

April 23, 2014

A regularly scheduled work session of the Lockport Town Board was conducted at 1:00 p.m. on, Wednesday, April 23, 2014, at the Town Hall, 6560 Dysinger Road, Lockport, New York.

Present were: Supervisor: Marc R. Smith

Town Council Members: Paul W. Siejak  
Mark C. Crocker  
Patricia Dufour  
Thomas J. Keough

Also present: Nancy A. Brooks, Town Clerk; Michael J. Norris, Town Attorney; Robert Klavoon of Audubon (Wendel) Engineering, Brian Belson, Town Building Inspector; Mr. & Mrs. Carney of Raymond Road and local media representatives.

Supervisor Smith welcomed all in attendance and opened the meeting as follows:

Raymond Road Pond Update – Mr. Klavoon briefly explained that he had walked the pond area and it appeared that the pond was still holding water but that the ditches and grading nearby were in need of attention. There is also some wildlife that would be affected by any ditch remediation work that would be required.

Mr. Klavoon stated he would contact David Miller, Town Highway Superintendent and Drainage Coordinator to investigate further what is needed for the area of the pond. Mr. Carney of Raymond Road presented pictures of the pond which indicated that the pond had been breached as well as pictures that water had flooded his basement and quite an amount of damage had been done. He stated that he believed that the Town was now in control of the wetland (the area was no longer under required maintenance by the developer, Donald Marfurt) and was requesting assistance in preventing further damage. Supervisor Smith assured Mr. Carney that the Town will investigate that matter further and would advise him accordingly.

#### HEARING – Proposed Demolition of 4853 Gothic Hill Road

Mr. Norris stated that all parties of interest had been notified of the Town's intent to have the premises demolished. He informed the Board that this property is in "limbo" which simply means that the bank, HSBC, is seeking a judgement of foreclosure for the mortgage. Both owners are now deceased. The bank has however, agreed to have some emergency/safety measures taken; including having the deck removed, having the pool covered; along with maintenance of the yard and gardens. Mr. Norris stated that the property maintenance agreed to by the bank should be sufficient until the bank acquires the judgement and places the property up for sale or auction. It was his suggestion to leave the hearing open until such time as the bank or a successful bidder takes ownership just to assure that the property is well maintained until then. No one else spoke to the matter. The hearing will remain open.

#### HEARING – Proposed Demolition of 6361 Tonawanda Creek Road

Mr. Norris stated that all interested parties had been notified and that Chase Finance holds the mortgage on the property. Brian Belson presented several pictures which depicted the poor condition of the property in question. He stated the home had been vacant for several years and was a true safety hazard. He requested an emergency demolition. No one spoke to the matter and the hearing was closed. The Town Board took the following action.

**MOTION (2014-110)** on a motion by Council member Siejak, seconded by Council member Crocker, the following resolution was duly ADOPTED: AYES-5, NAYS-0. Voting AYE: Siejak, Crocker, Dufour, Keough and Smith.

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**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 6361 Tonawanda Creek Road (Tax Map No. 167.01-3-48), that the building be repaired or demolished, and pursuant to Section 64.5 of the Town of Lockport Town 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 Section 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 23<sup>rd</sup> day of April, 2014, at 1:00 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 6361 Tonawanda Creek Road (Tax No. 167.01-3-48), the Town Building Inspector is directed to provide for the demolition and removal of said building by contract after 90 days if the owner fails to commence demolition, and be it further

RESOLVED, that all expenses incurred by the Town on connection with the proceeding 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 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.

The regularly scheduled work session was then opened as follows:

1. **Town Clerk**

The Clerk reported the following correspondence:

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- a) Letter from the Niagara Co. Dept. of Public Works regarding the upcoming pavement rehab of Upper Mountain Road.
- b) The 1<sup>st</sup> Quarter 2014 Recycling Report from Waste Management
- c) A satisfactory DL-89 Dog Control Officer Inspection Report for Barry Kobrin from the Dept. of Agriculture & Markets
- d) A Resident Petition, dated April 23, 2014, for residents of Wicks Road requesting a NYSDOT Speed Study of Wicks Road between Rt. 78 and Slayton Settlement Road

Addressing the matter of the speed study request, and noting that the petition presented followed the Town policy for having at least 30 signatures, the Town Board took the following action:

**MOTION (2014-111):** to request a NYSDOT Speed Study for Wicks Road, between Route 78 and Slayton Settlement Road, was made by Council member Crocker, seconded by Council member Dufour. The motion was CARRIED: AYES - 5, NAYS-0. Voting AYE: Siejak, Crocker, Dufour, Keough and Smith.

