

August 20, 2014

A regularly scheduled work session of the Lockport Town Board was conducted at 1:00 p.m. on Wednesday, August 20, 2014, at the Town Hall, 6560 Dysinger Road, Lockport, New York.

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

Also present: Nancy A. Brooks, Town Clerk; Michael J. Norris, Town Attorney; Robert Klavoon of Audubon (Wendel) Engineering and local media representatives.

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

1. **Town Clerk**

The Town Clerk reported a correspondence from the Niagara County Center for Economic Development – a training schedule for Zoning and Planning Board members.

2. **Town Attorney**

The Town Attorney brought forth two resolutions for Town Board action as follows:

A Resolution to Authorize the Supervisor to Sign a Purchase Offer for 6804 Erica Lane

(2014-216) on a motion by Council member Siejak and seconded by Council member Keough, the following resolution was duly ADOPTED: AYES-4, NAYS-0. Voting AYE: Siejak, Dufour, Keough and Smith.

**TOWN OF LOCKPORT
RESOLUTION**

WHEREAS, the Town of Lockport acquired ownership of premises located at 6804 Erica Lane in the Town of Lockport (SBL No. 152.04-1.28) by deed from the County of Niagara which was recorded in the Niagara County Clerk's Office on August 1, 2013; and

WHEREAS, the Town Board by resolution dated October 23, 2013 declared that this property has no useful purpose and not needed for town purposes; and

WHEREAS, the Town advertised for public bids on said property and received none; and

WHEREAS, the Town listed the property with Realty USA and it has been on the market for approximately six months; and

WHEREAS, an offer has been received by William C. and Renee D. Stockwell in the amount of \$21,000.00; and

WHEREAS, this offer is consistent with the fair market value for such a lot; **now therefore be it**

RESOLVED, that the Town hereby accepts the offer by William C. and Renee D. Stockwell in the amount of \$21,000.00 for the premises located at 6804 Erica Lane in the Town of Lockport (SBL No. 152.04-1.28) and authorized the Town Supervisor to sign the purchase offer contract, deed and related real estate documents in accordance with closing this real estate transaction.

Continued next page

A Resolution to Authorize Supervisor to Place 6892 E. High Street up for Sale

(2014-217) on a motion by Council member Keough and seconded by Council member Dufour, the following resolution was duly ADOPTED: AYES-4, NAYS-0. Voting AYE: Siejak, Dufour, Keough and Smith.

**TOWN OF LOCKPORT
RESOLUTION**

WHEREAS, the Town of Lockport acquired ownership of premises located at 6892 East High Street, Lockport, New York (Tax Map No. 124.05-2-20) by deed from the County of Niagara which was recorded in the County Clerk's Office on August 11, 2014; and

WHEREAS, before the Town took ownership, this property was subject to an in rem foreclosure action by the County and the house was declared unsafe by the Town; and

WHEREAS, the Town agreed to take ownership of said premises with the desire to return said property back to the tax rolls; and

WHEREAS, the home has been demolished and removed from the premises by the Town, and

WHEREAS, the premises is located in a residential area and is of no useful purpose and not needed for Town purposes,

NOW, THEREFORE, BE IT RESOLVED, that the Town Board find this property is of no useful purpose and not needed for Town Purposes; and be it further

RESOLVED, that the Town Clerk is hereby directed to advertise and receive sealed bids for said premises pursuant to the Terms and Conditions as prepared by the Town Attorney until Monday, September 8, 2014 at 10:00 a.m.

3. Engineer

Mr. Klavoon spoke on several matters providing updates as follows:

Blockage on Tonawanda Creek – He reported that the Town of Clarence in conjunction with Town of Lockport personnel had cleared the debris (trees and a boat) from the creek bed and that he was preparing the closing documents for the NYS Dept. of Environmental Conservation.

Sidewalks on Robinson Road – Mr. Klavoon reported that the NYSDOT has awarded the bid for the construction of sidewalks along Robinson Road from Old Beattie Road, west to Transit Road. He will advise the Town Board of the construction dates at a later time but believes the sidewalks should be completed by year's end.

Lincoln Avenue Re-Construction - Mr. Klavoon stated he has yet to receive a "hard start" date from Niagara County on the commencement of the Lincoln Ave. reconstruction project. He will advise the Town Board of the status as the project proceeds.

