

November 5, 2014

Four Public Hearings and the regular monthly business meeting of the Lockport Town Board were conducted at 7:30 p.m. on Wednesday, November 5, 2014, at the Town Hall, 6560 Dysinger Road, Lockport, New York.

Present were: Supervisor: Marc R. Smith

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

Also present: Nancy A. Brooks, Town Clerk; Michael J. Norris, Town Attorney; Judith Newbold, Deputy Town Clerk; Larry Haseley, Town Historian; Andrew Riley, Town Planner; and approximately 15 residents.

Following the Pledge of Allegiance, Supervisor Smith welcomed everyone in attendance and opened the meeting, asking the Town Clerk to read the Notice of Public Hearings as was published in the Union Sun & Journal. He then opened the hearings as follows:

PUBLIC HEARING: 2015 Town Budget

Paul Black of Harding Ave Ext. questioned where and what "surplus" the Town has. He stated that he had reviewed the 2015 Preliminary Budget and it was very difficult to determine what or how much surplus there is. He also requested that the Town Board improve the budget process by better educating the public with familiarizing them with the budget process and helping them to better understand the budget itself.

No one else spoke to the matter and the Public Hearing was closed.

PUBLIC HEARING: 2015 Special Districts Amounts to be raised by Taxation

No one spoke to the matter and the Public Hearing was closed.

PUBLIC HEARING: 2015 Fire Contracts

No one spoke on the matter and the Public Hearing was closed.

PUBLIC HEARING: Town Comprehensive Plan

Mr. Perry Galdenzi, Area Manager of LaFarge Aggregates & Concrete, spoke on the matter, stating that LaFarge was pleased with the proposed Comprehensive Plan that the Town will be voting on. There being no one else to speak, the Public Hearing was closed and the regular business meeting was opened as follows:

BUSINESS MEETING:

1. Approval of Minutes

MOTION (2014-295): to approve the minutes of Lockport Town Board meetings conducted on 10/06/2014, 10/08/2014, 10/15/2014, and 10/22/2014 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.

2. Approval Payment of Bills

MOTION (2014-296): to approve the payment of bills 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.

The bills for the month of November consist of Vouchers #32545 – 32735 in the amount of \$782,384.28.

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3. Communications

The Town Clerk read the names of two individuals requesting approval for the volunteer fire service. The candidates, approved by the Town Fire Prevention Bureau, are as follows:

Keith A. Latta.....Wright's Corners Fire Co.
Katie J. Voelpel.....Wright's Corners Fire Co.

MOTION (2014-297): to approve the above named individuals for volunteer fire service in the Town of Lockport was made by Council member Keough and seconded by Council member Dufour. The motion was CARRIED: AYES - 5, NAYS-0. Voting AYE: Siejak, Crocker, Dufour, Keough and Smith.

4. Building Inspector's Report

Councilwoman Dufour read the Building Inspector's Report for the period of October 2014, which states that 60 building permits were issued; \$10,920.90 was collected in fees; and the estimated cost of construction was \$6,645,218.00.

MOTION (2014-298): to approve the Building Inspector's Report for the month of October 2014 as read 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.

5. Supervisor's Monthly Financial Report

MOTION (2014-299): to approve the Supervisor's Monthly Financial Report for the period ending 10/31/2014, was made by Council member Crocker and seconded by Council member Siejak. The motion was CARRIED: AYES - 5, NAYS-0. Voting AYE: Siejak, Crocker, Dufour, Keough and Smith.

Supervisor Smith then responded to Mr. Black's request regarding the Town Budget process and explained that the Town Budget is formulated according to requirements of the NYS Comptroller's Office. Hence, the format may not be the most friendly to review. He also added that each year, the Town is audited by an independent auditing firm and the Town's Financial Statement, which lists the Town's Fund Balances, is placed on the Town's website. He reported that the Town has approximately \$8.5 million in surplus which is allocated across several accounts. The State Comptroller's Office dictates how those funds are allocated to each of the accounts, how they can be spent, as well as how they can be invested. Every year the Town researches which bank offers the best interest rates for Town investment. The Town's surplus funds are currently invested according the State Comptroller's regulations.

After the Supervisor explained about the Town's surplus investments and some of the budget process, Councilman Siejak, acknowledging that there were no public remarks that would likely change the Preliminary Budget, offered the following motion.

6. Adoption of the 2015 Town Budget

MOTION (2014-300): to adopt the 2015 Preliminary Budget as the 2015 Final Town Budget was made by Council member Siejak and seconded by Council member Crocker. The motion was put to a ROLL CALL VOTE and ADOPTED. Vote: Keough-AYE, Siejak- AYE, Dufour-AYE, Crocker-AYE, Smith-AYE.

