

UNAPPROVED

September 4, 2013

A regular monthly meeting of the Lockport Town Board was conducted at 7:30 p.m. on Wednesday, September 4, 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 Michael J. Norris, Town Attorney.

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

PUBLIC COMMENTS: The following persons spoke:

Paul Black of Harding Ave Ext. spoke and presented two Public Referendum Petitions and a Redress of Grievance to the Town Clerk. The petitions are titled: "Referendum for a Ward System of Government" and a "Referendum for Town Board Public Meeting Bylaws". The Redress of Grievance is titled: "Objection to the Construction of Center Medians on Route 78 (Transit Rd.) in the Town of Lockport, NY".

Martha Putnam of Keck Road thanked the Town Board for all their support at the death of her father, Paul Pettit, who had been a long serving Town of Lockport Councilman. She assured those present that her father would have approved of Patricia Dufour who was appointed to the vacancy left by his death. She challenged the Town Board to continue to serve with integrity, honor and respect in honor of his memory.

Donna Pieszala of Heather Drive – clarified information regarding public comments made relating to her service as a former member of the Newfane Board of Education. She emphasized that the property assessment of a parcel is not determined by the school board of that district. Lastly she stated she is in support of Mr. Black's referendums.

David Mongiello was denied public comment due to his failure to abide by the Town's public comment policy.

Tom Grzebinski, a Town resident of Wills Hollow and former City of Lockport Alderman, talked on the proposed referendum to create a "ward" system of government in the Town of Lockport. He gave many examples of other similar-sized towns which had either changed from or chosen not to go to that type of government citing it to be a loss of representation from that of a "at large" council form of government, as well as the fact that many of these towns have failed to find qualified or enough candidates to run for election in each ward. He stated that the residency requirement of the ward system limits the number and quality of candidates that can be found within a district; the ward system tends to drop voter turn out; tends to polarize neighborhoods and the representatives in a "ward" system would represent their own ward priorities rather than that which benefits the entire town. The 'ward' system also can create social polarization where one "ward" will look down on another. The Town with its current "at large" structure has strong leadership and he is pleased to be a resident. Lastly, he commended Councilwoman Dufour for attending all regular and work sessions of the Town Planning Board when it is not necessary for her to do so.

Tom Keough of Twilight Lane, a resident of twenty years stated he agreed with Mr. Grzebinski in that a ward system limits a person's representation to two individuals rather than that of five in the current "at large" system. He stated that he was pleased that the current administration has carried on with the policies that existed under former Supervisor, Floyd D. Snyder. He stated that there is no Town tax; there are few

Continued next page

complaints, things are handled expeditiously; the Board and the Town staff are properly sized, not overburdened; the Town officials budget and plan properly; the Town doesn't require to go out to obtain bond issues especially for emergencies such as was seen in the Transit Road sewer line break. In addition, he thanked the Town Board for supporting N.Y.M.A.C, (the New York Military Affairs Council) the agency that continually lobbies to retain the Niagara Falls Air Base.

Carol Clark of Murphy Road asked the Town Board why, as a resident living near the LaFarge stone quarry, she has yet to receive any answers to the questions she posed early in December, prior to the Town Board's decision to re-zone the area to accommodate an expansion of the quarry.

Claudette Lemieux of Murphy Road built her home 20 years ago and was happy until recently when the re-zoning was granted. She stated that she contacted many officials to come to her home and see for themselves what she was dealing with and got no response. She just wants officials to be honest and to see what they are facing.

Thomas Sy of Northledge Drive and Chairman of the Town of Lockport I.D.A. stated he doesn't think people realize all the economic development and the benefits the Town receives on behalf of the cooperation the Town Board has with the I.D.A. He thinks people are aware of the Yahoo Inc. project but there are many more in the I.D.A. such as Moley Magnetics which has gone into a building in the I.D.A. which was a Super Fund cleanup sight that has now been reclaimed and has begun a successful business which already is facing expansion. Additionally Introl Design will soon open its showcase facility in the I.D.A.. All of these businesses are in addition to all the efforts seen and brought to fruition along the Transit North corridor. He commended and urged the Town Board to continue their efforts in economic development for the Town of Lockport.

