June 18, 2014

A regularly scheduled work session of the Lockport Town Board was conducted at 1:00 p.m. on Wednesday, June 18, 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 and local media representatives.

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

1.  **Town Clerk**

The Town Clerk stated that she was in receipt of the Dog Control Officer’s semi annual report covering the months of Jan. – June 2014. The report states that during that time he did 173 DCO investigations, took 32 stray dogs to the SPCA, assisted with 4 dog bite cases, served 92 court summons, and made 12 court appearances. She will copy the report to the Board.

2.  **Town Attorney – No report.**

3.  **Town Engineer**

Mr. Klavoon reported on the following topics:

Lincoln Village/Carlisle Gardens Sanitary Sewer Rehabilitation – Only one bid was received on May 28, 2014. After reviewing the bid which was found to be well over the construction budget for this project and after consulting with the Town Attorney, it was Wendel’s recommendation to reject the bid from Kandey Co. Inc. and to set a date to re-bid the project in the future. Base on that recommendation, the Town Board took the following action:

**MOTION (2014-165):** to reject the single bid received From Kandey Company, Inc. for the Lincoln Village/Carlisle Gardens Sanitary Sewer Rehabilitation project (Contract#162S) was made by Council member Keough and seconded by Council member Siejak. The motion was CARRIED: AYES - 5, NAYS-0. Voting AYE: Siejak, Crocker, Dufour, Keough and Smith.

Tonawanda Creek - Mr. Klavoon reported that he had met with Town of Clarence officials, David Miller, Town Highway Superintendent and Brian Belson, Town Building Inspector, regarding the recent bank collapse near 6438 Tonawanda Creek Road. The bank has eroded and the debris has now blocked the flow of the creek. Pictures were taken and disbursed for the Town Board’s viewing. Mr. Klavoon is preparing an application to obtain a NYSDEC permit to remove the debris as indicated in the pictures. All parties from the Towns of Clarence and Lockport will work together to assure that the debris is eliminated to prevent any flooding issues.

Pre-Bid Meetings for the Shimer Drive Waterline and the Shimer Drive/Locust Street Sidewalks were conducted earlier in the morning, Wednesday, June 18, 2014. There were three contractors present for the waterline project. No contractors showed for the sidewalk project. It was reported that all the area concrete (sidewalk) contractors are all very busy at the present. A few did pick up the bid specifications, but there is no way to

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tell if any will submit bids for the project. Mr. Klavoon stated that he will have a better feel for the status of these projects after the formal bids are received during the week of June 23rd. As for the Safe Routes to School Sidewalk project, due to the late construction start this season, it is Mr. Klavoon’s recommendation to re-bid the project next spring. He feared that if it was re-bid later this summer, the concrete work may be delayed to late fall and this may put it in jeopardy of not being allowed to cure properly and then the winter street salt could damage the newly installed sidewalks. He would suggest re-bidding the project at the first of next year (with NYSDOT approval) so that the project would be one of the first to be completed in the spring of 2015.

Councilman Siejak questioned how these bids are made known to contractors. Mr. Klavoon responded that the bids, as required by Municipal Law, are published in the Union Sun Journal (the Town of Lockport’s official newspaper), as well as other contractor news sites such as Dodge Reports, CDC News and Construction Exchange. Mr. Klavoon stated that the Town does its due diligence to publish the information as well as the requirements for the grant; however, while contractors pickup bid specifications, there is no certainty that they will bid a project.

When asked if he knew why the bid price for the Lincoln Village/Carlisle Gardens Sanitary Sewer Rehabilitation project was so much higher (almost $80,000.00) than the engineering estimate, Mr. Klavoon replied that the low-bidding contractor had listed the cost of clearing as $20,000.00. The engineer’s estimate had $3,000.00 listed for clearing. This alone, accounted for nearly $17,000.00 of the amount over the project’s estimated cost. Mr. Klavoon explained that bid prices are often related to the contractor’s amount of scheduled work or lack thereof; often in busy times this leads to inflated bid figures. Councilman Siejak was concerned that the longer a bid is delayed, the higher the construction costs. Supervisor Smith stated that expanding an additional $80,000.00 against the recommendation of the engineer would not be in the public’s best interest if the end project could be found to be inferior. Mr. Klavoon explained that according to the grant specifications, the Town has five years to complete the project and is not under the gun to rush the project. Currently, the Town does not have funds budgeted to complete the project.

4. Town Board Comments/Reports

Councilman Keough – reported that the Planning Board recently approved the application for a Hibbard’s Custard Stand in Wright’s Corners.

Councilwoman Dufour – provided updates on Day Road Park including that two new signs have been erected; one for the new pavilion which will be dedicated to Stephanie Verratti on June 22, 2014; and the other located in the parking lot near the two soccer fields which will host the soccer league schedules.

Secondly, she has met with a Wendel representative to develop specifications for the new storage facility to be built at Day Road Park. She will keep the Board abreast of any progress for the project.

Friday, June 27th at dusk will be the first Movie Night at Day Road Park.

On June 28, 2014, at 1:00 p.m., there will be a dedication of the soon to arrive soccer benches which have been donated by the Wm. Hughes family. She also thanked the Town Highway personnel for all their help in transporting and erecting the benches as well as all the other work they do at Day Road Park.

