

September 16, 2015

A regularly scheduled work session of the Lockport Town Board was conducted at 1:00 p.m. on Wednesday, September 16, 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**

The Clerk announced correspondence from the following: 1)Niagara Hospice regarding their upcoming 25<sup>th</sup> Anniversary fund raiser and 2) a recycling report from Sunnking relative to the recent electronics recycling pickup on September 10, 2015.

2. **Town Attorney**

Mr. Norris presented resolutions pertaining to the proposed demolition of two residential homes for Town Board discussion and/or action as follows:

a) **7522 Congressional Drive** – Mr. Norris explained that this home has been subject to an In Rem proceeding for approximately ten years. The County has never taken title to the property as the property is in very poor condition being that it has water and a great deal of mold in the home. Mr. Norris suggested that the Town adopt a resolution agreeing that if Niagara County takes title to the property and then transfers ownership to the Town of Lockport, the Town should waive back taxes, will commence demolition of the property and indemnify and save harmless the County of Niagara and the Niagara County Treasurer arising from the Town's ownership of said premises.

**MOTION (2015-242):** 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: Crocker, Siejak, Dufour, Keough and Smith.

**TOWN OF LOCKPORT  
RESOLUTION**

**WHEREAS**, the County of Niagara has commenced annual in rem tax foreclosure proceedings since 2004 against S.B.L. parcel 124.04-2-54, known as 7522 Congressional Drive, Lockport, NY 14094 and most recently under New York State Supreme Court Index Number 154441: and

**WHEREAS**, the Senior Building Inspector has recommend that the house on said parcel be demolished due to extensive interior water and mold damage; and

**WHEREAS**, certain negotiations have taken place between the Town Attorney and County Attorney's office on how to expedite the In Rem tax foreclosure proceeding and in the event that the County receives title, how to best expedite the demolition of said structure; and

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**WHEREAS**, the Town of Lockport and County of Niagara have worked cooperatively in the past to demolish structures resulting from In Rem tax foreclosure proceedings, by the County transferring ownership of parcels to the Town and the Town then immediately demolishing said structures; now therefore be it

**RESOLVED**, that of the County of Niagara obtains ownership of S.B.L. parcel 124.04-2-54, known as 7522 Congressional Drive, Lockport, NY 14094 through an In Rem Tax Foreclosure proceeding, then the Town Supervisor is hereby authorized and directed to enter into an Agreement with the County of Niagara to transfer said premises to the Town of Lockport with the Town agreeing to: waive any delinquent town taxes owed to the Town, to pay for the demolition costs of said structure, and to indemnify and save harmless the County of Niagara, the County Treasurer, and the agent and employees of the County of Niagara from any liability arising from the Town's use and ownership of said premises, in exchange for obtaining title of said parcel from the County of Niagara.

b) **6538 Tonawanda Creek Road** – Mr. Norris reported that the proposed demolition of this home was previously discussed at a work session, stating that the owner of said premises is deceased and that notice of the proposed demolition must be sent to all the distributors and the bank which is involved. Mr. Norris is currently making those contacts and requested that a Public Hearing on the demolition be called for.

**MOTION (2015-243)**: 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**, a report having been prepared and resented to this Board by Brian Belson, Senior Building Inspector, that the building located at 6538 Tonawanda Creek Road (Tax Map No. 167.02-2-6), Lockport, New York, is a dilapidated, unsafe building in need of removal, Now therefore, be It

**RESOLVED**, that this Board finds that the said building is unsafe and dangerous and that the building is dilapidated, that it cannot be safely repaired, and be it further

**RESOLVED**, that it is hereby

**ORDERED**, that a Notice of Determination, a copy of which is attached hereto and made part of the minutes, be served upon all person and in the manner provided in Town Law Chapter 67, and it is further

**ORDERED**, that a hearing be held before this Board the 21<sup>st</sup> day of October, 2015 at 1:00 p.m., in relation to such unsafe building.

c) **Drainage System at Bison Bag** – Mr. Norris requested authorization for the Supervisor to enter an agreement requiring a permanent drainage system at the Bison Bag facility within the Lockport I.D.A. Park, as part of their previously approved expansion from the Town Planning Board.

**MOTION (2015-244)**: to authorize the Town Supervisor to enter into an agreement with Bison Bag to require a permanent drainage system be installed at their facility in the Town of 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.

