

November 4, 2015

Five Public Hearings and the regular business meeting of the Lockport Town Board were conducted at 7:30 p.m. on Wednesday, November 4, 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; Judith Newbold, Deputy Town Clerk; David Kinyon, Director of Economic Development; Larry Haseley, Town Historian; several members of the South Lockport Fire Company as well as a few residents.

Following the Pledge of Allegiance, Supervisor Smith welcomed those in attendance and proceeded with the five scheduled Public Hearings as follows:

PUBLIC HEARING: A LOCAL LAW TO OVERRIDE THE 2016 TAX LEVY LIMIT

Following the reading of the Notice of Public Hearing as was published in the Union Sun & Journal, Supervisor Smith reported that this law was necessary because the Town Board desires to increase the Water District Budget by \$379,512.00 (an increase of 6.67%) requiring the Town to override the 2% tax levy limit. This came about due to the Town's Capital Improvement Bonding for new water line improvements (approximately \$14 Million) which was undertaken in 2014. The Supervisor also explained the impact of this tax override, stating that for the average household (assessed at \$100,000.00), the 2016 property taxes would decrease by \$27.84. The floor was then opened for comments. There being no one to speak on the issue, the hearing was closed.

PUBLIC HEARING: 2016-2020 FIRE CONTRACTS (for all five (5) Fire Companies)

The Town Clerk read the Notice of Public Hearing as was published in the Union Sun & Journal. Supervisor Smith opened the floor for public comments. The following persons spoke:

Timothy Glaser, Fire Chief along with Scott Monkelbaan, President of South Lockport Fire Co., Inc. both spoke, stating that their company would not sign the 2016 Fire Contract as presented. They stated that currently, the fire company is running at an approximate \$56,000.00 annual deficit and have requested additional funding from the Town, over the 3% presented in the proposed fire contract. They expressed that continued running in the "red" will have a great impact on their ability to purchase required fire apparatus and equipment; to recruit new members; and to equip members with appropriate fire gear; thus affecting the quality of the fire protection provided to area residents.

Patrick McGinnis of South Lockport fire Company also addressed the Board, requesting that the Town Board revisit and increase the funding for South Lockport Fire Company.

Councilman Crocker responded to those who spoke, stating that while the Town Board appreciates the service and the quality of protection provided by the fire company, the Board is also designated with a responsibility of protection to the Town tax payers and respectfully asked that the fire company comply with the Town's request to provide an independent audit before further contract talks could continue. It was decided that the two sides will meet again to discuss the matter further. There being no further comments from the floor, the hearing was closed.

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PUBLIC HEARING: 2016 PRELIMINARY TOWN BUDGET/TOWN OFFICER SALARIES

The Town Clerk read the Notice of Public Hearing as was published in the Union Sun & Journal. Supervisor Smith opened the floor for comments. There was no one to speak on the matter and the hearing was closed.

PUBLIC HEARING: 2016 SPECIAL DISTRICTS AMOUNTS TO BE RAISED BY TAXATION

After the reading of the Notice of Public Hearing, Supervisor Smith opened the floor for public comments. No one spoke and the hearing was closed.

PUBLIC HEARING: 2016 FIRE CONTRACTS

The Town Clerk read the Notice of Public Hearing and Supervisor Smith then opened the floor for comments. The following persons spoke:

Henry Fischer of Northview Drive and Treasurer of South Lockport Fire Company, Inc., stated that the fire company audit would most certainly be made available to the Town Board and expressed that without additional funding, he was not sure what the outcome would be for the fire company. He felt sure that insurance rates for residents would go up as the Town's fire rating would most likely be down graded. He encouraged the Town Board to continue contract discussions.

Larry Haseley, a long time and former active member of South Lockport Fire Company, stated that the fire company is unique in the volume of calls and the manpower required to handle them. He urged the Town Board and fire company to come to reach an agreement.

Chris McClune-Case, formerly of Terry's Corners Fire Co., and now a member so South Lockport Fire Company, that perhaps the Town Board consider only approving one-year contracts so that contract talks can continue on a annual basis.