## 2. Town Attorney

### Demolition of 6892 East High Street

Mr. Norris presented a prepared resolution for Town Board action, stating that the premises located at 6892 East High Street is currently owned by Niagara County; that the Town Board can approve and proceed with demolition, during which time the County will pass the title of said property over to the Town, in lieu of the cost of demolition, and then once demolition is completed, the Town can proceed to sell the property.

The Town Board took the following action.

**MOTION (2014-112):** On a motion by Council member Siejak, seconded by Council member Keough, the following resolution was duly ADOPTED: AYES-5, NAYS-0. Voting AYE: Siejak, Crocker, Dufour, Keough 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 67.11, indicating that premises commonly known as 6892 East High Street (Tax Map No. 124.04-2-20), Lockport, New York, is a clear and present danger to life, safety or health of any person or property unless immediately demolished, and said investigation having recommended that the building be immediately demolished, and pursuant to Section 64.11 of the Town of Lockport Town Code, the Town Board considered said findings and testimony of the Senior Building Inspector,

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Brian Belson, and resolved that such building is unsafe, dangerous and a clear and present danger and ordered its immediate repair or its demolition and removal;

NOW, THEREFORE, BE IT RESOLVED:

The Town Building Inspector is directed to provide for the immediate demolition and removal of said building of the premises located at 6892 East High Street (Tax Map No. 124.05-2-20), Lockport, New York.

### 3. Engineer

#### NEW PEDESTRIAN BRIDGE AND SIDEWALKS

Mr. Klavoon reported that in order to facilitate the construction of the new pedestrian bridge and new sidewalks along Robinson Road, the Town needs to provide a designation of a Right of Way to the New York State Department of Transportation. In agreement with this purpose, the Town Board took the following action:

**MOTION (2014-113):** on a motion by Council member Siejak, seconded by Council member Dufour, the following resolution was duly ADOPTED: AYES-5, NAYS-0. Voting AYE: Siejak, Crocker, Dufour, Keough and Smith.

#### **TOWN OF LOCKPORT RESOLUTION**

##### **In Accordance with the provisions of the Highway Law Dual use of property designated for highway purposes**

**WHEREAS**, the Town of Lockport has requested that certain lands as shown on a drawing entitled "ROW PLAN" which said lands are a part of certain lands acquired by the Town of Lockport by Deeds dated the 27<sup>th</sup> day of September, 2004 and recorded in the office of the Clerk of Niagara County in Liber 3292 of Deeds at Page 859, as designated for highway purposes for State Highway Lockport-Royalton Road S.H. 9564 and

**WHEREAS**, the lands so requested to be used for construction of sidewalk and pedestrian bridge on the south side of Lockport-Royalton Road for such highway purposes,

**WHEREAS**, the Town of Lockport, the applicant and Niagara County Water District are the owners of the property adjoining the State Highway Right-of-Way and designation of the property as shown on said drawing entitled "ROW PLAN" will give the New York State Department of Transportation access to construct said sidewalk and pedestrian bridge,

**WHEREAS**, the New York State Department of Transportation will provide for the construction of the proposed sidewalk under PIN5033.11 and the Town of Lockport shall purchase, own and maintain the new pedestrian bridge installed under this project and it is further

**RESOLVED**, that the Town of Lockport hereby designates that portion of its property show on the attached Map from municipal building designation to highway purposes and secure proposed structure as designated in the plans, specification and estimate.

#### CAPITAL WATER PROJECT – HEATHER DRIVE

Mr. Klavoon reported that as part of the Capital Water Project, the PRV valves will be replaced in the water pits and called for authorization to seek RFPs for the project as the Town personnel will be completing the installation which will keep the cost down.