Day Road Park Pathway of Honor – Mr. Klavoon stated that he was requesting authorization for a Change Order for the pathway due to extreme wet soil conditions in the park which required additional stone and stabilizing to complete the project.

Continued next page

MOTION (2014-218): to approve a Change Order payable to the contractor, Scott Lawn Yard, in the amount of \$2,284.59, for additional stone and stabilization for the Day Road Park Pathway of Honor project, was made by Council member Dufour and seconded by Council member Keough. The motion was CARRIED: AYES - 4, NAYS-0. Voting AYE: Siejak, Dufour, Keough and Smith.

Transit Road Waterline Wetland Delineation

Mr. Klavoon reported that a wetland delineation was required for the Transit Road Waterline project and requested Town Board approval as follows:

MOTION (2014-219): on a motion by Council member Siejak and 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**

WHEREAS, the Town of Lockport is continuing work on the design for the replacement of existing waterline along the east side of Transit Road; and

WHEREAS, Wendel has received proposals from two (2) consultants to perform a wetland delineation survey and compile information into a final wetland delineation report for the proposed project; and

WHEREAS, Wendel has reviewed the proposals and recommends that Wilson Environmental Technologies, Inc. be awarded the project; and

WHEREAS, the fee for this work is determined on a lump sum basis and is estimated to be \$4,500.00,

NOW, THEREFORE BE IT RESOLVED, that the Lockport Town Board accepts the proposal from Wilson Environmental Technologies, Inc. and authorizes the Supervisor to sign the proposal dated August 18, 2014 for spending not to exceed \$4,500.00.

Authorization for Transit Road Waterline Replacement Soil Borings

Mr. Klavoon also reported that the Transit Road Waterline Replacement project required that soil borings be completed before commencing installation of the waterline and he requested Town Board approval as follows:

MOTION (2014-220): on a motion by Council member Dufour and seconded by Council member Siejak, the following resolution was duly ADOPTED: AYES-4, NAYS-0. Voting AYE: Siejak, Dufour, Keough and Smith.

**TOWN OF LOCKPORT
RESOLUTION**

WHEREAS, the Town of Lockport is continuing work on the design for the replacement of existing waterline along the east side of Transit Road; and

WHEREAS, Wendel has solicited proposals from four (4) consultants to perform test borings and complete a soil investigation report for the proposed project, and

WHEREAS, only one (1) response from a qualified consultant was received, and

WHEREAS, Wendel has reviewed the proposals and recommends that SJB Services, Inc. of Hamburg, New York be awarded the project, and

WHEREAS, the fee for this work is determined on a unit price basis and is estimated to be \$7,815.00.

THEREFORE, BE IT RESOLVED, that the Lockport Town Board accepts the proposal from SJB Services, Inc. and authorizes the Supervisor to sign the proposal dated August 18, 2014, and

BE IT FURTHER RESOLVED, that the spending is not to exceed \$9,000.00.

Request for Change Order Approval for Shimer Drive Waterline Replacement

Mr. Klavoon requested approval of Change Order #1 for the Shimer Drive Waterline project in the amount of \$18,650.00, to provide for a fire suppression system for Ted's Hot Dogs, located at 6230 Shimer Drive. Councilman Siejak noted that the cost of Change Order #1 still results in the overall cost to fall below the project's budget allocation.

MOTION (2014-221): to approve Change Order #1 for the Shimer Drive Waterline Line Replacement, in the amount of \$18,650.00 to provide for a fire suppression system for Ted's Hot Dogs was made by Council member Keough and seconded by Council member Siejak. The motion was CARRIED: AYES - 4, NAYS-0. Voting AYE: Siejak, Dufour, Keough and Smith.

Supervisor Smith added that he wanted to thank Mr. Klavoon and his associates from Wendel for the fine job of public notifications regarding the above project.

IDA Pump Station Rehabilitation

Mr. Klavoon reported that he is presently preparing the paperwork to request a Change Order for the IDA Pump Station Rehabilitation project. Stating that the contractor currently working on the Lincoln Avenue Pump Station Rehab Project would complete the installation of a "PIG launcher" for the IDA station, which would provide a method to clear the lines within that station which handles approximately 90% of the sewage within the IDA Park. He will continue work on the cost figures and bring the request forward at a later date.

