

July 10, 2013

A regular monthly meeting of the Lockport Town Board was conducted at 7:30 p.m. on Wednesday, July 10, 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, and David Miller, Town Highway Superintendent.

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

PUBLIC COMMENTS:

Mr. Anthony Battaglia of Murphy Road stated that he and other Murphy Road residents had talked with representatives of the NYSDEC with regard to the recent LaFarge expansion and were told that in order for them to respond to the Environmental Impact statement for the project, the Town of Lockport would have to write and request an extension on the response time allowed for comments.

No other persons spoke and the Public Comments period was ended and the regular business meeting began as follows:

BUSINESS MEETING:

1. Approval of Minutes

MOTION (2013-141) to approve the Town Board minutes of 06/03/2013, 06/05/2013, and 06/19/2013 was made by Council Member Siejak and seconded by Council Member Antkowiak. The motion was CARRIED: AYES-5, NAYS-0. Voting AYE: Antkowiak, Siejak, Crocker, Dufour and Smith.

2. Approval of Payment of Bills

MOTION (2013-142) to pay the bills for the month of July was made by Council Member Dufour and seconded by Council Member Crocker. The motion was CARRIED: AYES-5, NAYS-0. Voting AYE: Antkowiak, Siejak, Crocker, Dufour and Smith.

The bills for the month of July consists of Vouchers #29182 – #29389 in the amount of \$1,153,806.80.

3. Communications – None.

4. Building Inspector's Report

Councilwoman Dufour read the report for the month of June 2013 which states that 68 building permits were issued; \$6,544.10 was collected in fees; and the estimated cost of construction was \$1,628,793.00.

5. Supervisor's Monthly Financial Report

MOTION (2013-143) to approve the Supervisor's Monthly Financial Report for the period ending June 30, 2013, 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.

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6. Resolution to Authorize the Supervisor to Sign T.E.P. Grant Application

MOTION (2013-144) on a motion by Council Member Dufour and seconded by Council Member Antkowiak, the following resolution was duly ADOPTED: AYES-5, NAYS-0. Voting AYE: Antkowiak, Siejak, Crocker, Dufour and Smith.

**TOWN OF LOCKPORT
RESOLUTION**

WHEREAS, the Town of Lockport seeks to apply for \$400,000.00 in Transportation Enhancement Program funding as part of the Transit North Corridor Project and

WHEREAS, if granted, the Town of Lockport would be required to contribute a 20% matching fund of \$80,000.00 and

WHEREAS, if granted these funds would be utilized to provide center medians, the planting of ornamental trees and perennial flower gardens beginning in the area north of the intersection of South Transit Road and Robinson Road and extending to the vicinity of South Transit Road at Ruhlmann Road, primarily within the existing public rights of way and

WHEREAS, these improvements are sought to upgrade the appearance and attractiveness along the east and west sides of NYS Route 78, as well as to promote traffic calming and a decrease in traffic and pedestrian accidents along the Lockport Transit Road Corridor

NOW, THEREFORE BE IT

RESOLVED, that the Lockport Town Board hereby authorizes the Town Supervisor to sign and proceed with said grant application.

7. Resolution to Authorize the Supervisor to enter Agreement to Accept the Safe Routes to School Grant Funding

MOTION (2013-145) on a motion by Council Member Antkowiak and seconded by Council Member Siejak, the following resolution was duly ADOPTED: AYES-5, NAYS-0. Voting AYE: Antkowiak, Siejak, Crocker, Dufour and Smith.

**TOWN OF LOCKPORT
RESOLUTION**

WHEREAS, a project to provide a Safer Environment for Children who walk or bicycle to school, known as the Lockport Safe Routes to School Project, in the Town and City of Lockport, Niagara County, PIN5760.72, is eligible for funding under Title 23 U.S. Code, as amended, that calls for the apportionment of the costs of such program to be borne at the ratio of 100% Federal funds and 0% Non-Federal funds; and

WHEREAS, the Town of Lockport desires to advance the Project by making a commitment of 100% of the Non-Federal share of the costs (if any) of the Preliminary Engineering (Design V & VI) (Infrastructure) phase and Educational (Non-Infrastructure) phase of the project, PIN5760.72.

