

November 20, 2013

A regularly scheduled work session of the Lockport Town Board was conducted at 1:00 p.m. on Wednesday, November 20, 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 Morgan Jones of Jones, Hogan & Brooks, LLP.

The Supervisor opened the meeting by giving an update to the incident which involved an apartment building in Town which had a stairwell collapse and its residents evacuated. He stated that the apartment building repairs had been completed, the Town Building Inspector had re-inspected the property and was permitting the residents to return to their homes. Supervisor Smith stated he believes that the Building Dept. is going to require that additional supports be installed on the other staircases within the building. It is not certain if the other buildings in the complex were built by the same contractor.

The Supervisor then introduced Morgan Jones, who then gave a brief outline of a rezoning application for a property on Dysinger Road (parcel #138.00-2-13.2). The property is currently zoned as B-1 and the owner is requesting a rezoning to B-2. The property has been used for similar work as that intended by the current owner who wishes to use it for the sale and repair of heavy equipment. If the Town Board should approve the rezoning of the parcel, the owner would still be required to go before the Town Planning Board for site plan approval and a Special Use Permit. The business would employ approximately 10 persons. Mr. Jones presented a packet of information for the Town Board's review and proceeded to review the questions of the S.E.Q.R.A. document (Part 2) for the Town Board's consideration.

Supervisor Smith called for an introduction of the Local Law to rezone the parcel on Dysinger Road. Councilman Crocker agreed to introduce the Local Law.

**MOTION (2013-252)** to call for a Public Hearing on a proposed Local Law to Rezone a parcel on Dysinger Road to be held at 7:30 p.m. on Wednesday, December 4, 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.

Supervisor Smith then proceeded with the business as on the agenda as follows:

1. **Attorney**

Mr. Norris presented the paperwork from David Kinyon, Director of Economic Development, which reported that members of the Town IDA had passed a resolution calling for IDA Drive North, within the Town of Lockport Industrial Park, to be re-named as "Commerce Drive". Mr. Kinyon cited that having more than one road in the IDA Park having the name "IDA Park Drive" is confusing and makes for unnecessary time delays for emergency responders and truck traffic looking for businesses along the two roads.

**MOTION (2013-253)** 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.

Continued next page

**TOWN OF LOCKPORT  
RESOLUTION**

**WHEREAS**, Town Law Section 64(9) grants the Town Board authority to change the name of streets in the Town; and

**WHEREAS**, the Town of Lockport Industrial Development Agency has sent a recommendation to the Town Board to change the name of IDA Park Drive North to Commerce Drive as the current name is causing confusion with another road, IDA Park Drive, within the IDA Park; and

**WHEREAS**, only two businesses on IDA Park Drive North would be impacted by this change and Town Economic Director David Kinyon has reached out to these businesses and there has been no serious objections raised by them so long as adequate time for implementation of such change is provided;

**NOW THEREFORE BE IT RESOLVED**, that the name of IDA Park Drive North is hereby changed to Commerce Drive, effective April 1, 2014; and be it further

**RESOLVED**, that the Town Clerk is hereby directed to notify the Town Assessor, Town Planning Board, Town Building Inspector, County Clerk, Niagara County Sheriff, Niagara County Commissioner of Public Works and Engineering Department, and United States Postal Service, of this change within ten days of the adoption of this resolution.

Mr. Norris also reported that bids for the sale of property located at 6804 Erica Lane were due on November 19, 2013 at 10:100 a.m. No bids were received and it was his recommendation that the property be listed with Realty USA, a local realtor, to see if any offers are received. The Town Board was in agreement. Mr. Norris will keep the Town Board advised.

Additionally, Mr. Norris reported that sealed bids for a new salt control system for the Highway Dept. will be received on December 3, 2013 at 10:00 a.m.

