

October 21, 2015

A special hearing and a regularly scheduled work session of the Lockport Town Board was conducted at 1:00 p.m. on Wednesday, October 21, 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
Thomas J. Keough
Absent: Patricia Dufour – in Washington, D.C. with
Honor Flight for World War II Veterans

Also present: Nancy A. Brooks, Town Clerk; Michael J. Norris, Town Attorney; Brian Belson, Senior Building Inspector; Robert Klavoon of Wendel Engineering and local media representatives.

1. Special Hearing

Supervisor Smith opened a scheduled hearing on the proposed emergency demolition of the home located at 6538 Tonawanda Creek Road, Lockport, New York. Brian Belson, Senior Building Inspector, reported that the home has been vacant for quite some time. The water lines are broken, there are holes in the roof, the ceilings are caving in and it was necessary to shut off all utilities, evacuate the resident and board up the home for safety reasons. There have been no changes since that was carried out and it is Mr. Belson's opinion that the building should be taken down. Mr. Norris stated that the Town served notice on the two distributees of Mrs. Dahlstrom, the deceased home owner, as well as Bank of America, an open mortgage holder. The son was personally served and Mr. Norris made notice to the daughter by certified mail, in which she signed for. Mr. Norris has received a letter from the Bank of America stating that the bank has no objections to the emergency demolition of the home but will not be responsible for any costs associated thereof (see attachment). Mr. Norris explained to the Town Board that in this case, taxes have been fairly current on the property and in order to proceed, should the Town Board call for emergency demolition, the Town is required to notify the distributees, both son & daughter, that they have 30 days to commence demolition. If this does not occur, then the Town will commence demolition and a property lien will be placed on the parcel for the cost of demolition. Should the land be sold, the prospective owner would be responsible to pay the lien. Mr. Norris stated that this may never come to pass and it is highly likely that the Town may never be able to recover the demolition costs as the parcel may very well go into Niagara County's in REM foreclosure process and the Town would never gain title to the property, as has been the case in other demolitions. Regardless, it has come before the Town Board as a matter of a safety.

Supervisor Smith opened the meeting for any interested party to speak. No one spoke and the hearing was closed.

MOTION (2015-284): on a motion by Council member Keough and seconded by Council member Siejak, the following resolution was duly ADOPTED: AYES-4, NAYS-0. Voting AYE: Crocker, Siejak, Keough and Smith.

TOWN OF LOCKPORT RESOLUTION

An investigation and report having been made by the Building Inspector of the Town of Lockport, pursuant to Town Code Section 67.4, indicating that premises commonly known as 6538 Tonawanda Creek Road (Tax Map No. 167.02-2-6), Lockport, New York, is unsafe and dangerous, and said report having recommended that the building be repaired or demolished, and pursuant to Section 64.5 of the Town of Lockport Town Code, the Town Board considered

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said report and resolved that such building is unsafe and dangerous and ordered its repair or its demolition and removal; and a Notice of Determination having been prepared and served, as required by Town of Lockport Town Code 67-6 and 67-7, upon all parties having an interest in said premises, and having been filed with the Clerk of the County of Niagara and posted on the premises; and said Notice having provided for a Hearing to be held on the 21st day of October, 2015, at 1:00 p.m., in the Town Hall, and this Board having held such Hearing; and the owners of the premises, and no person having appeared; and Brian Belson, Senior Building Inspector of the Town of Lockport, having testified that the building is unsafe and in need of demolition and removal;

NOW, THEREFORE, BE IT RESOLVED:

That the owners and all the interested persons having refused and neglected to repair or demolish and remove building commonly known as 6538 Tonawanda Creek Road (Tax Map No. 167.02-2-6), the Town Building Inspector is directed to provide for the demolition and removal of said building by contract after 30 days if the owner fails to commence demolition, and be it further

RESOLVED, that all expenses incurred by the Town in connection with the proceeding to repair and secure demolition and remove the unsafe building, including the cost of removal and all reasonable and necessary legal expenses incidental thereto, shall be assessed against the land upon which such building is located and shall be levied and collected in the manner as provided in Section 130 of the Town Law for levy and collection of special ad valorem levy.

