

July 24, 2013

A regularly scheduled work session of the Lockport Town Board, along with a special hearing on the demolition of a Town residence, were conducted at 1:00 p.m. on Monday, July 24, 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 Robert Klavoon of Audubon Engineering.

Supervisor Smith opened the work session for the following discussion and/or action:

1. **Town Clerk**

The Town Clerk reported correspondence as follows:

1. An invitation from C.I.D. Div. of Waste Management to their annual Open House
2. Reported receiving notice of application for an Alcoholic Beverage License for Steak Stone & Sushi, LLC to be located at 5770 So. Transit Road
3. A filing of a Notice of Petition under Article 7 Real Property Tax Law by Marotta Holdings, Inc.

2. **Town Attorney** – nothing to report.

3. **Engineer**

Mr. Klavoon reported on the following:

**6570 Dysinger Rd (Carpenter's Building)** – is 95% complete and the remaining work should be completed by the end of July. The Change Order that was previously approved was contingent upon the investigation of using 5/8" Advantech board as underlay but this was not utilized due to costs.

**Town Hall Security Improvements** – are scheduled to begin later this week.

**Carlisle Gardens/Lincoln Village Sewer TV & Flush** - the project is almost complete. The Town should soon receive the video for review. Mr. Klavoon will report at that time.

4. **Town Board Comments**

**Councilwoman Antkowiak** thanked everyone who had attended and/or helped at Community Day. It was a huge success, was very well attended and the weather cooperated.

Dale Association – she reported that the Dale Assoc. in cooperation with the Niagara County Office of the Aging is planning a fall Health Fair at the Farm & Home Center on Lake Avenue. Based on this, she does not feel that another health fair at the Town Hall is needed at this time. She will make sure that all Town residents are notified of the one to be held in the fall.

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Bark in the Park – this year's event is scheduled for August 22, 2013 at Day Road Park.

Soccer Benches for Day Road Park - she is still investigating benches for the soccer fields. Mr. Klavoon will assist in gathering information and she will report at a later date.

**Councilman Crocker** reported on the two recent rain events, one on June 28<sup>th</sup> and one early in July. He stated that the June 28<sup>th</sup> storm had a record 5" rain fall in less than 2 hours time. While the City of Lockport had F.E.M.A. representatives come to investigate for possible funding, the Town was not hit as hard. The Town of Lockport responded by offering free refuse tags to those affected by either storm. The free stickers will be offered until most storm debris has been picked up.

He also reported that he has been working with New York State in the 2013 Mohawk Flood Recovery Program. He reported that a flyer has been created which details the various options offered to area residents. This information is also available on line at the State web site. The State will be accepting applications for the foreseeable future. Affected residents should maintain good records of damage when applying for recovery funds.

Saunders Settlement Road – Councilman Crocker reported that 13 NYSEG poles along Route 31 at Campbell Blvd. were taken down during a severe wind storm. Many crews were brought in to assist in the repairs. It was reported by the Weather Bureau that "straight in-line winds" were responsible. David Miller, Town Highway Supt., will have his crews complete an additional brush pickup due to the large amount of debris.

Hazardous Household Waste Disposal – Niagara Co. Legislator, Rick Updegrove has helped to schedule a hazardous household waste pickup for Town and area residents to be conducted from 10:00 a.m. - 2:00 p.m. on Saturday, August 17, 2013 at the Lockport Town Highway Garage. The pickup will be by appointment only. Residents can phone 434-6568 to make appointments.

**Councilwoman Dufour** thanked Tom Prohaska for the Town of Lockport financial article he wrote for the Buffalo News.

**Councilman Siejak** asked that the Supervisor write a thank you letter to Mr. Thomas Murphy for installing a hand rail at the Stahler Cemetery.

He also thanked all the members of the Town Recreation Committee for the wonderful job they did at Community Day on July 21, 2013.

#### 5. Supervisor's Comments

Assessor Request – He reported that Jill Lederhouse, Town Assessor, accepted RFPs for hosting the assessing portion of the Town website and has requested that the Town contract with ProServe Technology Solutions. This item will be placed on the August 7, 2013 Town Agenda.

Niagara County SPCA – Supervisor Smith met with representatives of the SPCA and has negotiated a 3-yr renewal agreement. This item will also be placed on the August 7<sup>th</sup> Agenda.

