

August 6, 2014

A regular monthly meeting of the Lockport Town Board was conducted at 7:30 p.m. on Wednesday, 2014, at the Town Hall, 6560 Dysinger Road, Lockport, New York.

Present were: Town Council Members: Mark C. Crocker  
Paul J. Siejak  
Patricia Dufour  
Thomas J. Keough  
Absent: Supervisor, Marc R. Smith

Also present: Nancy A. Brooks, Town Clerk; Michael J. Norris, Town Attorney, Judith Newbold, Deputy Town Clerk and approximately 15 residents.

Following the Pledge of Allegiance, Deputy Supervisor, Patricia Dufour, read the Town policy for public comments at Town meetings and opened the meeting as follows:

**PUBLIC COMMENTS:** The following persons spoke before the Town Board:

Peter Granite of Twilight Lane addressed the issue of obstructed site line when exiting Twilight Lane onto Sunset Drive due to over growth of brush and trees. He stated that the County has come out before to clean up some of the debris but nothing substantial has been done in the last 20 years to improve site line for traffic exiting the subdivision. He would appreciate any Town Board efforts to help rectify the situation.

The following persons spoke on the issue of the Town Building Inspector calling for an emergency evacuation of residents from the premises located at 6315 Robinson Road:

Jenny Falsetti stated residents were only given 15 minutes to evacuate the building and she feels the Building Inspector over stepped his responsibilities when he ordered residents to leave.

Tennille Staton suggested that Town officials review the history of visitations to 6315 Robinson Road by the Building Inspector. He reported that this was the third time the Building Inspector had been to the premises and the second time he requested residents to leave. He feels the Building Inspector does not like the residents at this location and unduly called for their evacuation.

Robert Snell stated he also feels the Building Inspector went beyond his authority when he deemed it necessary to evacuate the building.

Shane Storms stated residents were treated poorly by being forced to leave the building in such a short time period.

Paul Black of Harding Ave Ext talked on the matter of the Town's proposed Master Plan update. He requested that the results of his survey, completed in 2013, regarding the Town's desire to have center medians added to Transit Road, be added to the Master Plan update. He reported that 92% of persons interviewed by him were against medians; while only 2% were in favor of the idea. He also thanked the Town Board for the hard work that went into the development of the Master Plan update.

There being no further comments from the public, the Deputy Supervisor closed the Public Comment portion and opened the regular business meeting as follows:

**BUSINESS MEETING:**

1. Approval of Minutes

**MOTION (2014-199):** to approve the minutes of Town Board meetings conducted on June 30, 2014, July 2, 2014 and July 16, 2014 was made by Council member Siejak and seconded by Council member Keough. The motion was CARRIED: AYES - 4, NAYS-0. Voting AYE: Siejak, Crocker, Dufour and Keough.

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2. Approval of Payment of Bills

**MOTION (2014-200):** to pay the bills for the month of August was made by Council member Siejak and seconded by Council member Keough. The motion was CARRIED: AYES - 4, NAYS-0. Voting AYE: Siejak, Crocker, Dufour and Keough.

The bills for the month of August consists of Vouchers #31899 – 32127 in the amount of \$662,657.47

3. Communications

The Town Clerk read the name of Garan Wills, a candidate for volunteer fire Service with Rapids Fire Company.

**MOTION (2014-201):** to approve Garan Wills for volunteer fire service in the Town of Lockport was made by Council member Crocker and seconded by Council member Siejak. The motion was CARRIED: AYES - 4, NAYS-0. Voting AYE: Siejak, Crocker, Dufour and Keough.

4. Building Inspector's Report

The Deputy Supervisor read the report for the month of July 2014 which states that 63 building permits were issued; \$5,145.60 was collected in fees; and the estimated cost of construction was \$1,374,470.00.

**MOTION (2014-202):** to accept the Building Inspector's Report for July 2014 as submitted was made by Council member Dufour and seconded by Council member Crocker. The motion was CARRIED: AYES - 4, NAYS-0. Voting AYE: Siejak, Crocker, Dufour and Keough.

5. Supervisor's Monthly Financial Report

**MOTION (2014-203):** to approve the Supervisor's Monthly Financial Report for the period ending 07/31/2014 was made by Council member Siejak and seconded by Council member Keough. The motion was CARRIED: AYES - 4, NAYS-0. Voting AYE: Siejak, Crocker, Dufour and Keough.

6. Resolution to Auth. Supervisor to Provide a Statement for So. Lockport Fire Co. to Purchase a New Truck

**MOTION (2014-204)** on a motion by Council member Siejak and seconded by Council member Crocker, the following resolution was duly ADOPTED: AYES-4, NAYS-0. Voting AYE: Siejak, Crocker, Dufour and Keough.

