

December 30, 2015

The year-end work session of the Lockport Town Board was conducted at 1:00 p.m. on Wednesday, December 30, 2015, at the Town Hall, 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; Rob Klavoon of Wendel, and one media representative.

Supervisor Smith opened the meeting as follows:

1. **Town Clerk**

The Clerk stated she had received correspondence from Federal Emergency Management Agency (FEMA) regarding a Letter of Map Amendment (LOMA) application from Glenn Miller for Lot 2, Southwood Subdivision, Phase 1, located at 5994 Hidden Ponds Lane.

Other correspondence received was from Empire State Development regarding ESD – Strategic Planning and Feasibility Study Program, Lockport Industrial Park Feasibility Analysis, CFA#56777.

2. **Approval of Payment of Bills**

MOTION (2015-349): to pay the year-end bills 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.

The Year-End Abstract consists of Vouchers #35495 – 35686 in the amount of \$541,992.32.

3. **Engineer**

Mr. Klavoon discussed several topics as follows:

Town Vac Truck – the Town previously purchased this truck from the Niagara County Sewer District, at which time it was in need of repairs. After reviewing the truck's condition, it was decided that 13 repairs are required. After obtaining a quote for repairs, Joe Johnson Equipment, the only qualified and sole source vendor for repairs to a 1989 Vactor truck, provided a best estimate quote of \$15,657.67. It was noted that additional repair costs may be involved but are not known until repairs are underway.

MOTION (2015-350): to approve repairs to the 1989 Vactor Truck to be made by Joe Johnson Equipment, the sole source vendor, in an amount not to exceed \$20,000.00 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.

4. **Resolution to Authorize Supervisor to Balance Accounts for 2015**

MOTION (2015-351): to authorize the Supervisor, as chief financial officer, to balance the accounts for the period ending 12/31/2015, the monies to be taken from unexpended balances, 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.

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5. **Resolution to Authorize Supervisor to Spend Highway Funds for 2016**

MOTION (2015-352): to authorize the Supervisor to enter an agreement to spend the Highway Funds for 2016 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.

6. **Resolution to Authorize Tax Receiver not to impose Service Charge for Late Notices.**

MOTION (2015-353): to authorize the Town Tax Receiver not to impose a service charge for the required mailing of delinquent notices to Town tax payers 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.

7. **Resolution to Adopt the SEQRA for Town of Lockport Sign Law Modification**

Mr. Norris stated that the Town has received a recommended approval from the Niagara County Planning Board. Mr. Norris noted that Part 1 of the SEQRA had been previously filled out and provided to the Niagara County Planning Board. He then read the SEQRA Form Part II with suggested answers to each of the questions being “no adverse impact” and he recommended action by the Town Board. There being no further questions or discussion, the following action was taken.

MOTION (2015-354): on a motion by Council member Siejak and seconded by Council member Keough, the following resolution was put to a ROLL CALL VOTE and was CARRIED: AYES-5, NAYS-0. Voting AYE: Crocker, Siejak, Dufour, Keough and Smith.

**TOWN OF LOCKPORT
RESOLUTION**

WHEREAS, a Short Environmental Assessment Form having been prepared and filed by the Town of Lockport, relative to the proposed local law entitled “Amending the Zoning Chapter of the Code of the Town of Lockport”, and this form having been carefully reviewed and considered,

NOW, THEREFORE, THIS BOARD FINDS AS FOLLOWS: The Town of Lockport Town Board is the lead agency and the only involved agency. The action is an Unlisted Action pursuant to the State Environmental Quality Review Act (SEQRA). This Board finds that this action will not result in any significant adverse impact on the environment and, accordingly, directs that the Town Supervisor sign the Short Environmental Assessment Form.

8. **Resolution to Adopt Local Law #2015-8 to Revise the Town Sign Law**

MOTION (2015-355): to adopt the Local Law #2015-8 A Local Law to Amend Section 200-170 (b) the Town Sign Law was made by Council member Dufour 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. A copy of the law in its entirety is as follows:

LOCAL LAW #8 of 2015

BE IT ENACTED by the Town Board of the Town of Lockport as follows:

The Town of Lockport Zoning Law, as contained in Chapter 200 of the Code of the Town of Lockport, is hereby amended as follows:

§ 200-170 (b), regarding General Regulations for Signs, is hereby amended by deleting the words “10 minutes” and inserting in its place the words “60 seconds”.

The Law shall take effect immediately upon passage and the filing with the Secretary of State.

9. **Resolution to hire Full-time clerk for the Building Department**

MOTION (2015-356): to hire Lynn Donovan as a full-time clerk for the Building Department, effective January 1, 2016 at a pay rate of \$12.11/hour 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.

10. **Resolution to Adopt a One-Year Contract with South Lockport Fire Company**

Deputy Supervisor Crocker noted that negotiations have taken place since the public hearing was held in November on the length of term and the dollar amounts. Attorney Norris has concluded that an additional public hearing is not needed since the 2016 dollar amount in this one-year contract was the same amount which was advertised and held for South Lockport Fire Company, Inc. at the Town Budget Hearings.

