

July 8, 2013

A regularly scheduled work session of the Lockport Town Board was conducted at 1:00 p.m. on Monday, July 8, 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, Michael J. Norris, Town Attorney, Robert Klavoon of Audubon Engineering and Niagara County Legislator, David Godfrey.

Supervisor Smith welcomed everyone and introduced Mr. Godfrey who then gave a brief explanation of the Niagara County Rural Broadband Initiative. Mr. Godfrey stated that Initiative was started by the Niagara-Orleans Regional Alliance (N.O.R.A.). At this time, the Initiative has secured letters of support from the NYS Farm Bureau, BOCES and commitments from several of the towns in Orleans and Niagara County. He listed the Initiative's objectives as follows:

- 1) To secure high speed internet access to every address within the two counties.
- 2) To drive down the cost of internet service to the customer.

He stated there is a great need to provide high speed internet access for current businesses as well as for prospective business, not to mention the desire to provide residential coverage to the area. The economic factor is becoming increasingly important each year. He stated that N.O.R.A. plans to seek a Request for Proposal (RFP) from the various Internet Service Providers (ISPs) in the area to provide coverage within the two counties. The preliminary internet coverage maps provided to the Town Board were based on current road mileage and population density. To participate in the Initiative, the Town would be required to invest money in the completion of a total survey of the Town, after which that data would be utilized to develop a map of the un-served or under-served coverage areas. The estimated cost to the Town would be \$4800.00. Another way to pay for the survey would be if the Town decided to utilize some of its franchise money toward the cost of the survey. Additionally, the survey could be completed in two ways; either by the County who would then prepare the coverage area map or by having the Town utilize their own personnel who would complete the inventory of coverage and provide that data to the County for development of the map. Mr. Godfrey was asked if Niagara County would be putting in any of the initial survey money. He stated no. Each Town will be responsible for their own survey expenses. When asked if there would any other follow up expense to the Town, Mr. Godfrey stated that would be a possibility if a door-to door inventory would be required. He also stated that N.O.R.A. would like to have the RFP specifications listing all the participants prepared by the end of July or early August. They are expecting to receive some very competitive bids. Supervisor Smith thanked Mr. Godfrey and stated that the Board will discuss the matter and will respond back within a short time.

The business meeting was then opened for the following discussion and/or action:

1. **Clerk**

The Clerk reported correspondence as follows:

- 1) Notification of the closure of the Niagara County Construction and Demolition Landfill effective July 3, 2013.
- 2) Received an email from Wendy Farley of Victory Christian Church who would like to hand out free drinking water at Day Road Park on Saturdays during the month of August. The matter was referred to the Town Recreation Committee for review.

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2. **Attorney** – Nothing to report.

3. **Engineer**

Mr. Klavoon reported on the following:

Lincoln Village Sewer TV & Flush – He reported that at the intersection of Lincoln Ave and Beattie Ave. the contractor found a major (90%) blockage caused by tree roots. They found that a small section of the sewer line was missing. The contractor along with Town personnel will be digging in that area to replace an approximate 6 feet section of the sewer line.

Contractor's Meeting for Town Hall Security Improvements – The contractor will meet with department heads on Tuesday, July 9th at 11:30 a.m. to discuss the procedure and to set up starting dates.

Change Order Requests – Contr. #13-2 the Carpenter's Building Façade Improvements

The contractor, Sicoli Construction, has completed the roof but when they began to tear off the Texture 111 siding, they found that there is no sheathing under it to support new siding and there was nothing under the mansard for support. The contractor is requesting two Change Orders: one in the amount of \$4,751.67 to add plywood to existing wall studs on three external walls; and a Change Order in the amount of \$3,245.95 to reinforce the upper mansard, remove rotten wood and add watertight flashing. They plan is to utilize 1/2" plywood underlay to support the new siding and under the mansard. Councilwoman Dufour suggested that they check into using 5/8" OSB core vantek products for the underlay.

MOTION (2013-137) to approve two Change Orders to Contract #13-2 totaling \$7,998.00, subject to the contractor checking on Councilwoman Dufour's suggested material use, was made by Council Member Crocker and seconded by Council Member Antkowiak. The motion was CARRIED: AYES-5, NAYS-0. Voting AYE: Antkowiak, Siejak, Crocker, Dufour and Smith.

