

August 19, 2015

A regularly scheduled work session of the Lockport Town Board was conducted at 1:00 p.m. on Wednesday, August 19, 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 a local media representative.

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

**1. Town Clerk**

The Town Clerk reported receiving correspondence from: Niagara County Water District; a NYSDEC Wetland CC-32 Boundary Delineation for a Wetland on Sherwood Drive; a liquor license renewal notification from the B.P.O. Elk's; a determination from the NYSDOT, establishing a 30 MPH speed limit for the Northview Gardens Subdivision and immediate area. There was some discussion about the speed reduction area and Supervisor Smith stated he will contact the DOT to clarify the area covered by the reduction.

**2. Town Attorney**

Mr. Norris brought several items before the Town Board as follows:

Demolition of 6538 Tonawanda Creek Road – Mr. Norris has been informed that both owners of the home are deceased. Therefore, he must research to see if this property will be probated or locate any heirs to the property. It may take some time to identify all the heirs. Mr. Norris stated that the property is well in need of demolition and he will research the current situation and report back to the Board. Councilman Siejak inquired into the process and who bears the ultimate cost of demolition. Mr. Norris explained that the Town has two methods to proceed: either have Niagara County take the property as an In Rem parcel if there are back taxes owing and then deed it to the Town of Lockport for demolition or locate the proper owners or heirs of the property, call for a public hearing on the demolition of the home, notify the heirs with a 5-day notice of public hearing; conduct the public hearing, demolish the home if deemed necessary and then charge back the demolition fees on the County tax bill.

Request for Release of Permanent Easement by the Town of Lockport

A Transit Road property owner desiring to expand the business located at 6251 S. Transit Road requested that the Town of Lockport release a portion of a permanent easement on said parcel to accommodate the expansion. The Town Engineer has reviewed the partial easement release request by the owner and has no objections. See Exhibit. A

**MOTION (2015-214):** to authorize the Town Supervisor to execute a release of a portion (20' x 80') of a permanent easement for the property located at 6251 So. Transit Road, to accommodate the expansion of the International Stone business at said location 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.

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Ulrich Business Park P.U.D. Expansion

Mulvey Construction has applied for dimensional deviations to a P.U.D. development (Ulrich Business Park – Tax Map No. 123.04-2-43) to allow for the construction of professional offices, which is a permitted use within the District pursuant to Town Code §200-83, on four lots which deviate from the required 125 foot frontage for B-1 property. The applicant is requesting a dimensional deviation of the lot width requirement for three lots having 100.00 foot width and one lot having 102.24 foot width. Mr. Norris stated that any deviation from P.U.D. Law requires review and action by the Town Board, additionally, the site plan review and the SEQRA will also need to be completed and reviewed by the Planning Board. He requested that the Town Board call for a Public Hearing to be held at 7:30 p.m. on September 2, 2015.

**MOTION (2015-215):** to call for a Public Hearing as follows 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.

NOTICE OF PUBLIC HEARING  
TOWN OF LOCKPORT  
TOWN BOARD

PLEASE TAKE NOTICE that a Public Hearing will be held by the Town of Lockport Town Board, Niagara County, New York, on the 2<sup>nd</sup> day of September, 2015 commencing at 7:30 p.m. at the Town Hall, 6560 Dysinger Road, Lockport, New York, to hear and consider the following property and property owner:

OWNER/APPLICANT: MULVEY CONSTRUCTION, INC.  
PROPERTY LOCATION: 1010 Davison Road  
(Tax Map No. 123.04-2-43) Lockport,  
Niagara County, New York

APPLICATION requesting dimensional deviations of the Zoning Code of the Town of Lockport in a Planned Unit Development (PUD) Use District pursuant to Town Code §200-83. The Town Code requires a minimum lot size designated for any eligible use be as required for the District in which the use is allowed. The proposed use is for professional offices which is permitted in a Local Business (B-1) Use District and permitted with a PUD. The Town Code requires a lot width of 125 feet in a B-1 District. Applicant is requesting a dimensional deviation of the lot width requirement for four lots (three with 100.00 foot width and one with 102.24 feet width).

**3. Engineer**

Mr. Klavoon reported that the restoration work for the Safe Routes to Schools project has yet to be completed to satisfaction and therefore final closeout for the project has not yet been requested. Closeout documentation will be presented after restoration concerns have been met by the contractor.

Additionally, Mr. Klavoon requested authorization to seek RFP's to provide a new water service for a single family home located at 5512 Upper Mountain Road. The home owner has had several water loss issues, most recently due to the harsh winters causing the water line to freeze as it is very shallow due to the rock bed in the area. After consultation with the Water Dept., from a maintenance prospective, it is most desirable to perform a road bore to provide a new service.