**TOWN OF LOCKPORT  
RESOLUTION**

**WHEREAS**, the South Lockport Fire Co., Inc., (hereinafter "SLF") is purchasing a 101' Rosenbauer Cobra Platform truck and is financing it through the Community Leasing Partners, a Division of Community National Bank; and

**WHEREAS**, in order for SLF to qualify as issuers of tax-exempt obligations to purchase a new truck, a statement must be obtained from the local municipality that the fire company has provided fire fighting services for the municipality for many years and the municipality approves the purchase; and

**WHEREAS**, this approval does not in any way constitute any financial involvement or obligation of the Town; now therefore be it

**RESOLVED**, that the Town Supervisor or his designee is hereby authorized to sign the Section 147(f) of the Internal Revenue Code of 1986 Approval and Written Agreement.

7. Resolution to Authorize the Final Closeout Payment for Contract #13-5

**MOTION (2014-205)**: on a motion by Council member Crocker and seconded by Council member Keough, the following resolution was duly ADOPTED: AYES-4, NAYS-0. Voting AYE: Siejak, Crocker, Dufour and Keough.

**TOWN OF LOCKPORT  
RESOLUTION**

**WHEREAS**, the Town of Lockport awarded a bid to Parise Mechanical, Inc. in the amount of \$30,500.00 for Contract # 13-5, dated October 14, 2013, for HVAC improvements at the Carpenter's Building, and

**WHEREAS**, Wendel, the Town's Engineers, have reviewed the project and find that all matters required under the Contract have been satisfactorily completed, and now therefore be it

**RESOLVED**, that this Board authorizes the payment of \$1,525.00 which represents the remaining balance owing under the Contract and be it further

**RESOLVED**, that the bond and insurance shall remain in effect for two years starting August 6, 2014 and be it further

**RESOLVED**, the Town Supervisor is hereby authorized to sign any close out documents as required by the Contract.

8. Auth. to Set Bid Date for Contract #14-5 (Utility Building at Day Road Park)

**MOTION (2014-206)**: to set the bid date for Contract #14-5 (Lockport Utility Building at Day Road Park) to be conducted at 9:30 a.m. on Wednesday, September 3, 2014 was made by Council member Keough and seconded by Council member Siejak. The motion was CARRIED: AYES - 4, NAYS-0. Voting AYE: Siejak, Crocker, Dufour and Keough.

9. Auth. to Set Bid Date for Contract #14-7 (Transit North Gateway Signs)

**MOTION (2014-207)**: to set the bid date for Contract #14-7 (Transit North Gateway Signs) to be conducted at 10:00 a.m. on Wednesday, September 3, 2014 was made by Council member Keough and seconded by Council member Crocker. The motion was CARRIED: AYES - 4, NAYS-0. Voting AYE: Siejak, Crocker, Dufour and Keough.

10. Auth. to Accept Wendel Proposal for Engineering Services for Shimer Dr. Waterline

**MOTION (2014-208)**: to accept the Wendel proposal for engineering services (construction, observation and administration) of the Shimer Drive waterline project at a cost of \$41,300.00 was made by Council member Siejak and seconded by Council member Keough. The motion was CARRIED: AYES - 4, NAYS-0. Voting AYE: Siejak, Crocker, Dufour and Keough.

11. Auth. to Accept Wendel Proposal for Engineering Services for Shimer Dr. Sidewalk Project

**MOTION (2014-209):** to accept the Wendel proposal for engineering services (construction, observation and administration) of the Shimer Drive sidewalk project at a cost of \$43,700.00 was made by Council member Crocker and seconded by Council member Keough. The motion was CARRIED: AYES - 4, NAYS-0. Voting AYE: Siejak, Crocker, Dufour and Keough.

12. Authorization for David Kinyon to Attend I.C.S.C. Conference

**MOTION (2014-210):** to authorize David Kinyon, Town Director of Economic Development, to attend the 2014 I.C.S.C. Conference in New York City at an estimated cost of \$1,000.00 was made by Council member Keough and seconded by Council member Crocker. The motion was CARRIED: AYES - 4, NAYS-0. Voting AYE: Siejak, Crocker, Dufour and Keough.

13. Auth. for Contract with TSL Company for purchase of Online Tax Billing Software

**MOTION (2014-211):** to authorize the Town Supervisor to enter an agreement with TSL Company, subject to the Town Attorney's review and approval, to provide the Town with an online tax billing program at the cost of \$4,900.00 plus \$500 annual maintenance was made by Council member Siejak and seconded by Council member Keough. The motion was CARRIED: AYES - 4, NAYS-0. Voting AYE: Siejak, Crocker, Dufour and Keough.

14. Resolution calling for Public Hearing on Town's Master Plan Update

**MOTION (2014-212):** to call for a Public Hearing on the Town of Lockport Master Plan Update to be held at 6:30 p.m. on Wednesday, September 17, 2014 was made by Council member Crocker and seconded by Council member Keough. The motion was CARRIED: AYES - 4, NAYS-0. Voting AYE: Siejak, Crocker, Dufour and Keough.

15. Authorization for Agreement with Becker Farms

**MOTION (2014-213):** to authorize the Supervisor to enter an agreement with Becker Farms to provide residents with discount coupons for their "Pumpkin Fiesta" and their fall hayrides was made by Council member Keough and seconded by Council member Siejak. The motion was CARRIED: AYES - 4, NAYS-0. Voting AYE: Siejak, Crocker, Dufour and Keough.