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Mr. Norris commented that after talking with Dan Dodge, Director of Operations, the Town personnel will be doing the installation but due to the estimated costs exceeding \$20,000, the Town will be seeking sealed bids for the project. The bid will be for both the materials and delivery of said materials. He agreed that the bid date should be set for May 14, 2014 at 10:00 a.m.

**MOTION (2014-114):** to set a bid date of May 14, 2014 at 10:00 a.m. for the material and delivery of new PRV valves in Town meter pits was made by Council member Dufour, and seconded by Council member Keough. The motion was CARRIED: AYES - 5, NAYS-0. Voting AYE: Siejak, Crocker, Dufour, Keough and Smith.

#### DAY ROAD PARK BLEACHER BIDS

Mr. Klavoon reported that sealed bids were opened for bleachers but he has yet to review them. Four bids were received. He will review them along with the Town Attorney for possible recommendation at the May 7, 2014 Town Board meeting.

#### TONAWANDA CREEK ROAD TV & FLUSH BIDS

Sealed bids for the Tonawanda Creek, Keck Rd. and Niagara Co., Jail area will be opened at 11:00 a.m. on Thursday, May 1, 2014.

#### SAFE ROUTES TO SCHOOLS BID DATE SET

Mr. Klavoon reported that the design and specifications for Contract #14-1 (the 2013 NYSDOT Grant for Safe Routes to Schools Project) have been completed and requested the Town Board to set a bid date. He stated bid specifications will be made available on April 27<sup>th</sup> and would like the bid date set for 10:00 a.m. on May 27, 2014.

**MOTION (2014-115):** to authorize the Supervisor to seek bids and to set a bid date of 10:00 a.m. on Tuesday, May 27, 2014, for the Safe Routes to School Grant Project, subject to the Town Attorney, was made by Council member Crocker, seconded by Council member Keough. The motion was CARRIED: AYES - 5, NAYS-0. Voting AYE: Siejak, Crocker, Dufour, Keough and Smith.

#### LINCOLN VILLAGE/CARLISLE GARDENS SANITARY SEWER REHABILITATION

Additionally, Mr. Klavoon reported that the design and specification for Contract #162S (the Sanitary Sewer Rehabilitation on Lincoln Village and Carlisle Gardens) have been completed and he requested a bid date be set for 10:00 a.m. on Wednesday, May 28, 2014.

**MOTION (2014-116):** to authorize the Supervisor to seek bids and to set a bid date of 10:00 a.m. on Wednesday, May 28, 2014, for the Sanitary Sewer Rehabilitation of Lincoln Village and Carlisle Gardens, was made by Council member Dufour, seconded by Council member Keough. The motion was CARRIED: AYES - 5, NAYS-0. Voting AYE: Siejak, Crocker, Dufour, Keough and Smith.

#### AWARD BID FOR HIGHWAY SPRINKLER SYSTEM

Mr. Klavoon reported that the Town opened re-bids for Contract #13-6R (Highway Garage Sprinkler System) on Tuesday, April 15, 2014. After reviewing the bids submitted, it was his recommendation to award the Base Bid and Alternate Bid #1 to Allied Fire Protection Systems, Inc., the low bidder in the amount of \$70,200.00.

**MOTION (2014-117):** to award the bid for Contract #13-6R (the Highway Sprinkler System), to Allied Fire Protection Systems, Inc., the low bidder in the amount of \$70,200.00, was made by Council member Dufour and seconded by Council member Keough. The motion was CARRIED: AYES-5, NAYS-0. Voting AYE: Siejak, Crocker, Dufour, Keough and Smith.

**NEG. DECLARATION UNDER SEQRA FOR LAKE AVE/HEATHER DRIVE WATERLINE & PRV MODIFICATIONS**

Mr. Klavoon stated that a Short EAF was completed for the Heather Drive Water Line Improvement Project and was requesting the Town Board to adopt a Neg. Declaration under S.E.Q.R.A. for the project. Mr. Norris then proceeded to read the Short EAF. It was his recommendation to issue a statement of non-significant impact at this time. The Town Board took the following action:

**MOTION (2014-118):** on a motion by Council member Keough and seconded by Council member Dufour, the following resolution was duly ADOPTED: AYES-5, NAYS-0. Voting AYE: Siejak, Crocker, Dufour, Keough and Smith.

