

February 3, 2016

The regular business meeting of the Lockport Town Board was conducted at 7:30 p.m. on Wednesday, February 3, 2016, at the Town Hall, 6560 Dysinger Road, Lockport, New York.

Present were: Supervisor: Mark C. Crocker

Council Members: Paul W. Siejak  
Patricia Dufour  
Thomas Keough  
Darlene DiCarlo

Also present: Nancy A. Brooks, Town Clerk; Michael J. Norris, Town Attorney;  
David Miller, Highway Superintendent; Laurence Haseley, Town Historian

Following the Pledge of Allegiance, Supervisor Crocker opened the meeting as follows:

PUBLIC COMMENTS: The following individuals spoke before the Town Board.

Anna Falicov of 295 Main Street, Suite 560, Buffalo, NY 14201, representing the NY Foundation for Fair Contracting, an organization which is dedicated to assuring that fair bidding practices are observed and that the contractors awarded projects are responsible and follow all rules and regulations. She addressed the Town Board regarding the recent bid opening for the Carlisle Gardens Sewer Rehabilitation Project, stating that the lowest bidder, Milherst Construction, has pled guilty to a grand larceny 2<sup>nd</sup> degree felony. Ms. Falicov stated that while the Town is obligated to accept the lowest "responsible" bid and that while there is nothing unlawful about awarding the bid to Milherst Construction, the determination of what defines "responsible" is left to the discretion of the municipality. She strongly urged the Town Board to reject the low bid and to keep this information in mind when an award decision is made.

Michael Olmsted of Minnick Road questioned the status of the Town's moratorium on the use of biosolids for agricultural purposes. As the time frame of the moratorium is coming to an end, Mr. Olmsted urged the Town Board for an extension of the moratorium.

Julie Otto from the Town of Wheatfield also spoke on the subject of biosolids stating that the Quasar Plant in Wheatfield is now producing Class A biosolids which do not require permitting. This product was spread on fields in the Town of Royalton late in 2015. She fears that this product will contaminate the water table. Several towns such as the Town of Wales and the Town of Wilson have banned its use. She urged the Town to keep restrictions on biosolids use.

Katherine Brown of Lewiston also addressed the bio solids matter. She stated that with the damp winters we have in WNY, the bacteria counts in the Class A biosolids will increase and the heavy metals will leach out into the surrounding water stream. She fears that water contamination much like the one recently experienced in Flint, Michigan and other towns in Ohio could be possible with the use of these biosolids. She strongly urged the extension of the moratorium.

Henry Fisher of Northview Drive spoke on the plans for the Transit Drive-In to add a fifth movie screen to their location. As a fireman, aware of the tremendous amount of traffic which currently frequents the drive-in and the increased traffic which a 5<sup>th</sup> screen would bring, he suggested that a traffic study be completed before approval of the additional screen is granted.

There being no further public comments, Supervisor Crocker opened the regular Business Meeting as follows:

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**BUSINESS MEETING:**

1. Approval of Minutes

**MOTION (2016-041):** to approve the minutes of Town Board meetings conducted on 01/04/2016, 01/06/2016, and was made by Council member Siejak and seconded by Council member DiCarlo. The motion was CARRIED: AYES-5, NAYS-0. Voting AYE: Siejak, Dufour, Keough, DiCarlo and Crocker.

2. Approval of Payment of Bills

**MOTION (2016-042):** to approve the payment of the bills for the month of February was made by Council member Dufour and seconded by Council member Keough. The motion was CARRIED: AYES-5, NAYS-0. Voting AYE: Siejak, Dufour, Keough, DiCarlo and Crocker.

The bills for February consist of Voucher# 35470- 35929. The 2015 bills were in the amount of \$633,196.27 and the 2016 bills amounted to \$307,146.62.

3. Communications - there were none to report.

4. Building Inspector's Report

**MOTION (2016-043):** to approve the Building Inspector's Report covering the month of January 2016, which states that 18 building permits were issued; \$3,440.80 was collected in fees; and the estimated amount of construction was \$271,345.00, was made by Council member Dufour and seconded by Council member Keough. The motion was CARRIED: AYES-5, NAYS-0. Voting AYE: Siejak, Dufour, Keough, DiCarlo and Crocker.

5. Supervisor's Monthly Financial Report

**MOTION (2016-044):** to approve the Supervisor's monthly financial report for the period covering January 1, 2016 – January 31, 2016 was made by Council member DiCarlo and seconded by Council member Dufour. The motion was CARRIED: AYES-5, NAYS-0. Voting AYE: Siejak, Dufour, Keough, DiCarlo and Crocker.

6. Authorize Closeout of Contract #165S

**MOTION (2016-045):** 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: Siejak, Dufour, Keough, DiCarlo and Crocker.