Town-wide Re-evaluation - after sending out and receiving RFPs on the cost of additional outside assessing services to complete a town-wide re-evaluation, it was determined that it is not cost effective and that a total re-evaluation will not be conducted at this time. The Town's normal assessing procedures will continue to be followed.

Highway Request – Superintendent, David Miller, has requested that he be authorized to trade-in an old tractor and to purchase a new BobCat skid-steer tractor to clear sidewalks. The old tractor is too large for the sidewalks. The cost for the new skid-steer is \$1750.00

**MOTION (2013-152)** to authorize the Town Highway Superintendent to trade-in an old skid steer tractor and to purchase a new one at a cost not to exceed \$1750.00 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.

Highway Request – the Highway Superintendent has also requested authorization to purchase a new tractor with side and rear flail mowers with a minimum of 89 PTO horsepower at 2,600 rpm or the equivalent. This vehicle was included in the 2013 Town Highway Budget.

**MOTION (2013-153)** to authorize the Highway Superintendent to seek bids for a 2013 or newer tractor as mentioned above 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.

**SPECIAL HEARING: Demolition of 6918 Tonawanda Creek Road**

Mr. Norris reported that Brian Belson, Town Building Inspector, had sent notice of this hearing to the owner and to the bank involved with the premises located at 6918 Tonawanda Creek Road. He stated that the Town had received no response from either party. Mr. Belson testified with pictures as to the extent of damage and the reason that demolition was suggested for the building. He stated that the building is not safe and must come down.

Mr. Norris reported that should the Town Board decide that the building should be demolished, the owner or the bank involved, has the right to tear down the building at their cost within 30 days of said decision. If not, the Town will demo the dwelling at and place a lien on the property.

There being no one to speak on the matter and no questions by the Board, the Supervisor closed the hearing.

**MOTION (2013-154)** on a motion by Council Member Crocker 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**

An investigation and report having been made by the Building Inspector of the Town of Lockport, pursuant to Town Code Section 67.4, indicating that premises commonly known as 6918 Tonawanda Creek Road (Tax Map No. 168.00-1-19.1), Lockport, New York, is unsafe and dangerous, and said report having recommended

that the building be repaired or demolished, and pursuant to Section 64.5 of the Town of Lockport Code, the Town Board considered said report and resolved that such building is unsafe and dangerous and ordered its repair or its demolition and removal; and a Notice of Determination having been prepared and served, as required by Town of Lockport Town Code §67-6 and §67-7, upon all parties having an interest in said premises, and having been filed with the Clerk of the County of Niagara and posted on the premises; and said Notice having provided for a Hearing to be held on the 24<sup>th</sup> day of July, 2013, at 1:30 p.m., in the Town Hall, and this Board having held such Hearing; and the owners of the premises, and no person having appeared; and Brian Belson, Senior Building Inspector of the Town of Lockport, having testified that the building is unsafe and in need of demolition and removal;

NOW, THEREFORE, BE IT RESOLVED:

That the owners and all the interested persons having refused and neglected to repair or demolish and remove building commonly known as 6918 Tonawanda Creek Road (Tax Map No. 168.00-1-19.1), the Town Building Inspector is directed to provide for the demolition and removal of said building by contract after 30 days if the owner fails to commence demolition, and be it further

RESOLVED, that all expenses incurred by the Town in connection with the preceding to repair and secure demolition and remove the unsafe building, including the cost of removal and all reasonable and necessary legal expenses incidental thereto, shall be assessed against the land upon which such building is located and shall be levied and collected in the manner as provided in Section 130 of the Town Law for levy and collection of special ad valorem levy.

**6. Executive Session Entered**

**MOTION (2013-155)** to enter Executive Session for the purpose of consulting with the Town Attorney 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 Town Board entered Executive Session at 1:40 p.m.

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**7. Executive Session Ended and Work Session Reconvened**

**MOTION (2013-156)** to exit Executive Session and to reconvene the work session 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 work session was reconvened at 2:10 p.m. with no Town Board action taken during Executive Session.

**8. Adjournment**

**MOTION (2013-157)** to adjourn 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 work session was ended at 2:10 p.m. The Lockport Town Board will next meet at 1:00 p.m. on Monday, August 5, 2013.

Respectfully submitted,

Nancy A. Brooks, RMC, MMC  
Lockport Town Clerk