Kevin McCabe of Collins Drive stated that three years ago he moved from the City of Lockport to the Town. The decision to move to the Town of Lockport over other communities was made in consideration of many factors including the taxes, the services the Town provides, as well as the general well being in the Town. He did stress that the Town Board should be cautious to ensure that LaFarge remains a good neighbor and stated that overall, he commends the Town Board for their service and the job they've done.

Delphine Levesque of Vintage Court chided the Town Board for having not answered the residents of Murphy and Hinman Roads in relationship to the LaFarge expansion. Supervisor Smith responded that the neither the Town Board nor LaFarge can answer their questions because of a lawsuit that the Enough is Enough (Murphy Road & Hinman Road residents) group brought forth. She demanded answers as she has also had unanswered emails and voicemails. She stated that the residents want transparency and respect.

Anthony Battaglia of Murphy Road stated that he did not receive a response to his letter even before the lawsuit was commenced. No response was unacceptable and is why the Town must spend money on lawsuits. Failure to communicate makes him and his neighbors feel afraid and powerless that something bad is going to happen to their neighborhood. He stated that are many things that he likes about the Town of Lockport and he urged the Town Board to be sensitive to their needs as they are a part of the Town as well.

Rick Updegrove, Niagara County Legislator, addressed the cooperation and accomplishments with the collaboration seen between the State, the Niagara County I.D.A, the Town of Lockport I.D.A. and the Town of Lockport Town Board. While he stated that one of the more obvious of these is the Yahoo Inc. project in the Lockport I.D.A., there are others more recently such matters as the maintenance of foreclosed property,

drainage issues, and road maintenance issues. He stated that Yahoo Inc. representatives stated that their decision to locate in Lockport was influenced by the level of cooperation between all levels of government: state, county, and town. Some other projects that have been jointly worked on are marketing for the Transit North project; the transfer of land for Day Road Park; as well as continued efforts for Greenway funding for Lytle and Day Road Parks. He stated he appreciated the responsiveness of the members of the Town Board to these issues and for the level of cooperation on behalf of the County.

There being no other speakers, Supervisor Smith closed the public comment portion and opened up the regular business meeting as follows:

BUSINESS MEETING:

1. Approval of Minutes

MOTION (2013-182) to approve the minutes of Town Board meetings on 08/05/2013, 08/07/2013 and 08/21/2013 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.

2. Approval of Payment of Bills

MOTION (2013-183) to approve the payment of bills for the month of September was made by Council Member Siejak 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 September consists of Vouchers #29607-29791 in the amount of \$593,009.21.

3. Communications – None to report.

4. Building Inspector's Report

Councilwoman Dufour read the report for the period of August 2013 which states that 64 building permits were issued; \$7,945.00 was collected in fees and the estimated cost of construction is \$2,602,458.00.

5. Supervisor's Monthly Financial Report

MOTION (2013-184) to accept the Supervisor's Monthly Financial Report for the period ending August 31, 2013, 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.

6. Authorization to Purchase New Sound System for Recreation Department

MOTION (2013-185) to award the purchase of a new sound system for the Recreation Dept. to Sweetwater Co. of Fort Wayne, Indiana in the amount of \$1,621.95 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.

7. Resolution in Support of Freedom from Workplace Bullies Week

MOTION (2013-186) 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 Town of Lockport has an interest in promoting the social and economic well-being of its employees and citizens; and

WHEREAS, that well-being depends upon the existence of healthy and productive employees working in safe and abuse-free environments; and

WHEREAS, surveys and studies have documented the stress-related health consequences for individuals caused by exposure to abusive work environments; and

WHEREAS, abusive work environments can create costly consequences for employers, including reduced productivity, absenteeism, turnover, employee health-related expenses and if left unchecked, costly litigation; and

WHEREAS, protection from abusive work environments should apply to every worker, and not limited to legally protected class status based only on race, color, gender, national origin, age, or disability;

NOW, THEREFORE, the Supervisor and Town Council of the Town of Lockport hereby proclaim October 20-26, 2013 as "Freedom from Workplace Bullies Week".