**TOWN OF LOCKPORT  
RESOLUTION  
ADOPTION OF NEGATIVE DECLARATION  
LAKE AVE/HEATHER DRIVE WATERLINE AND PRV MODIFICATIONS**

**WHEREAS**, the Town of Lockport will be undertaking the Lake Avenue/Heather Drive waterline and PRV Modifications, and

**WHEREAS**, the proposed project has been determined to be an Unlisted action under SEQR and a short EAF has been completed for the project; and

**WHEREAS**, in accordance with the State Environmental Quality Review Act (SEQRA), the Lockport Town Board has determined that the proposed action will not adversely affect the natural resources of the State and/or the health, safety and welfare of the public and is consistent with social and economic considerations.

**NOW, THEREFORE, BE IT RESOLVED**, that the Lockport Town Board hereby determines that the proposed action is not anticipated to result in any significant adverse impact and that a Negative Declaration is hereby issued.

**BE IT FINALLY RESOLVED**, that the Supervisor is authorized to sign the EAF, and the EAF and associated materials will act as the Negative Declaration and they will be placed in the Town's files.

**SHIMER DRIVE WATER LINE**

Mr. Klavoon stated that he would like to conduct a Public Information Meeting regarding the Shimer Drive waterline sometime between May 14<sup>th</sup> and May 30<sup>th</sup>. This would be a meeting to provide answers for residents and to explain the work which will be conducted later in the summer.

**4. Town Board Comments/Reports**

**Town Resident Survey**

Councilman Crocker provided the Town Board with a draft of the Town of Lockport Survey which he intends to have placed on the Town's website and into the summer 2014 Town Newsletter. Board members reviewed the draft and made minor typo

and grammatical corrections. In addition, Councilman Crocker will be talking with Drew Reilly, the Town Planner, for further information on how to provide the survey online for residents' immediate responses. The other Council members were asked to contact Councilman Crocker should they have any additional changes to be made to the survey.

#### Honor/Memorial Brick Pathway at Day Road Park

Deputy Supervisor Dufour is still working on plans for the Honor/Memorial Brick Pathway at Day Road Park. After consulting with David Miller, Town Highway Superintendent, he advised that the Town bid out for both labor and materials for the pathway.

**MOTION (2014-119):** to authorize the Town Engineer to prepare documents for the materials and labor for the Honor/Memorial Brick Pathway for Day Road Park, was made by Council member Dufour and seconded by Council member Crocker. The motion was CARRIED: AYES - 5, NAYS-0. Voting AYE: Siejak, Crocker, Dufour, Keough and Smith.

#### Authorization to Seek Bids for New Storage/Recycling Shed

In continuing her efforts to research plans for a new recycling facility, the Deputy Supervisor consulted with David Miller, Highway Superintendent, and Daniel Dodge, Operations Manager, whom both suggested that the Town build a new "storage facility" which could house the recycling program; be storage for Town maintenance personnel; as well as a possible temporary shelter for the Town Dog Control Officer to hold dogs. Councilwoman Dufour stated they discussed the possibility of building a 30' x60' utility pole barn that would suffice for all these purposes. Mr. Miller estimated that the cost of a completed building this size would be approximately \$45,000. Should the Town Board agree to the construction, she felt the main issue would be the buildings' location. After some discussion, the Town Board took the following action:

**MOTION (2014-120):** to authorize the Town Engineer to prepare bid documents for the construction of a 30' x 60' storage facility, in an estimated amount of \$45,000, was made by Council member Dufour and seconded by Council member Keough. The motion was CARRIED: AYES - 5, NAYS-0. Voting AYE: Siejak, Crocker, Dufour, Keough and Smith.

#### Renovations of Town Hall Restrooms

Deputy Supervisor Dufour stated that in light of the fact that the Town may host the traveling Viet Nam Memorial in 2015, she continues to develop plans for the renovation of the Town Hall restrooms. The restrooms must be brought up to compliance with the American with Disabilities Act and are in great need of being updated. She will bring forth plans at a later date.