2. Town Clerk

The Clerk reminded Town Board members of the upcoming installation dinner for the Terry's Corners Fire Company, which is scheduled for Saturday, October 24, 2015.

She also reported a complaint from a disabled resident who states she can no longer travel in her wheelchair along So. Transit Road near Robinson Road as the sidewalk has been removed due to construction in the area. The resident would like to know when repairs will be completed. Mr. Klavoon added that construction is still underway and it may be some time yet before restoration work can commence. Supervisor Smith suggested the Clerk report this matter to the Town Highway Dept.

3. Town Attorney

Mr. Norris presented a copy of a Local Law regarding the Town's desire to override the 2% tax cap. He stated that the Local Law must first be introduced by a Town Board member. Councilman Crocker offered to introduce the Local Law.

As there was no further discussion on the matter, the following action was taken.

MOTION (2015-285): to call for a Public Hearing on a proposed Local Law to allow for an override of the tax levy limit established in General Municipal Law § 3-c, to be conducted at 7:30 p.m. on Wednesday, November 4, 2015 was made by Council member Crocker and seconded by Council member Siejak. The motion was CARRIED: AYES-4, NAYS-0. Voting AYE: Crocker, Siejak, Keough and Smith.

Councilman Siejak interjected that even though the Town is anticipating a tax cap override due to one segment of the budget (bonding of the Capital Improvement Water & Sewer); the overall Town Budget will still call for a tax decrease to the average home owner.

4. Engineer

5512 Upper Mountain Road Water - Mr. Klavoon reported that Requests for Proposals for the road push to provide a new water service for the home at this location had been received and that two contractors responded. After review of the proposals, it was his recommendation to award the project to Mar-Wal Construction, the contractor with the low bid of \$15,645.00.

MOTION (2015-286): on a motion by Council member Siejak and seconded by Council member Keough, the following resolution was duly ADOPTED: AYES-4, NAYS-0. Voting AYE: Crocker, Siejak, Keough and Smith.

**TOWN OF LOCKPORT
RESOLUTION**

WHEREAS, the Town of Lockport had authorized Wendel, the Town's Engineers to complete the Request for Proposals for the Upper Mountain Road Water Service project, and

WHEREAS, the Request for Proposals were submitted to 7 qualified contractors, and

WHEREAS, written cost proposals were submitted to the Town of Lockport by only 2 qualified contractors and substantial efforts were made by the Town Engineer to acquire additional proposals to no avail,

NOW, THEREFORE, BE IT RESOLVED, that the Lockport Town Board authorizes award of the Upper Mountain Road Water Service Push project to Mar-Wal Construction Co., Inc., 440 Gould Avenue, Depew, New York 14043 in the amount of \$15,645.00 contingent upon the Town Attorney's review of the Contractor's Bonds and Insurances.

Davison Road PIP – Mr. Klavoon reported that Tim Mulvey has requested authorization for a Public Improvement Permit (PIP) to install required drainage improvements for his recently approved development at 5549 Davison Road. The plans have been reviewed and approved by both Brian Belson, Town Building Inspector, and David Miller, Town Highway Superintendent. Mr. Klavoon stated that Wendel Engineers will provide part-time inspection of the project as it progresses and upon completion, will do a final inspection. The following action was taken.

MOTION (2015-287): on a motion by Council member Keough and seconded by Council member Crocker, the following resolution was duly ADOPTED: AYES-4, NAYS-0. Voting AYE: Crocker, Siejak, Keough and Smith.

**TOWN OF LOCKPORT
RESOLUTION**

WHEREAS, Tim Mulvey has presented a site plan before the Town of Lockport Planning Board for the development of a parcel at 5549 Davison Road, and

WHEREAS, the Town of Lockport Planning Board granted approval on October 20, 2015, and

WHEREAS, the project requires drainage improvements to be installed within the Town of Lockport's right of way, and

WHEREAS, in accordance with Chapter 137 of the Town code, the developer is required to file a Public Improvement Permit,

NOW THEREFORE, BE IT REOLVED, that the Town Board of the Town of Lockport approves the Public Improvement Permit for the installation of approximately 855 LF of storm sewer and related appurtenances with the following conditions:

1. An Insurance Certificate, in accordance with Chapter 137-4B must be provided to the Building Inspector by the Contractor prior to commencing work.
2. Four (4) signed and sealed copies of the design plans must be provided to the Building Inspector by the Contractor prior to commencing work.