NOW, THEREFORE, the Board of the Town of Lockport, duly convened does hereby

RESOLVE, that the Board of the Town of Lockport hereby approves the above-subject project; and it is hereby further

RESOLVED, that the Board of the Town of Lockport hereby authorizes the Town of Lockport to pay in the first instance 100% of the Federal and Non-Federal shares of the cost of the Preliminary Engineering (Design V & VI) (Infrastructure) phase and Educational (Non-Infrastructure) phase of the Project or portions thereof; and it is further

RESOLVED, that the sum of \$213,600 is hereby appropriated from the Capital Improvement Line item and are made available to cover the cost of participation in the above phases of the Project; and it is further

RESOLVED, that in the event 100% of the full Federal and Non-Federal shares of the cost of the Preliminary Engineering (Design V & VI) (Infrastructure) phase and Educational (Non-Infrastructure) phase exceeds \$213,600, the Town of Lockport shall convene its Board as soon as possible to appropriate said excess amount immediately upon the notification by the New York State Department of Transportation thereof, and it is further

RESOLVED, that the Supervisor of the Town of Lockport be and is hereby authorized to execute all necessary Agreements, certifications or reimbursement requests for Federal Aid on behalf of the Town of Lockport with the New York State Department of Transportation in connection with the advancement or approval of the Project and providing for the administration of the Project and the Municipality's first instance funding of Project costs and permanent funding of the local share of Federal Aid eligible Project costs and all Project costs within appropriations therefore that are not so eligible, and it is further

RESOLVED, that a certified copy of this Resolution be filed with the New York State Commissioner of Transportation by attaching it to any necessary Agreement in connection with the Project, and it is further

RESOLVED, this Resolution shall take effect immediately.

8. Resolution Authorizing the Expenditure of \$4800 for Rural Broadband Survey

MOTION (2013-146) 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, Siejak, Crocker, Dufour and Smith.

**TOWN OF LOCKPORT
RESOLUTION**

WHEREAS, the Niagara-Orleans Regional Alliance (N.O.R.A.) is seeking to improve high speed internet service throughout the counties of Orleans and Niagara and

WHEREAS, there is a need to provide such high speed service to existing and prospective business in these counties to remain competitive in economic development for the WNY area and

WHEREAS, a need also exists to provide high speed internet service for residential and educational purposes throughout these counties, and

WHEREAS, N.O.R.A. has sought and obtained the support of the NYS Farm Bureau and BOCES, as well as many of the towns and villages in the counties of Orleans and Niagara, and

WHEREAS, N.O.R.A. will perform a survey and compile said data into a Request for Proposal to be let out to area Internet Service Providers on behalf of those municipalities committed to said project and

WHEREAS, N.O.R.A. has estimated, based on current road mileage and population density, a cost not to exceed \$4800.00 as the Town's contribution for the completion of a total survey of the high speed internet coverage area within the Town of Lockport,

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board, of the Town of Lockport do hereby authorize the cost of a total survey of broadband coverage within the Town in an amount not to exceed \$4800.00.

9. Resolution to Re-Appoint Jill Lederhouse as Town Assessor

MOTION (2013-147) to re-appoint Jill Lederhouse as Town Assessor, her term of office commencing 10/01/2013 and expiring on 09/30/2019 was made by Council Member Crocker and seconded by Council Member Dufour. The motion was CARRIED: AYES-5, NAYS-0. Voting AYE: Antkowiak, Siejak, Crocker, Dufour and Smith.

10. Resolution to Approve Contract with Ross Rentals

MOTION (2013-148) to approve a contract with Ross Rentals of Lockport to provide a bounce house for Community Day 2013 was made by Council Member Antkowiak and seconded by Council Member Siejak. The motion was CARRIED: AYES-5, NAYS-0. Voting AYE: Antkowiak, Siejak, Crocker, Dufour and Smith.

11. Resolution to Approve Contract with the American Legion Band

MOTION (2013-149) to approve a contract with the American Legion Band of the Tonawanda's to provide a concert on July 21, 2013, Community Day, was made by Council Member Antkowiak and seconded by Council Member Crocker. The motion was CARRIED: AYES-5, NAYS-0. Voting AYE: Antkowiak, Siejak, Crocker, Dufour and Smith.

