

December 4, 2013

Two Public Hearings and the regular monthly meeting of the Lockport Town Board were conducted at 7:30 p.m. on Wednesday, December 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, Michael J. Norris, Town Attorney, David J. Miller, Highway Superintendent, Judith Newbold, Deputy Town Clerk, Morgan Jones, Attorney, members of the Town Recreation Committee and several residents.

Following the Pledge of Allegiance, the meeting was opened as follows:

PRESENTATION: Cheryl A. Antkowiak, retiring Town Councilwoman and Town Justice elect.

Supervisor Smith read a proclamation and presented Councilwoman Antkowiak with a clock for the many years of dedicated government service to the Town of Lockport, not only for the years served on the Town Board, but for the many years prior as a member and past-president of the Town Recreation Committee. The proclamation cited many accomplishments throughout her years of service including, but not limited to, helping to see the development of the Day Road Park - the soccer fields, the Santa house, the new Recreation Room as well as the newly erected pavilion. She was also instrumental in developing various programs for the aging with the Dale Association; the creation of Town Community Day, Fall Festival and Movie Nights at the Town Hall as well as the Winter Fest at Day Road Park. In addition to her Town Board responsibilities, she was also appointed as the Deputy Town Supervisor for two years.

Cheryl thanked the many people whom she'd met and worked with over the years and who helped to see some of her ideas for the community come to fruition. She especially thanked the community and the Town Board that supported her many efforts to improve the facilities and programs offered to Town residents. She will continue to keep in touch with her friends on the Recreation Committee to assist them in any way possible as she prepares to transition into the newest facet of her service to Town government as the newly elected Town Justice.

PUBLIC HEARING: A Proposed Local Law to Amend the Zoning Ordinance of the Town of Lockport (parcel SBL# 138.00-2-13.2)

The Supervisor opened the floor to Morgan Jones, who gave a brief back ground for the reason of the Public Hearing stating that the parcel, located on Dysinger Road, is currently zoned as B-1 and has been applied to be rezoned as B-2. The applicant would like to utilize the parcel for the sale and repair of large equipment which would promote a higher level of business development rather than the "neighborhood retail" store as it would be a more intense business use. Mr. Jones stated that the parcel, if re-zoned, will most likely be in keeping with future planned zoning for Dysinger Road as the Town's Master Plan calls for and is currently being revised.

The Supervisor opened the floor for public comment. The following person spoke:

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John Brownschidle, of Dysinger Road, questioned the specific type of work that was planned for that location. He also mentioned that currently, one side of Dysinger Road in that vicinity is zoned for business, while the opposite side is quite residential. He suggested that it would be prudent that the zoning along that strip of Dysinger Road be consistent and that the Town Board should address this issue in the revision of the Town Master Plan.

No others spoke on the matter and the hearing was closed.

PUBLIC HEARING: A Proposed Local Law to Amend Chapter 80 of the Town Code (Dog License Fees)

The Supervisor opened the floor for comments. No one spoke on the issue, the hearing was closed.

PUBLIC COMMENT SECTION: the following persons spoke before the Town Board:

Leonard Sayward of Murphy Road questioned if the public will have input on the revisions to the Town Master Plan. He questioned why residents in the Murphy Road area have not heard of any response by LaFarge to the Supervisor's letter which was sent some time ago.

Gregory Johnston of Old Beattie Road commended the Town Board on the development of the Day Road Park and informed the Board that a group of individuals want to do whatever is necessary to bring an ice rink to the park (roller & street hockey).

There being no further comments, the Supervisor closed the Public Comment section and opened the regular business meeting as follows:

BUSINESS MEETING:

1. Approval of Minutes

MOTION (2013-266) to approve the Town Board minutes of meetings on 11/04/2013, 11/06/2013 and 11/20/2013 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. Payment of Bills

MOTION (2013-267) to approve the payment of bills for the month of December 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.

3. Communications

The Town Clerk read a list of candidates for volunteer fire service in the Town of Lockport. The candidates' names are as listed below:

David Burnette.....So. Lockport
Joy V Zappia.....So. Lockport
Darla L. Daubney..... So. Lockport
Carl J. Gieseler.....So. Lockport
David P. Pytlik.....So. Lockport
Denise F. Taylor.....So. Lockport
David A. Frury.....So. Lockport

MOTION (2013-268) to approve the above named individuals for volunteer fire service in the Town of Lockport 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.

4. Building Inspector's Report

Councilwoman Dufour read the report for the month of November which states that 31 building permits were issued; \$4,086.00 was collected in fees; and the estimated cost of construction was \$680,307.00.

MOTION (2013-269) to approve the Building Inspector's Report as submitted for November 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.

5. Supervisor's Monthly Financial Report

MOTION (2013-270) to accept the Supervisor's Monthly Financial Report for the period ending 11/30/2013 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.

6. Resolution to Adopt Neg. Declaration under S.E.Q.R.A. for Proposed Local Law

MOTION (2013-271) 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, a Short Form Environmental Assessment Form has been prepared for the proposed action which consists of re-zoning real property upon which the present Mobilia building and land is located on the north side of Dysinger Road (Tax Map No. 138.00-2-13.2), and

WHEREAS, the Short Form Environmental Assessment Form does not identify any moderate to large impact to the environment associated with the project,

NOW, THEREFORE, BE IT RESOLVED, that it is determined that the action is an unlisted action pursuant to SEQRA, and that the proposed action will not result in any significant adverse impacts on the environment, and it is directed that this Determination pursuant to SEQRA be prepared and filed.

