-18.2, 152.03-1-22, 152.03-1-25, 152.03-1-29, 152.03-1-32.2, 152.03-1-34, 152.03-1-5, 152.03-1-9.2, 152.03-1-16, 152.03-1-17.112, 152.03-1-20, 152.03-1-23, 152.03-1-26, 152.03-1-30, 152.03-1-33.1, 152.03-1-35, 152.03-1-8.2, 152.03-1-15.1, 152.03-1-17.2, 152.03-1-18.1, 152.03-1-21, 152.03-1-24, 152.03-1-27, 152.03-1-31.2, 152.03-1-33.2, 152.03-1-37, 152.03-1-38, 152.03-1-41, 152.03-1-44, 152.03-1-47, 152.03-1-50, 152.03-1-53, 152.03-1-56, 152.03-1-59, 152.03-1-62, 152.03-1-65, 152.03-1-39, 152.03-1-42, 152.03-1-45, 152.03-1-48, 152.03-1-51, 152.03-1-54, 152.03-1-57, 152.03-1-60, 152.03-1-63, 152.03-1-66, 152.03-1-40, 152.03-1-43, 152.03-1-46,

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152.03-1-49, 152.03-1-52, 152.03-1-55, 152.03-1-58, 152.03-1-61,
152.03-1-64, 152.03-1-67, 152.03-1-68, 152.03-1-71, 152.03-1-74,
152.03-1-77, 152.03-1-32.12, 152.03-1-69, 152.03-1-72, 152.03-1-75,
152.03-1-78, 152.03-1-80.1, 152.03-1-70, 152.03-1-73, 152.03-1-76,
152.03-1-32.11, 152.03-1-80.2.

C. Excavating and cleaning of an existing ditch over and across the following designated properties:

I.D.A. Park, Tax Map No's. 108.00-1-34.12, 108.00-1-36, 108.00-1-39,
108.00-1-41.112, 108.00-1-42.112, 108.00-1-55, 108.00-1-64, 108.00-1-35.1, 108.00-1-37, 108.00-1-40, 108.00-1-41.221, 108.00-1-53.1, 108.00-1-56, 108.00-1-65, 108.00-1-35.2, 108.00-1-38, 108.00-1-41.111, 108.00-1-41.222, 108.00-1-54, 108.00-1-61.

10. Authorization to Execute Contract with Seaman, Jones, Hogan, Brooks, LLP

MOTION (2013-54) to execute a contract with Seaman, Jones, Hogan & Brooks, LLP to provide legal support staff in the amount of \$17,000.00 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.

11. Authorization for purchase of Used 2010 Van for Dog Control

MOTION (2013-55) to approve the purchase of a used 2010 Dodge Van from West Herr, the low bidder in the amount of \$11,856.00, for the purpose of Dog Control, was made by Council Member Dufour and seconded by Council Member Crocker. The motion was CARRIED: AYES-5, NAYS-0. Voting AYE: Antkowiak, Crocker, Siejak, Dufour and Smith. Supervisor Smith noted that with the registration and plates the total amount of the purchase will be \$12,002.00.

12. Resolution to Execute Contract with the Niagara County Historical Society

MOTION (2013-56) to execute a contract with the Niagara County Historical Society to provide discount passes to the Erie Canal Discovery Center through March 2014 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.

13. Resolution to Execute Contract with Lockport Locks and Erie Canal Cruises

MOTION (2013-57) to execute a contract with Lockport Locks and Erie Canal Cruises to provide discount passes over the summer of 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.

14. Town Board Comments

Councilwoman Antkowiak welcomed the Participation in Government students as well as the other residents in attendance.

She reported that the Town of Lockport and the Dale Association will sponsor a forum on Medicare to be held at the Town Hall on March 27, 2013 at 5:30 p.m. She urged everyone to attend.

Lastly, she thanked Dave Miller, Town Highway Superintendent, and his staff for their hard work in completing the Recreation Committee Room which is a part of the new restroom facility located at Day Road Park. She stated that now that the restrooms and the new Recreation Committee Room are complete, the Committee is planning several more events that will take place at the park.

Councilman Siejak thanked everyone for attending the meeting. He informed those present of the new Town Brush Pickup policy commencing in March 2013. The Town Highway Superintendent has begun a "town wide" pickup to be done once a month on the third Monday of each month through out the summer.

Councilwoman Dufour stated she had a good first month as a Board member. She has met with all the Department Heads and met all the staff. She commended the Town staff for the wonderful job they do for the Town residents.

Councilman Crocker thanked Dolores Cushman for her many years of service, calling her an "unsung hero". He also referred to a letter sent to the editor of the Union Sun & Journal in which a local person complained of the condition of some of the "town" highways. Councilman Crocker reminded residents that not all roads that lie within the Town of Lockport are under the control of the Town Highway Superintendent. There are several NY State and Niagara County highways as well as Town highways within the Town, so the Town Highway Dept. is not responsible for all roads and their upkeep. Residents having concerns about certain highways can phone the Town to see who is responsible for the maintenance of that particular road.

He thanked the "PIG" students in attendance and then addressed the residents of Murphy Road stating that the Town Board conducted a Public Hearing on the LaFarge expansion and they wrote down many of the residents' concerns at that time. The Town Board obtained the necessary information and weighed the issues very heavily before making the decision to rezone for the expansion. There was no ill will intent on part of the Town Board toward the residents of the Hinman/Murphy Road area. There were no dark secrets or back room meetings, no deals, concerning the Town Board's decision. Any future expansions will require much review, public comment, research and earlier notice on LaFarge's part. As for the Town's Master Plan, the Town needs to reach out to area businesses to hear their future plans in order to gage future development.

15. Supervisor's Comments

Supervisor Smith simply stated that the Town has drafted a letter to LaFarge to ascertain their future intentions and that no answer has been received to date.

As for the Town's Master Plan, the plan is a good one but it's time to revise it. Plans for revision have been ongoing but were delayed by the Town planner. A draft plan will be forth coming and at that time, the Town Board will provide several public comment periods to ensure that the Master Plan's development is done well.

16. Adjournment

MOTION (2013-58) to adjourn was made by Council Member Antkowiak and seconded by Council Member Crocker. The motion was CARRIED: AYES-5, NAYS-0. Voting AYE: Antkowiak, Crocker, Siejak, Dufour and Smith.

The Board meeting was ended at 8:20 p.m. The Lockport Town Board will next meet at 1:00 p.m. on Wednesday, March 20, 2013.

Respectfully submitted,

Nancy A. Brooks, RMC, CMC
Lockport Town Clerk