Scott Monkelbaan added that the fire company performs services which are not even called for in the Town contract. He stated that members continue to offer these services as good neighbors but wonders how much longer these types of services will be performed if additional funding is not forth coming.

Peter Smith, life-long member and former President of South Lockport Fire Company, fears for the safety of area residents should the fire company become insolvent.

Councilman Crocker reiterated his previous comments and requested that the fire company have an audit be completed and that if the fire company cannot afford to have one completed, possibly the Town could approve the funds to complete one.

There being no further comments, the hearing was closed and the regular business meeting commenced.

PUBLIC COMMENTS:

Supervisor Smith read the public comment policy for addressing the Town Board on various matters and the following individuals spoke:

Larry Haseley of Lockhaven Drive stated he feels there may be a planning issue surrounding current and future development causing traffic congestion at the intersection of Davison Road Extension and Lincoln Avenue (near the Rite Aid store). He reported that tractor trailers and vehicles entering or exiting the Rite Aid, along with area residential traffic lead to traffic backing up and causing congestion at the intersection. He feels the Town should examine the traffic flow for a possible solution.

Thomas Walker of Locust Street reported that there is still a drainage problem occurring in his neighborhood causing water to enter residential basements and would like the Town to find a solution in the near future as he fears the problem will escalate when winter arrives.

There being no further comments, the public comment section was closed and the regular business meeting commenced as follows:

BUSINESS MEETING:

1. Approval of Minutes

MOTION (2015-301): to approve the minutes of Town Board meetings conducted on 10/05/2015, 10/07/2015, 10/21/2015 and 10/22/2015 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.

2. Approval of Payment of Bills

MOTION (2015-302): to approve the payment of bills for the month of November 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.

3. Communications

The Town Clerk read the name of a candidate for volunteer fire service as listed below:

Sara Huber.....Rapids Fire Company

MOTION (2015-303): to approve the above-named individual for volunteer fire service in the Town of Lockport 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.

4. Building Inspector's Report

Councilwoman Dufour read the Building Inspector's Report for the month of October 2015 which states that 60 building permits were issued; \$12,871.97 was collected in fees; and the estimated cost of construction was \$2,037,619.00.

MOTION (2015-304): to approve the Building Inspector's Report for the month of October 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.

5. Supervisor's Monthly Financial Report

MOTION (2015-305): to approve the Supervisor's Monthly Financial Report for the period ending 10/31/2015 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.

6. Approve Change Order #1 – Contr. #1401R Safe Routes to School Project

MOTION (2015-306): on a motion by Council member Siejak and seconded by Council member Dufour, the following resolution was duly ADOPTED: AYES-5, NAYS-0. Voting AYE: Crocker, Siejak, Dufour, Keough and Smith. Councilwoman Dufour also added a thank you to Mr. David Kinyon for all his hard work involved with obtaining and administering the Safe Routes to School grant.

**TOWN OF LOCKPORT
RESOLUTION
CHANGE ORDER NO. 1 - SAFE ROUTES TO SCHOOL PROJECT
CONTRACT NO. 14-1R**

WHEREAS, the Town of Lockport awarded a bid to Roman Construction Development Corp., in the amount of \$447,816 by Contract No. 14-1R, for the Safe Routes to School Sidewalk Project, and

WHEREAS, Wendel and Roman Construction Development Corp. have mutually agreed on the adjustment of bid and change order quantities to match actual quantities installed at the completion of the project, and now therefore be it

RESOLVED, that this Board authorizes deduct Change Order No.1 in the amount of \$53,499.61 for a final Contract Price of \$394,316.39.

7. Approval of Final Closeout Documents for Safe Routes to School Project

MOTION (2015-307): to authorize and approve the final documentation for the closeout of the Safe Routes to School Project – Contract #14-1R 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.

