

July 8, 2015

The regular business meeting of the Lockport Town Board was conducted at 7:30 p.m. on Wednesday, July 8, 2015, at the Town Hall, 6560 Dysinger Road, Lockport, New York.

Present were: Supervisor: Marc R. Smith

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; David Miller, Highway Superintendent; Judith Newbold, Deputy Town Clerk; Laurence Haseley, Town Historian.

Following the Pledge of Allegiance, Supervisor Smith welcomed those present and read the Town's policy for public comments. The meeting was opened as follows:

**PUBLIC COMMENTS:** The following individuals spoke before the Town Board.

Paul Black of Harding Avenue Ext. presented the Town Board with two framed pictures of the Traveling Vietnam Wall, which he took in June while the wall was here at Town Hall. The pictures; one in black and white, and the other in color, were gratefully accepted by the Town Board. Councilman Siejak thanked Mr. Black and explained that the pictures will most likely be enclosed in a display case centered on the Vietnam Wall event that will be erected within the Town Hall for public viewing.

James McGrath, who recently moved to Congressional Drive, stated he feels that the Town Board is not doing enough for local veterans, as he was told he missed a deadline for applying for the veterans' exemption on his County tax bill. He feels that having deadlines prevents veterans from taking advantage of exemptions that they are entitled to. He will not be able to qualify for the veterans' exemption until the 2017 tax bill.

**BUSINESS MEETING:**

1. Approval of Minutes

**MOTION (2015-182):** to approve the minutes of Town Board meetings conducted on 06/01/2015, 06/03/2015, and 06/17/2015, 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.

2. Approval of Payment of Bills

**MOTION (2015-183):** to approve the payment of bills for the month of July 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 bills for the month of July consist of Vouchers # 34155 – 34458 in the amount of \$1,632,899.79.

3. Communications

The Town Clerk read the name of Angela M. Austin, a candidate for volunteer fire service with the Wright's Corners Fire Company. Angela has met the requirements under the Town of Lockport Fire Prevention Bureau and must now have Town Board approval.

Continued next page

**MOTION (2015-184):** to approve Angela M Austin as a volunteer fire person with the Wright's Corners Fire Company was made by Council member Crocker and seconded by Council member Dufour. The motion was CARRIED: AYES-5, NAYS-0. Voting AYE: Crocker, Siejak, Dufour, Keough and Smith.

4. Building Inspector's Report

Councilwoman Dufour read the Building Inspector's Report for the month of June which states that 68 building permits were issued; \$7,387.75 was collected in fees; and the estimated cost of construction was \$2,432,122.00.

**MOTION (2015-185):** to approve the Building Inspector's Report for June, as read, 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.

5. Supervisor's Monthly Financial Report

**MOTION (2015-186):** to approve the Supervisor's Report for the period ending 06/30/2015 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.

6. Authorization for Purchase of 4 -Ton Hot Box for Paving Projects

**MOTION (2015-187):** to authorize the Town Highway Superintendent to purchase a 4-ton hot box for paving projects off of NYS Bid List Pricing at a cost of \$32,328.00 was made by Council member Dufour and seconded by Council member Siejak. The motion was CARRIED: AYES-5, NAYS-0. Voting AYE: Crocker, Siejak, Dufour, Keough and Smith.

7. Authorization for Purchase of Pickup Truck for Highway Dept.

**MOTION (2015-188):** to authorize the Town Highway Superintendent to purchase a pickup truck from Joe Basil Chevrolet by piggy backing off of the Chautauqua County bid, in the amount of \$31,180.50, 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.

8. Authorization for Supervisor to Sign New Retainer with Barclay-Damon, LLP for Legal Counsel - formerly Damon-Morey, LLP)

Supervisor Smith explained that this is needed due to the name change of the newly formed firm and Mr. Norris reported the firm's new rates for all municipalities will be charged at the rate of \$260/hr for partners and \$235/hr for special counsel fees.

**MOTION (2015-189):** to authorize the Supervisor to sign a new retainer with the firm of Barclay-Damon LLP, formerly known as Damon-Morey, as outside counsel for labor negotiations, was made by Council member Keough and seconded by Council member Dufour. The motion was CARRIED: AYES-5, NAYS-0. Voting AYE: Crocker, Siejak, Dufour, Keough and Smith.