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**MOTION (2015-216):** to authorize the engineer to seek RFP's to perform a road bore to provide new water service for a home located at 5512 Upper Mountain Road was made by Council member Keough and seconded by Council member Crocker. The motion was CARRIED: AYES-5, NAYS-0. Voting AYE: Crocker, Siejak, Dufour, Keough and Smith.

#### 4. Town Board Comments/Reports

*Councilman Crocker* reported that the hazardous waste drop off, sponsored by Niagara County Refuse District and State Senator, Robert Ortt, on Saturday, August 15<sup>th</sup>, was very successful. Approximately 750 vehicles participated. Over 40,000 lbs of household hazardous chemicals were dropped off; 750 lbs of medications were collected; 20,000 lbs of paper were shredded and 7,500 lbs of electronic waste was collected. Dawn Timm, Niagara County's environmental coordinator, stated that this was the most successful and well coordinated drop off yet, and plans to increase the participants for next year.

The Councilman also stated that the Town's park ranger, Ken Horvath, has requested the purchase of a new flexible, 2-cycle gas weed trimmer to mow weeds growing along the bridge at Lytle Nature Trail Park and elsewhere. The estimated cost is \$450. Supervisor Smith will put a purchase order out for the item.

*Councilwoman Dufour* gave kudos to Councilman Crocker and all those who participated in the hazardous waste pickup. She thanked them for the hard work they did. She's pleased that this service is offered to residents each year.

The Councilwoman also announced that the annual "Bark for Life" fund raising event that took place earlier in the summer at Day Road Park had raised almost \$8,000. The 2016 event is scheduled to take place on May 14, 2016.

She also reported that in discussions with Jill Lederhouse, Town Assessor, it appears that the 2015-2016 school district tax rates will be lowered: Starpoint will drop by \$0.85/\$1000 of assessed value; Lockport City will drop by \$1.05/\$1000; and Newfane will drop by \$.72/\$1000 of assessed valuation.

Lastly, she requested authorization to seek quotes for restoration plantings at Day Road Park for spring 2016.

#### 5. Supervisor's Comments/Reports

Recreation Contracts - Supervisor Smith requested authorization to execute a contract with Becker Farms for fall programs.

**MOTION (2015-217):** to authorize the Supervisor to execute a contract with Becker Farms to provide discount passes for hayrides and discounts passes to the "Pumpkin Fiesta" in the fall of 2015 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 Supervisor also requested authorization to execute a contract with the Niagara County Youth Bureau to seek grant funds in the amount of \$3,744.00 for recreational programming.

**MOTION (2015-218):** to authorize the Supervisor to execute a contract with the Niagara County Youth Bureau to seek grant funding in the amount of \$3,744.00 for recreational programs was made by Council member Keough and seconded by Council member Siejak. The motion was CARRIED: AYES-5, NAYS-0. Voting AYE: Crocker, Siejak, Dufour, Keough and Smith.

Authorization for Closeout of Lincoln Ave. Water Line Replacement Project

**MOTION (2015-219):** to authorize the Supervisor to make a closeout payment to Niagara County in the amount of \$49,631.35 for the water line replacement project on Lincoln Avenue was made by Councilman Crocker and seconded by Councilwoman Dufour. The motion was CARRIED: AYES-5, NAYS-0. Voting AYE: Crocker, Siejak, Dufour, Keough and Smith.

**6. Executive Session Entered**

**MOTION (2015-220):** to enter Executive Session for the purpose of consulting with the Town Attorney was made by Council member Siejak and seconded by Council member Dufour. The motion was CARRIED: AYES-5, NAYS-0. Voting AYE: Crocker, Siejak, Dufour, Keough and Smith.

The Town Board entered Executive Session at 1:33 p.m.

**7. Exit Executive Session and Reconvene Work Session**

**MOTION (2015-221):** to exit Executive Session and to reconvene the work session 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.

The Town Board reconvened the work session at 2:30 p.m. with no Town Board action taken during Executive Session.

**8. Introduction of Proposed Local Law – Moratorium upon the Disposal of Sludge, Sewer Sludge, Septic and Bio Mass.**

Supervisor Smith introduced a proposed Local Law to place a moratorium on the disposal of sludge, sewer sludge, septic and bio mass in the Town of Lockport and made the following motion.

**MOTION (2015-222):** to call for a Public Hearing on a proposed Local Law to establish a Moratorium on the Disposal of Sludge, Sewer Sludge, Septic, and Bio Mass to be held at 7:30 p.m. on Wednesday, September 2, 2015, was made by Supervisor Smith and seconded by Council member Dufour. The motion was CARRIED: AYES-5, NAYS-0. Voting AYE: Crocker, Siejak, Dufour, Keough and Smith.