#### Highway Sign on Transit Road

Councilman Siejak reported that he has made contact with Marshall Wilson of the Lockport Kiwanis Club regarding the poor condition of the service organization sign located along Transit Road. The Councilman stated that in light of the Town's efforts to develop the Transit North Corridor, that signs along Transit Road should be updated and well maintained. Mr. Wilson has assured the Councilman that he will spearhead an effort to have the local service agencies make repairs to the sign.

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

Town Board Liaison Assignments

Supervisor Smith stated that with the addition of Mr. Keough to the Town Board, it was necessary to discuss the Town Board Liaison Assignments. After some discussion, it was decided on the following assignments for 2014.

**TOWN OF LOCKPORT  
2014 BOARD MEMBER ASSIGNMENTS**

- |  |                  |
|--|------------------|
| <b>1. SUPERVISOR</b><br>Finances, including Budget Review and allocation of funds to various departments; Banking and Investments; Audits and Internal Audit Control | 1. Marc Smith    |
| <b>2. SEWER &amp; WATER DEPARTMENTS</b><br>including operations; Budgeting, Increase in facilities – County Sewer Dist.#1 and County Water Dist. #1                  | 2. Mark Crocker  |
| <b>3. COMPUTER/TECHMOLOGY</b><br>upgrade of facilities within Town Hall, Judicial and Assessment Departments   | 3. Marc Smith    |
| <b>4. HIGHWAY</b><br>Highway Superintendent and operations   | 4. Paul Siejak   |
| <b>5. INDUSTRIAL DEVELOPMENT</b><br>IDA Board  | 5. Marc Smith    |
| <b>6. RECREATION/PARKS</b><br>Recreation Committee   | 6. Pat Dufour    |
| <b>7. ADMINISTRATION</b><br>Town Clerk; Water Clerks; Labor Relations & Negotiations; Tax Receiver   | 7. Pat Dufour    |
| <b>8. PLANNING</b><br>Planning Board, Master Plan, Building Inspector  | 8. Tom Keough    |
| <b>9. JUDICIAL</b><br>Town Court and Judges; Public Safety   | 9. Mark Crocker  |
| <b>10. FACILITIES AND GROUNDS</b><br>Maintenance including Town Hall, Highway, Court/Troopers Barracks, Building & Assessing and Water Garage                        | 10. Pat Dufour   |
| <b>11. LOCKPORT CABLE COMMISSION</b>   | 11. Mark Crocker |
| <b>12. ZONING BOARD OF APPEALS</b><br>Zoning Board   | 12. Paul Siejak  |
| <b>13. FIRE PROTECTION</b><br>Fire Contracts; Fire Board; Volunteer Incentive Program  | 13. Tom Keough   |
| <b>14. BUILDING and ASSESSING</b>  | 14. Pat Dufour   |

**NYSDOT – DETOUR OF CANAL ROAD BRIDGE**

Supervisor Smith reminded Board members of the upcoming detour and to help spread the word to area residents.

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**6. Executive Session Entered**

**MOTION (2014-120):** to enter Executive Session for the purpose of consulting with the Town Attorney was made by Council member Dufour and seconded by Council member Keough. The motion was CARRIED: AYES - 5, NAYS-0. Voting AYE: Siejak, Crocker, Dufour, Keough and Smith.

The Town Board entered Executive Session at 2:05 p.m.

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

**MOTION (2014-121):** to exit Executive Session and to reconvene the work session was made by Council member Siejak and seconded by Council member Keough. The motion was CARRIED: AYES - 5, NAYS-0. Voting AYE: Siejak, Crocker, Dufour, Keough and Smith.

The work session was reconvened at 2:47 p.m. with no Town Board action taken during Executive Session.

**8. Adjournment**

**MOTION (2014-122):** to adjourn was made by Council member Crocker and seconded by Council member Keough. The motion was CARRIED: AYES - 5, NAYS-0. Voting AYE: Siejak, Crocker, Dufour, Keough and Smith.

The Meeting was ended at 2:47 p.m. The Lockport Town Board will next meet at 1:00 p.m. on Monday, May 5, 2014.

Respectfully submitted,

Nancy A. Brooks, RMC, MMC  
Lockport Town Clerk