Lastly, Mr. Klavoon reported on the storm event of June 28, 2013, stating that the area received approximately 5.35" of rain within a six hour period. It was hard to determine what type of storm this was based on the F.E.M.A. map. He said that the map and tables presented to the Board indicate that a 100-yr storm is based on a 3.5" rainfall over six hours or 4.6" over a 24-hr period. Obviously the area received well over those amounts. He just wanted the Town Board to have a good perspective as to the severity of the storm. Councilman Crocker then commented that the important thing now is to determine if F.E.M.A. agrees that the event was well over a 100-yr storm level and will offer assistance. The Councilman stated he went through neighborhoods that F.E.M.A. has determined are in flood zones, and while there was a good amount of water in the streets, the water levels were not reaching the homes, many of whom are required to pay high priced flood insurance. He stated that it would only seem right that if these homes are not damaged in a rain event that far exceeds F.E.M.A.'s 100-yr storm level, that the maps should be revised.

4. **Town Board Comments/Reports**

Councilwoman Antkowiak reported that the first Movie Night at Day Road Park was very successful on what was a very hot night. The Recreation Committee will be looking into the possible purchase of new sound system, as they did have some problems with the existing one. Also, the mosquitoes were very bad and they may research a propane tank bug repelling system.

Community Day will be held on Sunday, July 21, 2013 at the Town Hall. She urged everyone to attend. The American Legion Band of the Tonawanda's will once again be playing, there will be games, the fire companies will attend and of course there will be refreshments served. Volunteers willing to help are always welcomed.

Additionally, she has met with Chris Parada (plays Santa at the Day Road Park) to discuss the Christmas time events.

They are waiting for David Miller's Highway Dept. crews to get freed up to begin the park pavilion. She is also in the process of obtaining estimates for a new sign for the Gaskill soccer fields as well as one for the re-naming of the Town Court as the Wesley F. Arnold Town Court. This item will be placed on the agenda for the July 10th Town Board meeting.

Lastly, she stated that a new electrical breaker is needed at Day Road Park for Movie Night. They should also have a turn off switch at the NYSEG pole.

Councilman Crocker reported that the Town fared much better than the City of Lockport during the storm event on June 28th. The Town arranged to provide free refuse tickets to those residents affected by the rain storm.

Councilwoman Dufour extended kudos to Dave Miller and the Highway, Sewer and Water personnel, as well as all the fire companies, for all the hard work and hours they spent helping residents during the storm.

She also reported that the Building Dept. has indicated that 15 new single family home building permits have been issued YTD, where there were only 18 for the entire year of 2012.

Councilman Siejak also thanked the Town Highway & Sewer/Water crews for the great job done during the storm.

5. Supervisor's Comments/Reports

Likewise, the Supervisor extended his thanks to the Highway Superintendent and all the Town personnel for their great efforts during what was one of the areas most unusual storm events. While the rain was significant, most of the Town's sewer lift stations worked well and residential damage was relatively minimal.

He also reported on the following topics:

State Police Building Improvements – He is obtaining quotes for such improvements as carpet, linoleum and air duct cleaning. He will bring these to a later meeting.

Transit North Grant Application – He asked that approval of this application be placed on the agenda for the July 10th Town Board meeting for action.

Safe Routes to School Grant Funds – Authorization for acceptance of the grant funding for the sidewalks in the Town will also be on the July 10th Town Board Meeting agenda.

Town Assessor Re-Appointment – the re-appointment of Jill Lederhouse as the Town Assessor will also be included on the agenda for Wednesday, July 10th. The appointment will be for a six year term ending 09/30/2019, with no salary change at this time.

6. Executive Session Entered

MOTION (2013-138) to enter Executive Session to consult with the Town Attorney was made by Council Member Antkowiak and seconded by Council Member Dufour. The motion was CARRIED: AYES-5, NAYS-0. Voting AYE: Antkowiak, Siejak, Crocker, Dufour and Smith.

The Town Board entered Executive Session at 1:49 p.m.

7. Executive Session Ended and Work Session Reconvened

MOTION (2013-139) to exit Executive Session and to reconvene the work session was made by Council Member Crocker and seconded by Council Member Siejak. The motion was CARRIED: AYES-5, NAYS-0. Voting AYE: Antkowiak, Siejak, Crocker, Dufour and Smith.

The work session was reconvened at 2:24 p.m. with no Town Board action taken during Executive Session.

8. Adjournment

MOTION (2013-140) to adjourn was made by Council Member Siejak and seconded by Council Member Dufour. The motion was CARRIED: AYES-5, NAYS-0. Voting AYE: Antkowiak, Siejak, Crocker, Dufour and Smith.

The meeting ended at 2:24 p.m. The Lockport Town Board will next meet at 7:30 p.m. on Wednesday, July 10, 2013.

Respectfully submitted,

Nancy A. Brooks, RMC, MMC
Lockport Town Clerk