Lastly she mentioned that she has talked with Stedman’s Nursery in Newfane regarding some of the trees located in the Memorial Tree section of Day Road Park. Several of the trees have died. She would like them replaced and to see that the trees have a maintenance plan. She will continue her investigation into the matter and will report back at a later date.
Councilman Crocker - reported that a resident called and he went to investigate what appears to be one the latest phone scams. The caller ID is listed as the IRS and the caller demands that the resident call within 24 hours to report back with personal information. He would like to caution residents to look for the caller ID and not to fall victim to these fake IRS officials. The IRS would not phone residents to request any personal information.

5. Supervisor's Comments/Reports

Lincoln Avenue Waterline Replacement

Supervisor Smith reported that he has had contact with Niagara County regarding the Lincoln Avenue waterline replacement. The Town owns a short segment of waterline near Beattie Avenue which would be left uncovered when the County's re-builds Lincoln Avenue. The County included the replacement of the waterline (new 8" line) in their engineering package with an obligation by the Town to pay half the replacement cost. The Town's portion of the cost is $50,000.00.

Additionally, Mr. Klavoon, in reviewing the Lincoln Avenue Road project, found that the Town has an old 350 linear feet section of 6" cast iron waterline near Akron Road that the County has agreed to share the cost of replacing. The replacement line will be a new 8" line with the Town's estimated cost to be $15,000.00. On the recommendation of the Supervisor, the Town Board took the following action:

MOTION (2014-166): to authorize the Supervisor to enter an agreement with Niagara County for the replacement of the old cast iron waterline on Lincoln Avenue near Akron Road, in an amount not to exceed $15,000.00 was made by Council member Siejak and seconded by Council member Dufour. The motion was CARRIED: AYES - 5, NAYS-0. Voting AYE: Siejak, Crocker, Dufour, Keough and Smith.

Seasonal Employees Authorized

MOTION (2014-167): to approve the hiring of two seasonal personnel for the Town Water Dept. and two seasonal personnel for the Town Highway Dept., at an hourly rate of $10.00, 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.

Old Lincoln Avenue Lift Station

The Supervisor, along with the help of Mr. Klavoon, reported on the old, abandoned, lift station which is located in the field just west of Akron Road. Mr. Klavoon stated that the station had not been used in several years. The only salvageable part of the station might be the generator. It was his suggestion that the generator be removed and the station be demolished. Mr. Norris also commented that due to the liability issue, he also would be in favor of the station's demolition. Mr. Klavoon also stated that the station's wet wells should be filled with stone as part of the demolition.

Appointment to fill Vacancy on Town Planning Board

Supervisor Smith reported that effective June 30, 2014, Mr. Walter Thorman will be resigning from the Town Planning Board. Having asked for the Town Board's consideration for a possible candidate to fill the upcoming vacancy, he asked the Board to appoint Adam Tyson to fill Mr. Thorman's term and to appoint Marie Bindeman as the alternate member to fill Adam's term on the Planning Board.

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MOTION (2014-168): to appoint Adam Tyson to fill Walter Thorman’s term on the Town Planning Board and to appoint Marie Bindeman as the alternate member of the Town Planning Board, her term ending 12/31/2014, 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. Mr. Thorman will be recognized with a proclamation for his service at a future meeting.

YWCA Contract for Arts &Crafts Program - this will be placed on the July 2, 2014 Town Board Agenda.

Lockport Community Bank Contract – this item will be placed on the July 2, 2014 Town Board Agenda.

Town Comprehensive Plan Public Meeting – June 19, 2014 6:30-8:00 p.m. The Town Hall doors will open at 6:30 p.m. and a presentation by Andrew Riley of Wendel will be at 7:00 p.m.

Niagara County Recreation Funds Approved – the Town has received notice that County has approved $3744.00 for summer recreation projects.

6. Executive Session Entered

MOTION (2014-169): to enter Executive Session for the purpose of consulting with the Town Attorney and to discuss the hiring of personnel was made by Council member Siejak and seconded by Council member Dufour. The motion was CARRIED: AYES - 5, NAYS-0. Voting AYE: Siejak, Crocker, Dufour, Keough and Smith.

The Town Board entered Executive Session at 1:32 p.m.

7. Executive Session Ended and Work Session Reconvened

MOTION (2014-170): to exit Executive Session and to reconvene the work session 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 Town Board reconvened the work session at 2:00 p.m. with no Town Board action during Executive Session.

8. Authorization to Hire Labor Counsel

MOTION (2014-171): to authorize the Supervisor to retain the services of the firm Damon Morey as labor counsel was made by Council member Keough and seconded by Council member Siejak. The motion was CARRIED: AYES - 5, NAYS-0. Voting AYE: Siejak, Crocker, Dufour, Keough and Smith.

9. Adjournment

MOTION (2014-172): to adjourn was made by Council member Siejak and seconded by Council member Dufour. The motion was CARRIED: AYES - 5, NAYS-0. Voting AYE: Siejak, Crocker, Dufour, Keough and Smith.

The meeting ended at 2:02 p.m. The Lockport Town Board will next meet at 1:00 p.m. on Monday, June 30, 2014.

Respectfully submitted,

Nancy A. Brooks, RMC, MMC
Lockport Town Clerk