**2. Town Clerk**

The Town Clerk then announced that she was requesting the Town Board to consider a Local Law to amend Chapter 80 of the Town Code which reads as follows:

Chapter 80 of the Town Code is amended as follows:

§80-11(A) is repealed and the following is adopted in its place:

**§80-11(A)**

**The fee for each spayed or neutered dog shall be \$7.00 plus an additional fee (surcharge) required by Agriculture & Markets Law §110 (3) in the amount of \$1.00.**

§80-11(B) is repealed and the following is adopted in its place:

**§80-11(B)**

**The fee for each unsprayed or non-neutered dog shall be \$15.00 plus an additional fee (surcharge) of \$3.00 as required by Agriculture and Markets Law §110 (3).**

The following section is added:

**§80-11 (G) There shall be an additional fee of \$5.00 (a late fee) for any dog license obtained more than 30 days after it was due to be obtained.**

The Town Clerk explained that this increase will help to defray the additional administrative costs associated with the Town issuing dog licenses in ex: the cost of dog tags, the paper for licenses, and postage for the mailing of licenses. Additionally these increased fees can be applied to the costs associated with expenses incurred by the Town Dog Control Officer as well as court costs associated with legal actions taken against dog owners.

Continued next page

Councilman Siejak agreed to introduce the Local Law to Amend Chapter 80 of the Town Code.

**MOTION (2013-254)** to call for a Public Hearing on a proposed Local Law to Amend Chapter 80 of the Town Code, to be held at 7:30 p.m. on Wednesday, December 4, 2013, 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.

**3. Engineer**

Mr. Klavoon reminded the Board that the Town had received notice in May 2013 from the NYS Dept. of Environmental Conservation that due to changes in the 2010 census, that tracts of Town population are now located in an urbanized area and under the Clean Water Act, the Town is now required to develop a Stormwater Management Program. He presented a resolution requesting authorization for the Supervisor to sign a Notice of Intent for said Stormwater Management Program.

**MOTION (2013-255)** on a motion by Council Member Siejak 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  
AUTHORIZING THE TOWN SUPERVISOR TO SIGN THE NOTICE OF INTENT**

**WHEREAS**, the Town of Lockport currently operates a Municipal Separate Storm Sewer System (MS4), and

**WHEREAS**, the Town of Lockport was notified in a letter dated May 17, 2013 by the New York State Department of Environmental Conservation that due to changes in the 2010 census tracts that the Town of Lockport is now located within an urbanized area, and

**WHEREAS**, the Town of Lockport's MS4 will come under the purview of the Clean Water Act stormwater permitting requirements, and

**WHEREAS**, the Town of Lockport is required to develop a Stormwater Management Program and obtain coverage under the MS4 general permit, and

**WHEREAS**, the Town of Lockport is required to submit a completed Notice of Intent (NOI) to the NYSDEC outlining the timeline and requirements for completing the Stormwater Management Plan,

**NOW, THEREFORE, BE IT RESOLVED**, the Town of Lockport Board does hereby authorize the Town Supervisor to sign the Notice of Intent and submit copies of this resolution and the NOI to the New York State Department of Environmental Conservation.

In relationship to this procedure, Mr. Klavoon also reported that it was required for the Town to appoint a Stormwater Management Officer. He was in agreement that Brian Belson, Senior Building Inspector, was the appropriate person for appointment by the Town Board

**MOTION (2013-256)** on a motion by Council Member Dufour 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  
TO APPOINT TOWN OF LOCKPORT STORMWATER MANAGEMENT OFFICER**

**WHEREAS**, the Town of Lockport currently operates a Municipal Separate Storm Sewer System (MS4), and

**WHEREAS**, the Town of Lockport's MS4 will come under the purview of the Clean Water Act stormwater permitting requirements, and

**WHEREAS**, the Town of Lockport is required to develop a Stormwater Management Program (SWMP) and obtain coverage under the MS4 general permit, and

**WHEREAS**, the Town of Lockport is required to designate a Stormwater Management Officer (SMO) under their Stormwater Management Program,

**NOW, THEREFORE, BE IT RESOLVED**, the Town of Lockport Town Board does hereby appoint Brian Belson, Senior Building Inspector, as the Town of Lockport Stormwater Management Officer.

Lastly, in connection with the Town's requirements for their Stormwater Management Program, Mr. Klavoon stated he requested authorization for the Town Supervisor to sign the MS4 Application.