5. Town Board Comments/Reports

Councilman Crocker reported that a resident, Mr. Otto Calderone, would like to address the Town Board with regard to obtaining artwork for the Town parks. Councilman Crocker will invite him to speak at the Town Board work session on November 18, 2015.

Councilman Siejak thanked Mr. Klavoon for keeping the Town Board apprised of all the various activities that are currently underway in the Town. His reports have been very helpful to the Board.

6. Supervisor's Comments/Reports

Supervisor Smith stated that as the Town Board has previously approved a change in the Town's health care broker, it must also make a change with the Town's dental health care broker.

MOTION (2015-288): to authorize the changing of the Town's dental health care broker and to authorize the Supervisor to enter a new dental health care broker agreement was made by Council member Siejak and seconded by Council member Keough. The motion was CARRIED: AYES-4, NAYS-0. Voting AYE: Crocker, Siejak, Keough and Smith.

7. Executive Session Entered

MOTION (2015-289): to enter Executive Session to consult with the Town Attorney was made by Council member Crocker and seconded by Council member Keough. The motion was CARRIED: AYES-4, NAYS-0. Voting AYE: Crocker, Siejak, Keough and Smith.

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

8. Executive Session Ended and Work Session Reconvened

MOTION (2015-290): to exit Executive Session and to reconvene the work session was made by Council member Crocker and seconded by Council member Keough. The motion was CARRIED: AYES-4, NAYS-0. Voting AYE: Crocker, Siejak, Keough and Smith.

The Town Board reconvened the work session at 1:40 p.m. with no Town Board action taken during Executive Session.

9. Amends Town Clerk's Salary for 2016

MOTION (2015-291): to amend the 2016 Town Clerk's salary to reflect a 3% raise rather than 2% was made by Supervisor Smith and seconded by Council member Crocker. The motion was CARRIED: AYES-4, NAYS-0. Voting AYE: Crocker, Siejak, Keough and Smith.

** Councilman Crocker departs early at 1:42 p.m.

10. Call for Special Meeting to Adopt the 2016 Preliminary Budget

MOTION (2015-292): to call for a special meeting for 9:45 a.m. on Thursday, October 22, 2015, for the purpose of adopting the 2016 Preliminary Town Board Budget was made by Supervisor Smith and seconded by Council member Keough. The motion was CARRIED: AYES-3, NAYS-0. Voting AYE: Siejak, Keough and Smith.

11. Adjournment

MOTION (2015-293): to adjourn was made by Council member Siejak and seconded by Council member Keough. The motion was CARRIED: AYES-3, NAYS-0. Voting AYE: Siejak, Keough and Smith.

The work session was adjourned at 1:45 p.m. The Lockport Town Board stands adjourned until 9:45 a.m. Thursday, October 22, 2015.

Respectfully submitted,

Nancy A. Brooks, RMC, MMC
Lockport Town Clerk



August 21, 2015

Seaman and Norris, LLP
Attention: Michael Norris
744 Davidson Road
Lockport, NY 14094

Bank of America account ending: 6199
Borrower: Eric G. Dahlstrom
Property Address: 6538 Tonawanda Creek Road, Load, Lockport, NY 14094

Dear Mr. Norris:

Thank you for contacting Bank of America regarding the above-referenced loan.

To ensure that you have been provided with quality service, I am sending this letter to review the concerns you raised during our telephone conversations.

Bank of America does not object to the city demoing the property located at 6538 Tonawanda Creek Road, Load, Lockport, NY 14094, as Bank of America does not hold an interest or own the above referenced property. In addition, Bank of America will not pay any fees or expenses related to the demolition of the property located at 6538 Tonawanda Creek Road, Load, Lockport, NY 14094 and any surrounding properties.

Mr. Norris, thank you for this opportunity to be of service. As always, for questions, you may contact me directly at 1.800.214.6040 extension 467201.

Sincerely,

Keegan Mould

Keegan Mould
Executive Escalation Advocate
Customer Service Contact Centers