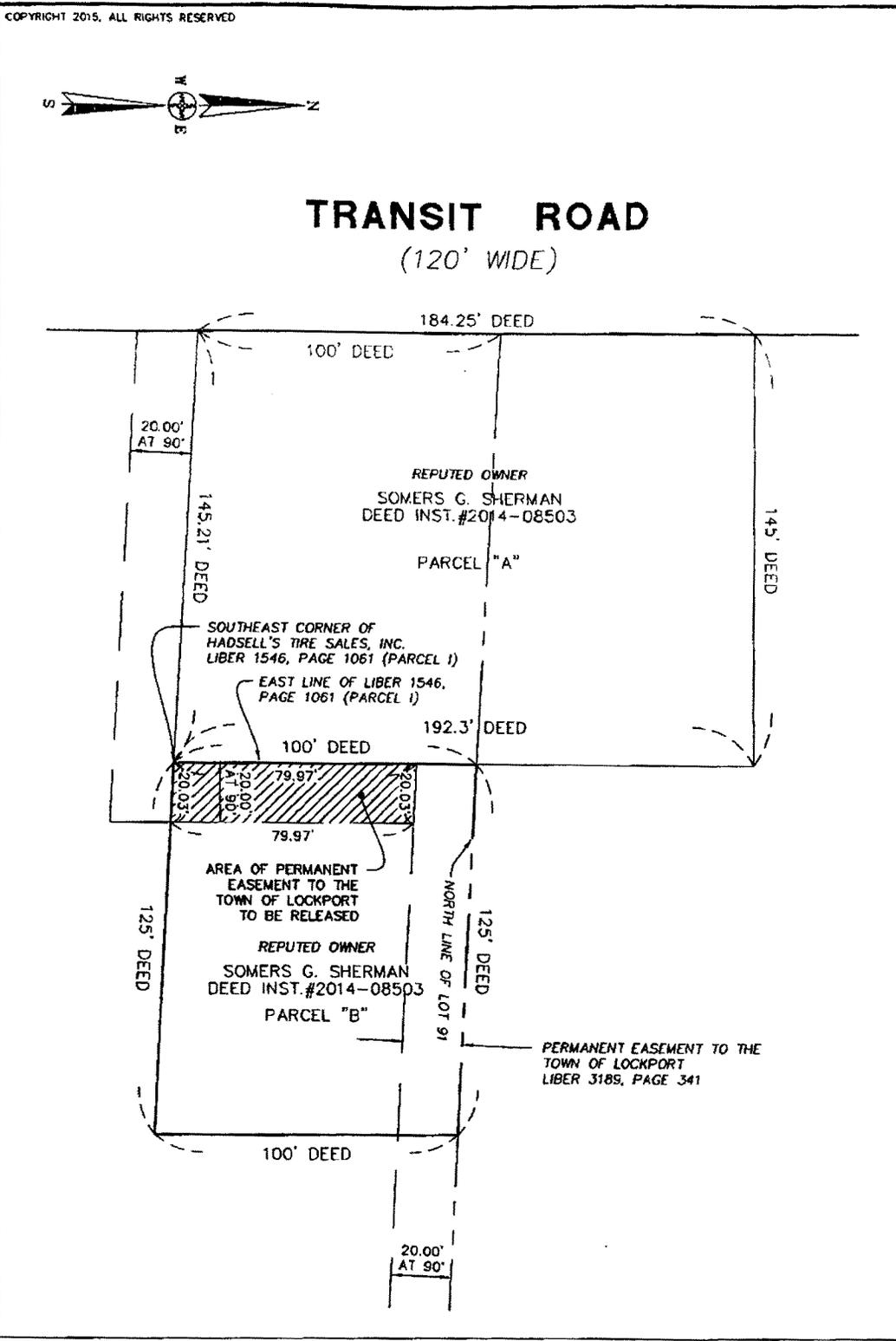
**9. Adjournment**

**MOTION (2015-223):** 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 ended at 2:32 p.m. The Lockport Town Board will next meet at 1:00 p.m. on Monday, August 31, 2015.

Respectfully submitted,

Nancy A. Brooks, RMC, MMC  
Lockport Town Clerk



 <p><b>APEX CONSULTING</b>          SURVEY &amp; ENGINEERING SERVICES, P.C.          SURVEYING • ENGINEERING • LANDSCAPE ARCHITECTURE          102 EAST AVENUE, LOCKPORT, NEW YORK 14094          Phone: (716) 439-0188 FAX: (716) 439-0189</p>	<p>MAP OF PORTION OF PERMANENT EASEMENT TO THE TOWN OF LOCKPORT TO BE RELEASED.          6251 TRANSIT ROAD          TOWN OF LOCKPORT</p>	
	DATE: 8/11/15	JOB NO. 15-059
	SCALE: 1" = 40'	
<p>NOTE: UNAUTHORIZED ALTERATIONS TO THIS MAP ARE IN VIOLATION OF SEC. 7205, PROVISION 2 OF THE NEW YORK STATE EDUCATION LAW.</p>		