** NOTE: A copy of the 2015 Town Budget is an attachment to these minutes.

7. Adoption of the 2015 Special Districts to be raised by Taxation

MOTION (2014-301): to adopt the 2015 Special Districts Amounts to be raised by Taxation was made by Council member Keough and seconded by Council member Dufour. The motion was put to a ROLL CALL VOTE and ADOPTED. Vote: Keough-AYE, Siejak- AYE, Dufour-AYE, Crocker-AYE, Smith-AYE.

8. Adoption of the 2015 Fire Contracts

MOTION (2014-302): to adopt the 2015 Fire Contracts was made by Council member Siejak and seconded by Council member Crocker. The motion was put to a ROLL CALL VOTE and ADOPTED. Vote: Keough-AYE, Siejak- AYE, Dufour-AYE, Crocker-AYE, Smith-AYE.

9. Authorization to Re-Bid Safe Routes to Schools Contract #14-1R

MOTION (2014-303): on a motion by Council member Dufour 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
ADVERTISE BIDS FOR SAFE ROUTES TO SCHOOLS SIDEWALK
INSTALLATION – CONTRACT 14-1R**

WHEREAS, the Town of Lockport has authorized Wendel, the Town's Engineers to complete the plans and specifications for the installation of approximately 5,300 LF of sidewalks defined under the Safe Routes to School grant, and

WHEREAS, Wendel has completed the plans and specifications and has obtained all necessary regulatory approvals, and now therefore be it

RESOLVED, that the Lockport Town Board authorizes the Town Clerk to advertise for said bids and that bids shall be received up to Monday, December 22, 2014 at 9:00 a.m.

10. Auth. for Closeout Documents and for Final Payment for Contract#13-6R

MOTION (2014-304): on a motion by Council member Crocker and seconded by Council member Siejak, 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 awarded a bid to Allied Fire Protection Systems in the amount of \$70,200 by Contract NO. 13-6R, for the installation of the sprinkler system in the Highway Garage, 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 \$3,510.00 which represents the remaining balance owed under the Contract and be it further

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

11. Auth. to Prepare Bid Documents for Sewer/Water Vacuum Maintenance Services

MOTION (2014-305): 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**

**AUTHORIZE TOWN ENGINEER TO PREPARE CONTRACT DOCUMENTS
FOR SEWER AND WATER VACUUM MAINTENANCE SERVICES
CONTRACT #14-8**

WHEREAS, from time to time, the Town of Lockport Water and Sewer department may require services to clean sanitary sewers, pump stations and water valve boxes using mechanical means, and now therefore be it

RESOLVED, that Wendel, the Town's Engineers is authorized to prepare contract documents to solicit bids for Sewer and Water Vacuum Maintenance Services to be performed on an as needed basis.

12. Res. to Oppose the Expansion of Federal Control under the Clean Water Act

MOTION (2014-306) on a motion by Council member Dufour and seconded by Council member Crocker, the following resolution was duly ADOPTED: AYES-5, NAYS-0. Voting AYE: Siejak, Crocker, Dufour, Keough and Smith.

**TOWN OF LOCKPORT
RESOLUTION**

OPPOSING EXPANSION OF FEDERAL CONTROL UNDER CLEAN WATER ACT

WHEREAS, the U.S. Environment Protection Agency (EPA) and the Army Corps of Engineers (Corps) have released a 371-page draft regulation for Definition of Waters of the U.S. under the Clean Waters Act, and

WHEREAS, both agencies are seeking a rule change to give the federal government more authority by expanding the definition of "navigable waters" in the Clean Water Act, and

WHEREAS, the rule change proposed by the EPA and the Corps would subject almost all physical areas with a connection to downstream navigable waters-including features such as ditches, natural or man-made ponds, and flood plains, to the jurisdiction of the Clean Water Act, and

WHEREAS, the proposed change, if adopted, will cause significant harm to local farmers, stall the development of businesses, take control of land used for sustainable food production out of our local providers' hands and negatively impact Town-owned and maintained infrastructure such as roadside ditches and flood control channels, and

WHEREAS, the costs to our farms, municipalities and taxpayers will be enormous, and

WHEREAS, the New York Farm Bureau, the National Association of Counties (NACo), and the National Association of County Engineers (NACE) oppose the proposed rule change, and

WHEREAS, it is impractical for the federal government to regulate every ditch, pond and rain puddle that may have some tenuous connection-miles away-to a body of water currently defined as "navigable", now therefore be it

RESOLVED, that the Town of Lockport hereby strongly opposes the EPA and Corps expansion of the Clean Water Act, as proposed, and be it further

RESOLVED, that the Town Clerk of the Town of Lockport is hereby directed to forward a certified copy of this Resolution to the Environmental Protection Agency, the Army Corps of Engineers, the President of the United States, Barack Obama, U.S. Senator Charles Schumer and Senator Kirsten Gillibrand, U.S. Congressman Chris Collins and Brian Higgins, NYS Governor Andrew Cuomo, NYS Senator George D. Maziarz, Member of the Assembly Jane Corwin, the National Association of Counties, the National Association of County Engineers, the New York State Association of Counties, the New York Farm Bureau, the NYS County Highway Superintendents Association, the Association of Town of the State of New York and the Western New York Inter-County Association.