16. Resolution to Authorize the Hiring of Outside Counsel

**MOTION (2014-214):** to authorize the hiring of outside counsel (Damon & Morey, LLP) to represent the Town with regard to planning and zoning matters relative to 5937 Wynkoop, Inc. was made by Council member Crocker and seconded by Council member Keough. The motion was CARRIED: AYES - 3, NAYS-0, ABSTENTION -1. Voting AYE: Siejak, Crocker and Keough. Councilwoman Dufour abstained.

17. Town Board Comments/Reports

*Councilman Crocker* welcomed all in attendance and stated that the Town Board has complete faith in the ability and judgment of Brian Belson, the Town Building Inspector, with regard to the closing of the building at 6315 Robinson Road. While it is very unfortunate for residents of the building, he expressed that the public safety and welfare of residents is paramount and that the Town Board will not compromise on that issue under any circumstance. He also assured residents that the Town Building Inspector and the Town Board will do all that they can to assist residents to move back into their homes as soon as possible.

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Additionally, he announced that a hazardous household chemical drop off will be conducted at the Town Hall on Saturday, August 16, 2014 from 10:00 - 2:00 p.m. He reported that the first hazardous materials collection that was conducted in 2013 resulted in the drop off of over 25,000 lbs of hazardous household chemicals. He also stated that in addition to hazardous household chemicals, they will also be collecting electronics for recycling. Residents interested in the drop off should contact Niagara County Refuse District at 716-439-7250 to make an appointment.

*Councilman Siejak* reported that the Niagara County Sewer District has reported a partial collapse of the 24" sewer main located at the corner of So. Transit and Robinson Roads. Repairs for the sewer main will begin on Thursday, August 7, 2014 and continue until completed. Residents should expect some traffic delays in the area and are urged to use caution.

He also reported that owners have obtained all the required permits for the demolition of the empty home located at 5645 Beattie Avenue. Asbestos abatement will begin soon and the demolition should be completed before the start of the upcoming school year.

The Councilman also reminded residents that the August brush pickup will be conducted on Monday August 18, 2014.

Additionally, he announced two upcoming events:

Rapids Community Day - sponsored by the Rapids Fire Hall and the nearby Rapids Bible Church, to be held at the Fire Hall on Saturday, August 23, 2014 from 11:30 – 4:30 p.m. The event will include a parade at 11:30, food and games for children and adults from 12:00 -3:00 and a talent show from 3:00-4:30 p.m.

2<sup>nd</sup> Annual "Bark for Life" event to be held at Day Road Park on Sunday, August 24, 2014 from 9:00 -1:00 p.m. The fund raising event will benefit the American Cancer Society and will feature several activities for dogs as well as their owners.

Lastly, he thanked members of the Town Recreation Committee and the volunteers who helped to make the annual Town of Lockport Community Day such a successful and fun-filled event. He also thanked Mr. Charles Rhode who donated a 4'x 6' American flag as a thank you to the Town for purchasing the American flags posted at veteran's graves on Memorial Day.

*Councilman Keough* reported that this was his first opportunity to attend Lockport Community Day and he thoroughly enjoyed the event. In addition to the Recreation Committee, he also thanked the members of Rapids Fire Co for all their man power and for supplying such items as tables and chairs to make this event such a success.

#### 18. Deputy Supervisor's Comments/Reports

Deputy Supervisor Dufour reported on the Memorial Tree program at Day Road Park, stating that while the program with Steadman's Nursery has been suspended, the nursery has replaced ten trees at the park which have died. Anyone interested in the memorial tree program should contact Councilwoman Dufour at Town Hall for program details.

She also reported that construction of the brick "Pathway of Honor" surrounding the pavilion at Day Road Park is underway and should be completed within the next ten days.

Lastly, she stated that this has been a very busy summer in the Town of Lockport, with a lot of construction taking place and several businesses opening. She felt it was necessary to provide an update for the Board and residents as follows:

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Steak, Stone & Sushi in the Save-A-Lot plaza has opened; White Rabbit frozen yogurt store in the Home Depot plaza has opened; TJ Max Store is expected to open very soon (possibly August), and the contractor building the new Wal Mart store is expected to turn the building over to Wal Mart by mid-September.

19. Adjournment

There being nothing further to come before the Board, Deputy Supervisor Dufour asked for a motion to adjourn.

**MOTION (2014-215):** to adjourn was made by Council member Siejak and seconded by Council member Keough. The motion was CARRIED: AYES - 4, NAYS-0. Voting AYE: Siejak, Crocker, Dufour and Keough.

The meeting ended at 8:02 p.m. The Lockport Town Board stands adjourned until the next scheduled meeting at 1:00 p.m. on Wednesday, August 20, 2014.

Respectfully submitted,

Nancy A. Brooks, RMC, MMC  
Lockport Town Clerk