9. Authorization to make Closeout Payment for Contract #161S (Lincoln Village Pump Station) to include Change Order #1 in the amount of \$7,500

**MOTION (2015-190):** to approve Change Order #1 to Contract 161S in the amount of \$7,500.00 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.

9 a. Authorization to Make Final Closeout Payment for Contract #161S – Lincoln Village Pump Station

**MOTION (2015-191):** 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: Crocker, Siejak, Dufour, Keough and Smith.

**TOWN OF LOCKPORT  
RESOLUTION**

**WHEREAS**, the Town of Lockport awarded a bid to Yarussi Construction, Inc. in the amount of \$228,000 by Contract No. 161S, for the replacement of the Lincoln Village Pump Station Rehabilitation, 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 \$40,560.00 which represents the remaining balance owed under the Contract and be it further

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

10. Auth. for Allocation to Rapids Fire Company for Rapids Owl Rededication

**MOTION (2015-192):** to allocate \$400.00 to the Rapids Fire Company for the restoration and re-dedication of the historic Rapids Owl landmark was made by Council member Dufour and seconded by Council member Keough. The motion was CARRIED: AYES-5, NAYS-0. Voting AYE: Crocker, Siejak, Dufour, Keough and Smith.

11. Authorization for Contract with Lockport YWCA for Summer Arts & Crafts

**MOTION (2015-193):** to authorize the Supervisor to enter and agreement with the Lockport YWCA to provide summer arts and crafts programs for Town children, at a cost of \$750.00, 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.

12. Town Board Comments

*Councilman Crocker* thanked Mr. Black for the donation of the two pictures of the Traveling Vietnam Wall Memorial. He also thanked Mr. McGrath for bringing his views before the Town Board and stated that the Town Board is very sensitive to Veterans' issues. Councilman Crocker stated he believes that veteran's tax exemptions are under the County's jurisdiction and suggested that Mr. McGrath contact his Niagara County Legislator.

*Councilwoman Dufour* also thanked Mr. Black and welcomed Mr. McGrath to the Town of Lockport as he has just recently moved here. She then reported that both Sherman Drive and Hamm Road have been paved and that the paving of Shimer Drive will begin on Monday, July 13<sup>th</sup>.

*Councilman Siejak* reported that the Lockport Public Library will conduct summer reading programs at 10:00 a.m. on Fridays, from July 10<sup>th</sup> – August 14<sup>th</sup> at Day Road Park. Also, the next town-wide brush pickup will be held on Monday, July 20<sup>th</sup>. Please have brush out by 7:00 a.m. Lastly, he reminded residents that the 10<sup>th</sup> Annual Town of Lockport Community Day will be held on Sunday, July 19<sup>th</sup>, from 1:00-4:00p.m. at the Town Hall. There will be hot dogs, ice cream, games and a concert by the Lockport Community Band. He urged all residents to attend for a good time.

*Councilman Keough* thanked all persons who participated in the Traveling Vietnam Wall event and especially thanked Mr. Black for donating two beautiful pictures that captured the solemnity of the event.

The Councilman also added that after several years' absence, the Niagara Military Council will sponsor "Thunder of Niagara", a two-day air show at the Niagara Falls Air Base. The event and parking are free to the public. Featured in the show will be the display of several types of military air craft and an air show by the world-renowned Thunderbirds. Gates for the event open at 9:00 a.m.

13. Supervisor's Comments/Reports

Supervisor Smith thanked Mr. Black for the generous donation of the pictures of the Traveling Vietnam Wall Memorial and stated that they will grace the halls of the Town Hall for many years.

Additionally, the Supervisor asked Mr. McGrath to stay after the meeting to further discuss his concerns regarding his tax exemptions.

There being nothing further to be brought before the Board, the Supervisor asked for a motion to adjourn.

14. Adjournment

**MOTION (2015-194):** to adjourn 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 meeting was ended at 7:53 p.m. The Lockport Town Board stands adjourned until 1:00 p.m. on Wednesday, July 22, 2015.

Respectfully submitted,

Nancy A. Brooks, RMC, MMC  
Lockport Town Clerk