8. Resolution Authorizing Advertising for the ICSC Conference

MOTION (2013-187) on a motion by Council Member Crocker 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, it is the desire of the Lockport Town Board to promote and encourage economic development within the Town, and

WHEREAS, in its efforts to promote said development, the Town Board has authorized participation in the International Conference of Shopping Centers; and

WHEREAS, the ISCS conducts an annual conference in New York City; and

WHEREAS, the Town Board has determined that it is of great value to advertise at the annual ICSC Conference,

NEW, THEREFORE, be it

RESOLVED, that the Town Supervisor is hereby authorized to expend the amount of \$3,000.00. to advertise for the ICSC Conference in December 2013.

9. Resolution to Authorize Engineer to Development Specifications for Sewer Assessment

MOTION (2013-188) to authorize the Engineer to develop specifications for additional sewer assessment (televise & flush) in the upstream Transit/Robinson area in an estimated amount of \$28,000.00 of which \$20,000.00 will be reimbursed by the Niagara County Sewer District, 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.

10. Resolution for Re-Appointment to Board of Assessment Review

MOTION (2013-189) to re-appoint Joanne Hayes as a member of the Town of Lockport Board of Assessment Review 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. The term expiration will be 09/30/2018.

11. Town Board Comments

Councilwoman Antkowiak - thanked all those who spoke during the Public Comment section and replied to Mrs. Levesque stating that she did not remember receiving an email or voicemail from her and asked that Mrs. Levesque re-send her message.

The Councilwoman also thanked the Recreation Committee members for a very successful summer. Additionally, she reminded residents that the Fall Newsletter will soon be out. It will contain several activities for families; discount passes for Becker Farms, the Palace Theatre and the Medina Railroad. She also reported that the Town's annual Fall Festival will be held at the Town Hall on Sunday, October 20, 2013.

Lastly, Councilwoman Antkowiak briefly explained the fund raising activities of the Dale Association and gave a brief outline of the many programs provided for Town residents and encouraged residents to become members. She reminded everyone to be mindful of their neighbors, especially elderly ones.

Councilman Siejak reported that the brush pickup for September will be conducted on Monday, Sept. 16, 2013. He also reported that the Town Clerk's office in conjunction with the Niagara County Health Dept. will conduct a free rabies clinic at the Town Highway Garage on Saturday, September 21, 2013 from 2:00-4:00p.m.

Councilwoman Dufour also thanked those who spoke including Martha Putnam, daughter of deceased Town Board member Paul Pettit, whose seat she was appointed to fill. She also briefly explained that those persons under 65 who receive a STAR reduction on their taxes must re-apply for STAR before December 31, 2013. The State will send out letters with a filing code to allow for a one-time only online re-registration. For residents over 65, nothing has changed in the legislation and they must re-up annually as they always have.

Councilman Crocker also thanked those who spoke before the Town Board and reported that he had gone onto the State's website to re-apply for the STAR program and that it took approximately 10 minutes to complete the process.

12. Supervisor's Comments

Supervisor Smith reported that the Niagara County Water District will be completing a survey along Lockport Road and Dysinger Road and that residents should be aware and use caution if work crews are along the road side.

He also announced that Yahoo, Inc. will be hiring an additional 125 persons for its Lockport location. Interested persons can go online to apply at the Yahoo, Inc. site; [HTTP://Careers.Yahoo.Com](http://Careers.Yahoo.Com).

Lastly, he reported that the Rural Broadband Initiative will begin to survey portions of the Town beginning in September and that Planet Fitness will be coming to the Town at the Big Lots Plaza.

There being nothing further, he requested a motion to adjourn.

13. Adjournment

MOTION (2013-190) to adjourn was made by Council Member Dufour and seconded by Council Member Siejak. The motion was CARRIED: AYES-5, NAYS-0. Voting AYE: Antkowiak, Siejak, Crocker, Dufour and Smith.

The Lockport Town Board will next meet at 1:00 p.m. on Wednesday, September 18, 2013.

Respectfully submitted,

Nancy A. Brooks, RMC, MMC
Lockport Town Clerk