

July 6, 2015

A regularly scheduled work session of the Lockport Town Board was conducted at 1:00 p.m. on Monday, July 6, 2015, 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; Robert Klavoon of Wendel Engineering and two local media representatives.

Supervisor Smith welcomed everyone and opened the meeting as follows:

1. **Town Clerk** – Nothing to report.
2. **Attorney** - Mr. Norris addressed the Town Board with the following matters:

Request for Eminent Domain Process within the IDA Park

Mr. Norris explained that the Town has made several attempts over the past year to obtain a drainage easement (15' x 700') from Central Transport located in the IDA Park, without success. David Kinyon, Director of Economic Development, feels it is vital to obtain the easement to correct drainage issues within the park. Presently, the Town is getting no response from the land owner so Mr. Norris feels it is time to proceed with the eminent domain process.

MOTION (2015-178): to authorize the Town Attorney to proceed with the eminent domain process to obtain a drainage easement for property owned by Central Transport in the Lockport I.D.A. Park was made by Council member Crocker and seconded by Council member Keough. The motion was CARRIED: AYES-5, NAYS-0. Voting AYE: Crocker, Siejak, Dufour, Keough and Smith.

Request from Highway Dept. to Purchase Hot Box

Mr. Norris stated that David Miller, Highway Superintendent, has requested authorization to purchase a 4-ton hot box used for paving projects, which is on the NYS Bid Price List at a cost of \$32,328.00. Funds for this item were appropriated in the 2015 Town Highway Budget. This matter will be placed on the agenda for the July 8, 2015 Town Board meeting.

Request from Highway Dept. to Purchase a Pickup Truck

The Highway Superintendent has requested authorization to purchase a pickup truck from Joe Basil Chevrolet, in conjunction with the Chautauqua County contract, at a cost of \$31,180.50. Monies for this truck were also appropriated in the 2015 Highway Budget. Mr. Norris has examined the bid packet, and has found it to be acceptable to "piggyback" off of the Chautauqua County bid contract. This item will be placed on the agenda for the July 8, 2015 Town Board meeting.

New Retainer Required for Outside Legal Services

Mr. Norris explained that the law firm of Damon Morey, LLP, whom the Town currently has under retainer for legal services regarding labor negotiations, has recently undergone a merger and has had a name change to Barclay Damon. This change requires the Town to obtain a new retainer with Barclay Damon, LLP, for such services. This matter will also be placed on the July 8, 2015 agenda for Town Board action.

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3. Engineer

Mr. Klavoon requested authorization to make final close out payment for Contract #161S (Lincoln Village Pump Station). He noted that the Town Board had previously authorized Change Order #1 in the amount of \$7,500.00, bringing the total project cost, including the Change order, to \$235,500.00. This will be placed on the agenda for the July 8, 2015 Town Board meeting.

4. Town Board Comments/Reports

Councilwoman Dufour thanked Rikki Cason and Tom Prohaska, the two media representatives present, for their excellent coverage of the Vietnam Wall event when it was held by the Town.

She also reported that the Town Recreation Committee would like to publicize the Town sponsored summer activities which include a summer reading program which will take place at 10:00 a.m. on Friday mornings, July 10, 2015 –August 14, 2015 at Day Road Park as well as an arts and crafts program to be held at Day Road Park from 9:00-11:30 a.m. from August 4 – August 20. Anyone wishing to participate in these programs can sign up at the Town Clerk's office.

Councilman Crocker stated he has received a few requests for a drinking fountain to be installed at Day Road Park. The water line runs right through that area so he would like the Town Board to consider this. Also, he stated a light switch or other means to change the light at Day Road Park is needed as the light is interfering with "Movie Night" at the park. Supervisor Smith also recommended that a "doggy water" spigot be added at Day Road Park and added that Ken Horvath, the Town Park Ranger, has requested that water be installed at Lytle Park to assist with plant watering.

Councilman Siejak gave a final update on the cost of the Vietnam Wall event, stating that there were not many changes since his last report. The estimated final cost is \$10,274.70, well within the appropriated budget. However, he stated that while the Town Board had appropriated \$15,000.00, from the remaining balance, he would like to reimburse the Town Recreation Committee, as they had lent a small tent which was damaged in the course of the event. He also asked if the Town Board had considered his recommendation to have a "memorabilia" cabinet or shadow box created for the many items left at the wall or were associated with the event. Supervisor Smith suggested that Councilwoman Dufour and Councilman Siejak seek prices and report back.

Lastly, Councilman Siejak thanked Supervisor Smith for requesting that the intersection of Beattie/Dysinger Road be investigated by the State.

5. Supervisor's Comments/Reports

The Supervisor reported on the following:

Request for Funding – the Rapids Owl Landmark Rededication

Town Clerk, Nancy Brooks, heading up the Rapids Owl Landmark Restoration and Re-dedication Committee, has asked that the Town contribute to the annual Rapids Community Day Celebration to be held in August, at which time the restored "Rapids Owl" will be rededicated and erected on a parcel of land owned by the Rapids Fire Co. Supervisor Smith suggested that the Town contribute \$400. This will be placed on the agenda for July 8, 2015.

Community Development Block Grant Funds

David Kinyon, Director of Economic Development has some ideas as to how the Town can utilize the funds from this grant. The Supervisor will keep the Town Board posted as the monies from this grant are distributed and as ideas for implementing the funding are explored.

Sale of Small Fireworks

Supervisor Smith voiced his displeasure that the newly adopted State legislation supersedes local legislation which prohibits the sale of fireworks. Being that the Town of Lockport has ordinances regulating this activity, the Supervisor wrote to NYS Senator Robert Ort and NYS Assemblywoman Jane Corwin to voice these concerns.

NYS Gaming Funds

The supervisor reported that the Town has received notice from the State that the Town will be receiving additional funds from gaming monies collected by the State. He will keep the Board apprised of the additional funding when it is obtained.

Councilwoman Dufour then commented that the Transit Road water line replacement project is going extremely well and how pleased she was to see the project progress so quickly and without incident. Mr. Klavoon agreed and stated the first section of new line will soon be in use and the old line decommissioned.

6. Executive Session Entered

MOTION (2015-179): to enter Executive Session to consult with the Town Attorney was made by Council member Dufour and seconded by Council member Crocker. The motion was CARRIED: AYES-5, NAYS-0. Voting AYE: Crocker, Siejak, Dufour, Keough and Smith.

The Town Board entered Executive Session at 1:27 p.m.

7. Executive Session Ended and Work Session Reconvened

MOTION (2015-180): to exit Executive Session and to reconvene the work session was made by Council member Siejak and seconded by Council member Crocker. The motion was CARRIED: AYES-5, NAYS-0. Voting AYE: Crocker, Siejak, Dufour, Keough and Smith.

The Town Board reconvened the work session at 2:10 p.m. with no Town Board action taken during Executive Session.

8. Adjournment

MOTION (2015-181): to adjourn was made by Council member Siejak and seconded by Council member Keough. The motion was CARRIED: AYES-5, NAYS-0. Voting AYE: Crocker, Siejak, Dufour, Keough and Smith.

The work session was ended at 2:10 p.m. The Lockport Town Board will next meet at 7:30 p.m. on Wednesday, July 8, 2015.

Respectfully submitted,

Nancy A. Brooks, RMC, MMC
Lockport Town Clerk