8. Resolution to Award Contract #16-1 Utility Surface Restoration

MOTION (2015-308): on a motion by Council member Keough 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
AWARD CONTRACT NO. 16-1 UTILITY SURFACE RESORATION**

WHEREAS, the Town of Lockport had authorized Wendel, the Town's Engineers to complete the contract documents for Town of Lockport Utility Surface Restoration contract, and

WHEREAS, bids on the above referenced project were opened on October 29, 2015 in accordance with the Notice to Bidders previously authorized, now therefore be it

RESOLVED, that the Lockport Town Board authorizes award of Contract No.16-1 to Gardenville Landscape and Nursery, LLC, 3069 Clinton Street, West Seneca, New York 14224 in the amount of \$130,250.00 contingent upon the Town Attorney's review of the Contractor's Bonds and Insurances.

9. Authorization to enter Agreement with WNY Storm Water Coalition

MOTION (2015-309): to authorize the Supervisor to enter an agreement with the WNY Storm Water Coalition for an annual amount of \$1250.00 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.

ACTION AFTER PUBLIC HEARING:

10. Resolution to Adopt a Local Law to Override the 2016 Town Tax Levy Limit

MOTION (2015-310): on a motion by Council member Dufour and seconded by Council member Keough, the following resolution was put to a ROLL CALL VOTE and was duly ADOPTED: AYES-5, NAYS-0. Voting AYE: Crocker, Siejak, Dufour, Keough and Smith. A Copy of said Local Law is as follows:

LOCAL LAW NO 6 of 2015

A Local Law to Override the Tax Levy Limit Established in General Municipal Law §3-c

Section 1. Legislative Intent

It is the intent of this Local Law to override the limit on the amount of real property taxes that may be levied by the Town of Lockport, County of Niagara, pursuant to General Municipal Law §3-c, and to allow the Town of Lockport, County of Niagara to adopt a town budget for (a) town purposes (b) fire protection districts and (c) any other special or improvement district governed by the Town Board for the fiscal year commencing January 1, 2016 that requires a real property tax levy in excess of the "tax levy limit" as defined by General Municipal Law §3-c.

Section 2. Authority

This Local Law is adopted pursuant to subdivision 5 of General Municipal Law §3-c, which expressly authorizes the Town Board to override the tax levy limit by the adoption of a Local Law approved by a vote of sixty percent (60%) of the Town Board.

Section 3. Tax Levy Limit Override

The Town Board of the Town of Lockport, County of Niagara, is hereby authorized to adopt a budget for the fiscal year commencing January 1, 2016 that requires a real property tax levy in excess of the limit specified in General Municipal Law, §3-c.

Section 4. Severability

If any clause, sentence, paragraph, subdivision, or part of this Local Law or the application thereof to any person, firm or corporation, or circumstance, shall be adjusted by any court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, or part of this Local Law or in its application to the person, individual, firm or corporation or circumstance, directly involved in the controversy in which such judgment or order shall be rendered.

Section 5. Effective Date

This Local Law shall take effect immediately upon the filing with the Secretary of State.

11. Resolution to Adopt the 2016 - 2020 Town Fire Contracts

MOTION (2015-311): to adopt the 2016 – 2020 Town Fire Contracts was made by Council member Crocker and seconded by Council member Dufour. The motion was put to a ROLL CALL VOTE and was duly ADOPTED: AYES-5, NAYS-0. Voting AYE: Crocker, Siejak, Dufour, Keough and Smith.

*** A copy of the 2016-2020 Contract Amounts is attached to these minutes**

12. Resolution to Adopt the 2016 Final Town Budget

MOTION (2015-312): to adopt the 2016 Preliminary Budget as the 2016 Final Town Budget was made by Council member Siejak and seconded by Council member Crocker. The motion was put to a ROLL CALL VOTE and was CARRIED: AYES-5, NAYS-0. Voting AYE: Crocker, Siejak, Dufour, Keough and Smith.

Pursuant to Section 108 of Town Law, the 2016 salaries of the Town Officers are hereby specified as follows:

SUPERVISOR.....	\$53,582.00
COUNCILMEN (4@\$10,306.00)	\$41,224.00
DEPUTY SUPERVISOR.....	\$10,306.00
TOWN CLERK.....	\$53,642.00
SUPERINTENDENT OF HIGHWAYS.....	\$75,858.00

*** A copy of the 2016 Final Town Budget is an attachment to these minutes.**

13. Adoption of the 2016 Special District Amounts to be raised by Taxation

MOTION (2015-313): to adopt the 2016 Special District amounts to be raised by taxation was made by Council member Crocker and seconded by Council member Keough. The motion was put to a ROLL CALL VOTE and was CARRIED: AYES-5, NAYS-0. Voting AYE: Crocker, Siejak, Dufour, Keough and Smith.