**MOTION (2013-257)** 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  
AUTHORIZING THE SUPERVISOR TO SIGN MS4 APPLICATION**

**WHEREAS**, the Town of Lockport currently operates a Municipal Separate Storm Sewer System (MS4), and

**WHEREAS**, the Town of Lockport's MS4 will come under the purview of the Clean Water Act stormwater permitting requirements, and

**WHEREAS**, the Town of Lockport is required to develop a Stormwater Management Program (SWMP) and obtain coverage under the MS4 general permit,

**NOW, THEREFORE, BE IT RESOLVED**, the Town of Lockport Town Board does hereby authorize the Town Supervisor to sign the MS4 Application and to remit it to the New York State Department of Conservation.

Additionally Mr. Klavoon reported on the following topics:

**Safe Route to Schools Grant** – the engineering proposal has been completed and given to the Town Attorney and David Kinyon, Director of Economic Development, both of whom have given their approval. The design specifications will be further developed over the winter months with the intent to go out for bids in the early spring. The engineering design plans are in alignment with the estimated costs listed in the grant application.

**Lincoln Village Sewer Pump Station Proposal** - the development of design plans for the station's rehabilitation which have been underway for 3-4 years, have now been completed. The Town's new Director of Operations, Daniel Dodge, has been brought in on the design plan and has been updated on the proposed changes and is in agreement with the proposal. When asked by Councilman Siejak, Mr. Klavoon replied that the design plans estimate the cost of construction to be \$255,000.00, which is within the budget for said construction. This item will be brought up for Town Board action at the December meeting.

**4. Town Board Comments/Reports**

*Councilwoman Antkowiak* reminded Board members that Winter Fest will begin with a parade in the City of Lockport on November 30<sup>th</sup>, followed by the arrival of Santa and a celebration at Day Road Park from noon – 3:00 p.m. on Sunday, December 1, 2013. She also reported that while she will be leaving her seat on the Town Board effective Jan. 1, 2014, she will continue to follow up with the Day Road Park pavilion project as well as to see that the Town Recreation Committee has a smooth transition as they take on additional responsibilities for organizing annual events.

*Councilwoman Dufour* reported that she has been talking with Jill Lederhouse, Town Assessor, to get updated on the status of residential re-registering for the STAR Program. She stated she is concerned that not all residents will re-register with the State before the December 31, 2013 deadline. She urged everyone to tell their friends and family to register ASAP.

*Councilman Crocker* also commented on the STAR program stating that he read that 70% of Niagara County residents have re-registered. He also learned of a program called "Senior Plus" that assists qualified seniors on a limited income with paying their County taxes.

Additionally, he wanted to publicly thank Town Park Ranger, Ken Horvath, for moving 72,000 lbs of stone throughout the paths at the John Austin Nature Trail Park. Mr. Horvath moved two huge stone piles with only his wheel barrow and his Gator.

*Councilman Siejak* thanked Supervisor Smith for dealing with the NYSDOT about the traffic signaling along Transit Road. The Supervisor stated it was found that most of the traffic light sensors along Transit Road were inoperable and will require repair by the State. He said it was the Town's goal to have all the traffic signals from the Erie County line to the City of Lockport line to be synchronized to accommodate the traffic volume.

Councilman Siejak also commended David Kinyon and other members of the Kiwanis Club for their efforts to renovate the club sign on Transit Road at the entrance to the Town.

#### 5. **Supervisor's Comments/Reports**

Supervisor Smith requested approval of a recreation contract with Hartland Carriage for this year's Winter Fest celebration.

**MOTION (2013-258)** to authorize the Supervisor to enter a contract with Hartland Carriage to provide hay rides for the Town's Winter Fest celebration at Day Road Park on December 1, 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.

#### 6. **Executive Session Entered**

**MOTION (2013-259)** to enter Executive Session for the purpose of consulting 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 1:50 p.m.

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

**MOTION (2013-260)** to exit Executive Session and to reconvene the work session 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 work session was reconvened at 2:12 p.m. with no Town Board action taken during Executive Session.

**8. Adjournment**

**MOTION (2013-261)** to adjourn was made by Council Member Dufour and seconded by Council Member Antkowiak. The motion was CARRIED: AYES-5, NAYS-0. Voting AYE: Antkowiak, Siejak, Crocker, Dufour and Smith.

The meeting ended at 2:12 p.m.

The Lockport Town Board will next meet at 1:00 p.m. on Monday, December 2, 2013.

Respectfully submitted,

Nancy A. Brooks, RMC, MMC  
Lockport Town Clerk