**3. Engineer**

**Utility Repair Contract with Mark Cerrone Construction** – Mr. Klavoon stated that due to the large number of water leak repairs (mostly along Transit Road) completed by Mark Cerrone Construction this year, he is requesting Change Order #4 to Contract #13-1 in the amount of \$30,000.00 to complete work through the end of 2015.

**MOTION (2015-245):** to approve Change Order #4 to Contract #13-1, in the amount of \$30,000.00 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.

**I.D.A, Keck Road & Niagara Co. Jail Pump Stations** – the I.D.A. Pump station was the most critical of the three and this station has been completed. However, due to no fault of the contractor, the other two pump stations took a great deal of time to receive from the manufacturer and he will be requesting an extension of time only for Contracts #163S –G and Contract # 163-E. This will be placed on the agenda for the October 7, 2015 Town Board meeting.

**R.F.P. on Upper Mountain Utility Service** - Mr. Klavoon reported that R.F.P.s were sent out to provide a new water service at a residence on Upper Mountain Road (previously approved by the Town Board). However, only one response was received and the cost was extremely high. Mr. Klavoon will be requesting authorization to seek new R.F.P.s.

**4. Town Board Comments/Reports**

*Councilman Siejak* reminded Board members that a free rabies clinic will be held at the Town Highway Garage on Saturday, September 19, 2015 from 9:00 a.m. -11:00 a.m.

He also reported that he had attended a Viet Nam Photo Album Exhibit at the Kenan Center in Lockport. He stated it was very interesting and urged others to attend if possible. The exhibit will run from September 12 – October 11<sup>th</sup>.

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

Supervisor Smith reminded Board members that a representative from NIMAC (Niagara Military Affairs Council) will give a presentation at the October 7, 2015 Town Board meeting.

Supervisor Smith requested authorization for the following contracts:

**Contract with Hartland Carriage for Fall Festival**

**MOTION (2015-246):** to authorize the Supervisor to enter a contract with Hartland Carriage, in the amount of \$300 for the first hour and \$100/per hour thereafter, to provide hayrides at Fall Festival, 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.

**Contract with Hartland Carriage for Winterfest**

**MOTION (2015-247):** to authorize the Supervisor to enter a contract with Hartland Carriage, in the amount of \$300 for the first hour and \$100/per hour thereafter, to provide hayrides at Winterfest 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.

**6. Executive Session Entered**

**MOTION (2015-248):** to enter Executive Session for the purpose of consulting with the Town Attorney 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.

The Town Board entered into Executive Session at 1:20 p.m.

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

**MOTION (2015-249):** to exit 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-5, NAYS-0. Voting AYE: Crocker, Siejak, Dufour, Keough and Smith.

The work session was reconvened at 1:30 p.m. with no Town Board action taken during Executive Session.

**8. Budget Review**

The Town Board along with Kate Carter, the Town Budget Officer, proceeded with a preliminary page by page review of the Tentative Budget. Supervisor Smith pointed out that the Town Board is always concerned about the projected unexpended balances and he stated that the 2015 unexpended balance was \$487,000 plus and that the 2016 unexpended balance is listed as \$497,000 plus. Additionally, there was some discussion with regard to the Town Justices' compensation; as well as the line item for Parks (7110.4) and it was decided that the park's line item should be increased by \$40,000.00. There was also some discussion with regard to the amount appropriated for highway construction. The 2016 appropriation may be reviewed for possible change. Salaries for 2016 were appropriated at a 2% increase across the board. Supervisor Smith then directed attention to the spreadsheet provided by the Budget Officer which details the affect of the 2016 budget on the average Town household. He stated as presented, the 2016 Town Budget would give the average household a decrease. Another budget session has been called for 1:00 p.m. on September 28, 2015.

**9. Executive Session Entered**

**MOTION (2015-250):** to enter Executive Session to consult with the Tow Attorney on labor negotiations 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 entered Executive Session at 2:20 p.m.

**10. Exit Executive Session and Reconvene the Work Session**

**MOTION (2015-251):** to exit Executive Session 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.

The Town Board reconvened the work session at 2:38 p.m. with no Town Board action taken during Executive Session.

**11. Adjournment**

**MOTION (2015-252):** 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 Lockport Town Board will next meet at 1:00 p.m. on September 28, 2015 for a Town Budget session.

Respectfully submitted,

Nancy A. Brooks, RMC, MMC  
Lockport Town Clerk