4. Town Board Comments/Reports

Councilwoman Dufour thanked Mr. Ken Horvath, the Town of Lockport Park Ranger, for the excellent job he performed with the installation of over 1500 linear feet of stone within the John Austin Nature Trail Park. She stated that the work has greatly improved the appearance and accessibility within of the park.

Niagara County Hazardous Household Drop Off – The Councilwoman reported that over 350 cars, each averaging over 100 lbs of hazardous household materials, was collected over a four plus hour day. She thanked the Town Highway personnel for the fine job they did in the collection process and stated it was a long, hard day but well worth the efforts of those participating. She also suggested that the Town of Lockport, due to the volume of waste collected at this drop off, consider budgeting for two drop off collections for Town residents; possibly one in the spring and one in the fall.

Councilman Siejak

The Councilman explained that the Niagara County Recycling Redemption center in Wright's Corners has stopped taking electronic goods for recycling. The director stated that residents were abusing the recycling location and that the volume of items dropped off was abundant and forced the site's closing. Town residents are urged to dispose of their electronics at the curb before December 31, 2014, at which time even that method of electronics disposal will be prohibited.

Councilman Keough stated he attended the hazardous household drop off on Saturday, August 16th and he agrees that the Town should investigate having additional recycling drop off dates for electronics.

5. Supervisor's Comments/Reports

Supervisor Smith began by offering his personal condolences to the family of Merrill Lane, who was instrumental in keeping the Niagara Falls Air Base opened.

The Supervisor also requested authorization to close out Contract #156W (Pressure Reducing Valves) and to authorize the final payment of \$47,705.00

MOTION (2014-222): to authorize the Supervisor to sign close out documents for Contract #156W (Pressure Reducing Valves) and to authorize the final payment of \$47,705.00 was made by Council member Siejak and seconded by Council member Keough. The motion was CARRIED: AYES - 4, NAYS-0. Voting AYE: Siejak, Dufour, Keough and Smith.

The Supervisor also reported that the Great Lakes 100 Mile Triathlon Bike Course will be passing through the Town of Lockport on Saturday, October 4, 2014 and he handed out a flyer depicting the route through Niagara County.

The Supervisor also requested authorization to sign a contract to provide gasoline to Niagara County at a price of Town of Lockport cost plus 5¢/per gallon.

MOTION (2014-223): to authorize the Supervisor to enter an agreement with Niagara County to provide the County with gasoline at a cost of Town's cost plus 5¢/per gallon was made by Council member Keough and seconded by Council member Dufour. The motion was CARRIED: AYES - 4, NAYS-0. Voting AYE: Siejak, Dufour, Keough and Smith.

When asked how the Town would distribute the gasoline, the Supervisor explained that the Town utilizes a card system which gives the name of the card holder, when, where and how much gasoline is used by each vehicle. The County will be issued their own set of gasoline cards. The Town will bill them accordingly. It's estimated the County will utilize approximately 300 gallons per month.

Lastly, the Supervisor reported that the Town had received a report from BP Greene on the Niagara-Orleans Rural Broadband Initiative. He will copy it to the Town Board.

6. Executive Session Entered

MOTION (2014-224): to enter Executive Session for the purpose of consulting with the Town Attorney was made by Council member Keough and seconded by Council member Siejak. The motion was CARRIED: AYES - 4, NAYS-0. Voting AYE: Siejak, Dufour, Keough and Smith.

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

7. Executive Session Ended and Work Session Reconvened

MOTION (2014-225): to exit the Executive Session and to reconvene the work session was made by Council member Siejak and seconded by Council member Dufour. The motion was CARRIED: AYES - 4, NAYS-0. Voting AYE: Siejak, Dufour, Keough and Smith.

The work session was reconvened at 2:02 p.m. with no Town Board action taken during Executive Session.

8. Adjournment

MOTION (2014-226): to adjourn was made by Council member Keough and seconded by Council member Dufour. The motion was CARRIED: AYES - 4, NAYS-0. Voting AYE: Siejak, 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, September 8, 2014.

Respectfully submitted,

Nancy A. Brooks, RMC, MMC
Lockport Town Clerk