12. Resolution to Approve the Purchase of Two Signs from Ulrich Sign Co.

MOTION (2013-150) to approve the purchase of two signs: one to replace the sign at Gaskill Soccer Fields at Day Road Park, in the amount of \$245.00 and a second one to rename the Town Court the "Wesley F. Arnold Town Court" at amount of \$1,345.00 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.

13. Town Board Comments

Councilwoman Antkowiak thanked those who attended and those that helped to work the first "Movie Night" at Day Road Park. She wanted to especially thank David Miller, Town Highway Superintendent, for all the work that went into the Town Recreation Committee Room at Day Road Park. She stated that having the room made providing refreshments to the crowd much easier for the committee. She stated the night was very hot, the crowd was large but things went well.

She also reminded residents that Community Day will be held on Sunday, July 21, 2013 at the Town Hall. Once again, the American Legion Band will perform a concert, there will be games for children, the local fire companies will be present and the usual refreshments will be offered. She encouraged everyone to come to meet the Town officials and to enjoy a day of fun at the Town Hall.

The Councilwoman also gave a brief explanation of the two signs that were approved for purchase; stating the one at Day Road Park will replace the temporary name sign for Gaskill Soccer Fields. The current sign has not weathered well and the protective covering is melting in the hot sun. The new one will be permanent and will not be affected by weather. The second sign is a sign which will dedicate the Town Court after the late Wesley F. Arnold, who was a Lockport Town Justice for some 26 years.

Lastly, she asked that residents keep an eye out for their neighbors during these hot summer months and reported that the Dale Association Senior Citizens' Center is in need of drivers for their various programs. Anyone interested in volunteering should contact the Dale Association.

Councilman Siejak reported that the next scheduled brush pickup will be on Monday, July 15, 2013. Brush should be out by 7:00 a.m.

He also reported that the Town's annual audit for 2012 has been completed and that the firm of Lumsden & McCormick did not identify any major weaknesses but did offer some suggestions for a few minor administrative controls at the Town Justice Court. He reported that the Town debt continues to be decreased, for example, in 2006 the Town debt was \$18 million dollars and at the end of 2012 the Town debt had been reduced to \$8,500,000. This, he stated, was due to the fiscal responsibility of this Town Board.

The only major item affecting the Town's budget in the immediate future is the rapidly increasing cost of health care. The Town was recently faced with a 43% increase for 2013 for a total annual cost of nearly \$758,000 and was told to expect another 15% increase for 2014.

Lastly, Councilman Siejak thanked Niagara County Legislator, David Godfrey, for meeting with the Lockport Town Board to review the N.O.R.A. Broadband Initiative.

Councilwoman Dufour praised David Miller, Highway Superintendent, and his crews in the Water/Sewer and Highway Depts. as well as the Town fire companies as they worked many hours to help their neighbors during the flooding rains on June 28th.

Councilman Crocker reported that while the Town did not receive the damage that the City of Lockport undertook, there were a few homes in the Town that were damaged. He thanked all those residents who helped their neighbors in their time of need.

14. Town Supervisor's Comments

Supervisor Smith also thanked the Town Highway, Sewer and Water personnel for the job they did during what was a historic rain event. They cleaned out drains, checked on lift stations, marked off roads where necessary and spent many hours doing what they could to assist wherever needed.

Additionally, he stated that F.E.M.A. was in the area to gather data to determine what aid would be forth coming if any. That report should be available within the next 10 days at which time the Town will be given contact information which will be passed along to any residents who may need the information.

15. Adjournment

MOTION (2013-151) to adjourn was made by Council Member Antkowiak and seconded by Council Member Siejak. The motion was CARRIED: AYES-5, NAYS-0. Voting AYE: Antkowiak, Siejak, Crocker, Dufour and Smith.

The meeting ended at 7:50 p.m. The Lockport Town Board will next meet at 1:00 p.m. on Wednesday, July 24, 2013.

Respectfully submitted,

Nancy A. Brooks, RMC, MMC
Lockport Town Clerk