The 2016 Special District Amounts to be raised by Taxation are as follows:

LOCKPORT WATER DISTRICT #3.....	\$1,224,900.00
LOCKPORT SEWER DISTRICT #3.....	\$2,616,291.00
LOCKPORT FIRE DISTRICT.....	\$1,124,790.00
CARLISLE GARDENS WATER/SEWER DISTRICT	\$ 59,975.00
CARLISLE GARDENS REFUSE DISTRICT.....	\$ 25,425.00
CARLISLE GARDENS SIDELWAK DISTRICT.....	\$ 7,400.00
CARLISLE GARDENS LIGHT DISTRICT.....	\$ 20,630.00
LINCOLN VILLAGE SEWER DISTRICT.....	\$ 18,199.00
LOCKPORT REFUSE DISTRICT #2.....	\$ 967,925.00
RAPIDS LIGHT DISTRICT.....	\$ 2,500.00

14. Adoption of the 2016 Town Fire Contracts

MOTION (2015-314): Council member Crocker motioned to adopt the 2016 Fire Contracts with the idea that the funding for South Lockport Fire Company, Inc. can be revisited. The motion was seconded by Council member Dufour and was to a ROLL CALL VOTE and was duly ADOPTED: AYES-5, NAYS-0. Voting AYE: Crocker, Siejak, Dufour, Keough and Smith.

15. Town Board Comments/Reports

Councilman Keough reminded everyone that November 11th is Veteran's Day and on behalf of the Lockport Town Board, he thanked all who have served.

Councilman Siejak thanked the members of South Lockport Fire Company for attending and thanked them for their comments and for the fine job they do in providing fire protection services to the Town of Lockport. He also reported that the last town-wide brush pickup for 2015 will be conducted the week of November 16th. He also read the Town of Lockport Winter Parking Ordinance which states that it is illegal to park on Town highways after 1:00 a.m. from November 1st – April 1st of the following year. He also announced that the annual Veteran's Day Observance will be held at 11:00 a.m. on November 11, 2015 at Outwater Park in the City of Lockport. He urged people to attend the event which is always a wonderful honor for all veterans. Lastly, he reported that refuse pickup for Thanksgiving week will be one day late for Thursday & Friday pickups.

Councilwoman Dufour thanked everyone for attending on such a fine fall evening. She stated she appreciates the fine service given by South Lockport Fire Company and that she can appreciate their solidarity in this matter. She assured them that the Town of Lockport wishes to come to an agreement and will work with them to do so. On another note, she announced that the NY Beer Project will be opening by the end of November and that NOCO Service Station will be undergoing an expansion. Lastly, she reported that the Town of Lockport's Winter Fest will be held from noon – 3:00 p.m. on November 29th at Day Road Park.

Councilman Crocker reported that the last electronics recycling drop off will be held from 9:00 a.m. – 1:00 p.m. on Saturday, November 28, 2015. This will be residents' last chance for drop off until the recycling shed is re-opened in April 2016.

16. Supervisor's Comments/Reports

Supervisor Smith also thanked the members of South Lockport Fire Company for attending and for their professionalism in addressing the Town Board and that he hopes this matter can be brought to a close.

17. Adjournment

MOTION (2015-315): to adjourn was made by Council member Crocker and seconded by Council member Siejak. The motion was CARRIED: AYES-5, NAYS-0. Voting AYE: Crocker, Siejak, Dufour, Keough and Smith.

The meeting ended at 8:30 p.m. The Lockport Town Board will next meet at 1:00 p.m. on Wednesday, November 18, 2015.

Respectfully submitted,

Nancy A. Brooks, RMC, CMC
Lockport Town Clerk