MOTION (2015-357): to authorize the Supervisor to enter a one-year contract, with a termination date of 12/31/2016, with South Lockport Fire Company, Inc. to provide fire protection, 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.

11. **Resolution to Extend the Contract Time and Increase the Contract Amount for Contract #13-1 Utility Repair Contract**

MOTION (2015-358): on a motion by Council member Keough and seconded by Council member Dufour, 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 Mark Cerrone, Inc. by way of Contract No. 13-1, for Utility Repair Contract, and

WHEREAS, Mark Cerrone, Inc. has completed the work outlined in the contract in 2013, 2014 and 2015 satisfactorily for the Town of Lockport, and

WHEREAS, provisions in the contract allow for Mark Cerrone, Inc. and the Town of Lockport to mutually agree to extend the contract for an additional year, now therefore be it

RESOLVED, that this Board authorizes Change Order No. 5 in the amount of \$100,000.00 and changes the contract completion date to December 31, 2016, and

RESOLVED, that the work be performed on an as needed basis as authorized by the Town Board.

12. **Resolution to Approve a Deduct Change Order for Contract #14-8**

MOTION (2015-359): 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 Town of Lockport awarded a bid to Pipe Eye Sewer Services, Inc. by Contract No. 14-8, for the Sewer and Water Vacuum Maintenance Contract, and

WHEREAS, Wendel and Pipe Eye Sewer Services, Inc. have mutually agreed on the adjustment of bid and change order quantities to match actual quantities installed at the completion of the project,

NOW THEREFORE, BE IT RESOLVED, that this Board authorizes deduct Change Order No. 1 in the amount of \$12,683.30 for a final Contract Price of \$35,624.70.

13. **Resolution to Approve the Final Closeout & Payments for Contract #14-8**

MOTION (2015-360): 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**

WHEREAS, the Town of Lockport awarded a bid to Pipe Eye Sewer Services, Inc. by Contract No. 14-8, for the Sewer and Water Vacuum Maintenance Contract, and

WHEREAS, Wendel, the Town's Engineers, have reviewed the project and find that all matters required under the Contract have been satisfactorily completed,

NOW, THEREFORE, BE IT RESOLVED, that this Board authorizes the payment of \$3,556.55 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,

AND BE IT FURTHER RESOLVED, that Contract No. 14-8 shall not be renewed for 2016 and the Town Engineer is hereby directed to provide written notice to the Contractor that the Contract is not being renewed and is hereby terminated.

14. **Resolution to Approve Change Order No. 3 for Contract #163S-E**

MOTION (2015-361): on a motion by Council member Dufour 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 Town of Lockport awarded a bid to CIR Electrical Construction Corporation by way of Contract No. 163S-E, for the IDA, Keck Road & Niagara County Jail Pump Station Rehabilitation Contract, and

WHEREAS, due to unforeseen field conditions, additional materials and labor are needed in order to repair the sanitary pump stations,

NOW THEREFORE BE IT RESOLVED, that this Board authorizes Change Order No. 3 in the amount of \$974.32.

15. **Resolution to Set the Dates for a Public Information Meeting for the Capital Improvement – Phase 1A Waterline Project**

Mr. Klavoon stated that this phase of the project would have an impact on about 100 residents and the letter would be sent to invite them to a short 15-20 minute presentation followed by an answer and question period.

MOTION (2015-362): to set the date for a Public Information Meeting for the Phase1A Waterline Project (Includes: Purdy Road, Upper Mountain Road, Leete Road, Slayton Settlement Road, and Bowmiller Road) for January 25, 2016 at 7:00 p.m. and the rain/snow date of January 28, 2016 at 7:00 p.m., 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.

16. **Town Board Comments**

Councilman Keough – explained that he will not be attending the January 6, 2016 Organizational meeting as he will be in Rochester NY attending the "new officials" training seminar. He also thanked Marc Smith for his many years of service to the Town of Lockport.

Councilman Crocker also thanked Marc Smith for his service and stated that the Town is on stable ground and has a bright future due to his leadership.

Councilwoman Dufour thanked Mark Crocker and Mr. Norris for their work on obtaining a signed contract with South Lockport Fire Company. She also wished everyone a Happy New Year and thanked Marc Smith for everything he has done for the Town and stated she looks forward to working with him in his new capacity as Director of Economic Development.

Councilman Siejak also thanked Marc Smith for all his contributions to the Town of Lockport and wished him well in his new position as Director of Economic Development.

17. **Supervisor's Comments**

Marc told the Board he is looking forward to his new position and that he recently had met with members of the Niagara County Economic Development Agency and the City of Lockport and that he is optimistic about the cooperation the Town will receive from these groups as the new year commences and that he is sure that there are several bright opportunities awaiting the Town of Lockport.

He thanked the members of the Town Board for their dedication and work ethic on behalf of Town residents.

18. **Adjournment**

MOTION (2015-363): 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 was ended at 1:26 p.m. The Lockport Town Board will next meet at 1:00 p.m. on Monday, January 4, 2016.

Respectfully submitted,

Nancy A. Brooks, RMC, CMC
Lockport Town Clerk