**TOWN OF LOCKPORT  
RESOLUTION  
FINAL CLOSE-OUT AND ACCEPTANCE  
CONTRACT NO. 165S**

**WHEREAS,** the Town of Lockport awarded a bid to Arold Construction Company, Inc. by Contract No. 165S, for the Capital Improvements Project – Sewer Rehabilitation, and

**WHEREAS,** Wendel has determined that Arold Construction Company, Inc. has completed the project in general conformance with the Contract Plans and Specifications,

**NOW THEREFORE BE IT RESOLVED:**

The Town of Lockport Town Board accepts the final pay request and Release of Liens provided by the contractor

1. The Town of Lockport Town Board authorizes full contract payment and release of all retained monies
  2. The Maintenance Bond will remain in effect for a two (2) year period from February 3, 2016
7. Approve Revisions to the Town Specifications for Contractors and Developers

**MOTION (2016-046):** on a motion by Council member Dufour and seconded by Council member DiCarlo, the following resolution was duly ADOPTED: AYES-5, NAYS-0. Voting AYE: Siejak, Dufour, Keough, DiCarlo and Crocker.

**TOWN OF LOCKPORT RESOLUTION  
ADOPTION OF STANDARD DESIGN DETAILS  
AND SPECIFICATIONS**

**WHEREAS**, the Town of Lockport has certain standards and requirements for the design and construction of sanitary sewer, waterline, drainage, and roadway improvements, and

**WHEREAS**, from time to time it is necessary to update said standards and requirements,

**NOW THEREFORE BE IT RESOLVED**, that the Town Board of the Town of Lockport adopts the standard specifications as developed by Wendel, the Town Engineer dated February 2016.

8. Res. Calling for Public Hearing Relating to Certain Improvements to Sewer Dist. #3

**MOTION (2016-047):** on a motion by Council member Keough and seconded by Council member DiCarlo, the following resolution was put to a ROLL CALL VOTE and was duly ADOPTED: AYES-5, NAYS-0. Voting AYE: Siejak, Dufour, Keough, DiCarlo and Crocker.

**TOWN OF LOCKPORT RESOLUTION  
CALLING FOR PUBLIC HEARING UNDER TOWN LAW SECTION 202-B RELATING  
TO CERTAIN IMPROVEMENTS TO THE TOWN'S  
SEWER DISTRICT NO. 3**

**WHEREAS**, the Town Board of the Town of Lockport, Niagara County, New York (the "Town") is considering whether to authorize certain improvements to the Town's Sewer District No. 3 (the "Sewer District") that are necessary to replace and rehabilitate certain pump stations and to inspect and rehabilitate and improve certain sanitary sewers (collectively, the "Project");

**WHEREAS**, the Town has caused a certain Map, Plan and Report for Sewer District No. 3 Capital Improvement Plan (CIP) Phase 2, dated February 2016, for the proposed Project (the "Map, Plan and Report"), to be prepared by Wendel Companies, a firm of engineers duly licensed in the State of New York ("Wendel");

**WHEREAS**, the proposed Project, as more particularly described in the Map, Plan and Report, consists of the following:

- (a) rehabilitation or replacement of pump stations located throughout the Sewer District (as more particularly identified in the Map, Plan and Report), including without limitation: (i) rehabilitation or replacement of pumps, replacement of impellers and/or motors, replacement of vacuum pumps and/or priming lock loop, and piping modifications; (ii) electrical improvements, including installation of sonic starts, variable frequency drives,

new control panels and new controllers, fail switches, gauges and alarms; (iii) generator replacements and improvements; (iv) structural improvements, including removal and replacement of wet well ladders and the installation of new wet well hatches and insulated fiberglass covers; (v) site work improvements, including painting and installation of pig launchers and/or pigging of force mains; and (vi) any ancillary and related work or improvements in connection with the foregoing; and

(b) the cleaning, inspection, assessment, rehabilitation and improvement of portions of the Sewer District's sanitary sewer lines including, without limitation, slip lining the existing pipe and manholes using Cured-in-Place (CIP) piping, cementious grouting, chemical root treatment, and any ancillary or related work required in connection therewith;

**WHEREAS**, the estimated maximum cost of the Project is \$7,650,000; and

**WHEREAS**, the Town Board now wishes to schedule a public hearing in accordance with Section 202-b of the Town Law to hear all persons interested on whether it is in the public interest to undertake the Project at such estimated maximum cost.

**NOW THEREFORE, THE TOWN BOARD OF THE TOWN OF LOCKPORT, NIAGARA COUNTY, NEW YORK HEREBY RESOLVES, AS FOLLOWS:**

**SECTION 1.** A public hearing shall be held by the Town Board of the Town of Lockport on March 2, 2016 at 7:30 p.m. at the Town Hall, 6560 Dysinger Road, Lockport, New York 14094 to hear all interested parties on whether it is in the public interest to undertake the Project as described above at an estimated maximum cost of \$7,650,000.