13. Authorization for the Purchase of 2015 Ford Van XL for Sewer/Water Dept.

MOTION (2014-307): to authorize the purchase of a 2015 Ford Transit Connect Van XL for the Sewer/Water Dept. at the NYS Contract Bid Price amount of \$20,048.96 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.

14. Authorization for the Purchase of 2014 Ford F-150 Pickup for Sewer/Water Dept.

MOTION (2014-308): to authorize the purchase of a 2014 Ford F-150 Pickup for the Sewer/Water Dept. at the NYS Contract Bid Price amount of \$24,165.83 was made by Council member Dufour and seconded by Council member Siejak. The motion was CARRIED: AYES - 5, NAYS-0. Voting AYE: Siejak, Crocker, Dufour, Keough and Smith.

15. Town Board Comments/Reports

Councilman Keough announced that an AARP Driver's Course will be held on Saturday, November 15, 2014 from 9:00 a.m. – 4:00 p.m. at the Town Hall. The class can help reduce some car insurance rates. Interested persons must register with the Town Clerk's office by Friday, Nov. 7, 2014. He highly recommends the class.

Councilman Siejak talked on several issues including:

Final Brush Pickup – the year's last brush pickup is scheduled for Monday, November 17. All brush must be out by 7:00 a.m.

Highway Dept. reports that they are ready for winter. The plows have been added to the trucks and there is plenty of salt for the roads. Additionally, the Town's Winter Parking Ordinance is in effect. There is no parking on Town highways between the hours of 1:00 a.m. and 7:00 a.m. from November 1st thru April 1st of each year.

Veteran's Day Observances will take place at 11:00 a.m. at Outwater Park in the City of Lockport.

Thanksgiving - Due to the holiday, the Town of Lockport refuse pickup will run one day late.

Electronics Waste Disposal – Electronic waste will only be picked up at the curb until December 31, 2014.

Lastly, the Councilman wished everyone a safe and happy Thanksgiving.

Councilwoman Dufour reported that the last computer class offered at Town Hall, "Jobz!- Skills for Job Seekers", will take place on November 13, 2014 from 1:00 – 4:00 p.m. Residents should contact the library to enroll.

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Veterans' Outreach Program – will be conducted in conjunction with the Dale Association on November 12, 2014 at the Town Hall from 3 – 5:00 p.m. Several local agencies will take part including the Niagara Co. Veteran's Service Agency, the Niagara County Office of the Aging, the VA of WNY, and Niagara County Clerk Wayne Jagow and the Thank a Vet Program.

Christmas on the Canal – the annual event will take place in the City of Lockport on Saturday, November 29, 2014 with a parade at 6:00 p.m.

Town's Winter Festival – Sunday, November 30, 2014, Noon - 3:00 p.m. at Day Road Park. Santa will arrive at noon. Activities include games, prizes, hot chocolate and cookies, as well as horse-drawn carriage rides.

Winter Newsletter – the Councilwoman reminded residents to keep the newsletter as there are several coupons that remain in effect for activities that occur throughout the winter months.

Reporting on retail and commercial development, she reported that the new Wal Mart will begin setting shelves in November and employees will start working December 1st to install freezers. They're working toward a Grand Opening in January, possibly a soft opening before that. In the mean time, all the parking lots have all been completed.

Burger King is currently closed for their \$200,000.00 renovations both inside and out.

Bison Bag in the I.D.A. Park is undergoing a 40,000 sq. ft. expansion which will help with the local economy and bring additional jobs to our area.

Lastly, she also wished everyone a happy Thanksgiving,

Councilman Crocker congratulated his colleague, Mr. Keough, on being elected to the Town Council.

16. Supervisor's Comments/Reports

Supervisor Smith reported that the Town Board would not be voting on the adoption of the Town's Comprehensive Plan until the December 3, 2014 Town Board meeting.

17. Adjournment

MOTION (2014-309): 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 ended at 7:58 p.m. The Lockport Town Board will next meet at 1:00 p.m. on Wednesday, November 19, 2014.

Respectfully submitted,

Nancy A. Brooks, RMC, MMC
Lockport Town Clerk