7. **ACTION AFTER PUBLIC HEARING: Adoption of Local Law to Amend Zoning Ordinance**

MOTION (2013-272) to adopt a Local Law to Amend the Zoning Ordinance of the Town of Lockport which authorizes the Mobilia property on Dysinger Road (SBL# 138.00-2-13.2) to be re-zoned from B-1 to B-2 was motioned by Council Member Siejak and seconded by Council Member Crocker. The motion was put to a ROLL CALL VOTE and was duly ADOPTED: AYES-5, NAYS-0. Voting AYE: Antkowiak, Siejak, Crocker, Dufour and Smith.

The Local Law in its entirety is as follows:

Local Law No. 3 of 2013

BE IT ENACTED by the Town Board of the Town of Lockport as follows:

The Town of Lockport, New York, Zoning Code and Map as adopted and amended from time to time, is hereby amended as follows:

The following described parcel of land which is currently in the Local Business Use District (B-1 District) is hereby rezoned so that it will hereafter form a part of the General Business District (B-2 District), and the regulations applying to the B-2 District shall apply to said parcel:

All that tract or parcel of land designated on the Tax Map of the Town of Lockport as Tax Map Number 138.00-2-13.2.

8. **ACTION AFTER PUBLIC HEARING: Adoption of Local Law to Amend Chapter 80 of the Town of Lockport Code (Dog License Fees)**

MOTION (2013-273) 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.

Local Law No. 2 of 2013

BE IT ENACTED by the Town Board of the Town of Lockport 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 Agricultural and 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 Agricultural 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.

9. Resolution Authorizing Engineer to Proceed with Safe Routes to School Plan

MOTION (2013-274) to authorize Audubon Engineers to proceed with the design plan for the Safe Routes to Schools grant project 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.

10. Res. Authorizing Engineer to Proceed with Linc. Village Pump Station Design

MOTION (2013-275) to authorize Audubon Engineering to proceed with the engineering design plan for the replacement of the Lincoln Village Sewer Lift Station 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.

11. Resolution Authorizing NYSEG to Erect Street Light

MOTION (2013-276) to authorize NYSEG to erect a street light at the intersection of Gothic Hill and Niagara St Ext. 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 Establish Application and Installation Fees for Road-Side Culvert Policy

MOTION (2013-277) to establish fees for the application and installation of roadside culverts was made 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.

RESOLUTION

WHEREAS, the Town Board by Resolution (2013-98) established a Uniform Roadside Ditch Culvert Policy and said policy provides that the application and installation fee shall be established by the Town Board, from time to time, by resolution; and

WHEREAS, pursuant to Town Code Section §90(5), the Town Board may from time to time, by resolution provide for additional fees for other matters, not specified therein; now therefore be it

RESOLVED, the fee for the application for piping of roadside ditches shall be Fifty Dollars (\$50) per application and the installation fee shall be Ten Dollars (\$10) per lineal foot of pipe; and be it further

RESOLVED, that the applicant is solely responsible for the cost and procurement of the required piping as determined by the Town Highway Superintendent and that the Town shall provide stone and necessary dirt, as determined by the Town Highway Superintendent, which is included as part of the installation fee paid by the applicant; and be it further

RESOLVED, that these fees shall be included in the Town's Fee Schedule under Town Code Section §90(3) (1) Miscellaneous, Number 12, as follows: Roadside Ditch Culvert: application fee of \$50 and installation fee of \$10 per lineal foot.

13. Resolution to Award the Bid for the Purchase of a Salt Control System

MOTION (2013-278) to award the bid for the purchase of a salt control system for the Highway Dept. to Valley Fab & Equipment of Boston, NY, the low bidder in the amount of \$51,795.00, 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.

14. Town Board Comments

Councilman Crocker congratulated Councilwoman Antkowiak on her election as Town Justice and thanked her for the good job she has done on the Town Board. He stated that the Board appreciates her commitment and dedication and wishes her a wonderful year as she begins as a Town Justice.

Councilwoman Dufour reminded residents of the deadline to re-register for the STAR exemption which is fast approaching (Dec. 31, 2013). She thanked Councilwoman Antkowiak for her service to this community and wished her and everyone Happy Holidays.

Councilman Siejak thanked those who spoke before the Town Board at this evening's meeting. He thanked the Town Recreation Committee for the wonderful job done in hosting the Winter Fest at Day Road Park. He reported the hours of operation for the Santa House and wished Cheryl good luck and Happy Holidays to all.

Councilwoman Antkowiak thanked the Recreation Committee for the fine job that was done on Winter Fest stating that over 600 people had attended; 400 of them children. She also thanked the Town Board and all those she has worked with over the years and asked that people remember to be passionate about what they do and to participate in something that will give back to their community.

15. Supervisor's Comments

Upcoming Projects

Transit Road Corridor - the Supervisor stated that he has been working with the NYSDOT regarding traffic along the Transit Corridor which will ultimately affect zoning, future planning and the revisions that will be incorporated into the Town's upcoming Master Plan.

Town Sewer & Water Improvement Plan – The Town Board has set in motion a plan to reinvest in the sewer and water infrastructure of the Town and will have the Town engineer speak at the January 2014 Town Board meeting to inform residents of the scope of the work which is planned.

Lastly, he thanked Councilwoman Antkowiak for all her service, stating that he is not sad as she will be continuing her service to this community in a different capacity as Town Justice but one which she has wanted to do for a long time and one which she will still be helping people in need.

He then wished everyone Safe and Happy Holidays and called for adjournment.

16. Adjournment

MOTION (2013-279) to adjourn 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.

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The meeting was ended at 8:07 p.m. followed by a small reception with refreshments in honor of Councilwoman Antkowiak's last meeting as well as the holidays.

The Lockport Town Board will next meet at 1:00 p.m. on December 27, 2013 for the year end meeting.

Respectfully submitted,

Nancy A. Brooks, RMC, MMC
Lockport Town Clerk