**SECTION 2.** Notice of said public hearing shall be published and posted as required by Section 193 of the Town Law.

9. Resolution Authorizing Agreement with Harris, Beach Attorneys

**MOTION (2016-048):** to authorize the Supervisor to enter an agreement with Harris, Beach Attorneys to serve as Bond Counsel for the Town in connection with the financing of certain improvements to the Town Sewer District No.3 – Phase 2 was made by Council member Keough and seconded by Council member Dufour. The motion was CARRIED: AYES-5, NAYS-0. Voting AYE: Siejak, Dufour, Keough, DiCarlo and Crocker.

10. Resolution Authorizing Agreement with Niagara County Historical Society

**MOTION (2016-049):** to authorize the Supervisor to enter and agreement with the Niagara County Historical Society to provide discount admissions to the Erie Canal Discovery Center was made by Council member DiCarlo and seconded by Council member Siejak. The motion was CARRIED: AYES-5, NAYS-0. Voting AYE: Siejak, Dufour, Keough, DiCarlo and Crocker.

11. Town Board Comments/Reports

*Councilwoman DiCarlo* thanked everyone for attending the meeting on an unusually warm evening in February. She reported that the Dale Association is providing free tax preparation for seniors and interested persons can contact their office to make an appointment.

*Councilman Siejak* thanked everyone for attending and wished Happy Birthday to the Town of Lockport as it celebrated its 192<sup>nd</sup> anniversary on February 2, 2016.

He also gave a brief summary of a Water/Sewer Dept. Report for 2015 and stated that the Water/Sewer personnel do an outstanding job and he thanked them. The report states that 85 water line leaks were repaired; 25 water meters were installed; 70 meters were replaced/upgraded/or repaired; 24 new water/sewer taps were completed; 24 sewer problem calls were handled; 10 fire hydrants were repaired or replaced; and 49 lawn restorations were completed.

Lastly, Deputy Supervisor Siejak informed residents that he has information and a chart of the proposed work regarding the Sewer District #3 Rehabilitation project for which the Town Board called for an upcoming Public Hearing on March 2, 2016. If residents have any questions regarding the project they can contact him at Town Hall.

*Councilwoman Dufour* thanked everyone for attending and stated that this was a record high of 62 degrees for February 3<sup>rd</sup>. As the Town Board liaison to the Highway Department, she reported that there has been quite a savings due to the weather as there has been much less salt used and less overtime man hours for plowing.

She also reported that the Memorial Tree project at Day Road Park will continue in spring with the planting of some 10-15 trees, of which 12 are already spoken for. The program may continue later in fall with additional tree plantings. She will keep residents posted.

*Councilman Keough* thanked residents and encouraged them to continue to send letters to the Town Board with any of their concerns, stating that it is important to the Board that this communications continues.

## **12. Supervisor's Comments/Reports**

The Supervisor thanked the persons who spoke on the biosolids issue stating that this is a very important matter to the Town Board and that the Board will continue to investigate this matter and expects that the Town Board will revisit this issue and will be taking action on it very soon.

Mr. Norris stated that he is currently preparing documentation for the extension of the moratorium on the use of biosolids and expects that it will be introduced at the February 17, 2016 Town Board meeting, with a Public Hearing likely to be held on March 2, 2016.

Mr. Norris also addressed the plans of the Transit Drive-In to expand with a fifth screen, stating that the Planning Board has already had contact the NYS Dept. of Transportation relative to this matter and that the Town Planning Board will give great credence to the NYSDOT's decision and input on any possible expansion.

Supervisor Crocker also thanked Ms. Falicov relative to her concerns about the bid award for the Carlisle Gardens Sewer Rehabilitation project and that the Town Board appreciates the advise given.

He also stated that the Town Engineer will provide a briefing on the Sewer District #3 Rehabilitation Project at the upcoming Town Board meeting on March 2, 2016. The engineer will address any questions or concerns voiced by residents at that time and all residents are encouraged to attend.

Lastly, he stated that the Town is very pleased that we have had such a mild winter and that there has been a good amount of savings to the Town and perhaps fewer accidents because of it. There being nothing further, he called for adjournment.

13. Adjournment

**MOTION (2016-050):** to adjourn was made by Council member Siejak and seconded by Council member DiCarlo. The motion was CARRIED: AYES-5, NAYS-0. Voting AYE: Siejak, Dufour, Keough, DiCarlo and Crocker.

The meeting was ended at 7:55 p.m. The Lockport Town Board will next meet at 1:00 p.m. on February 17, 2016.

Respectfully submitted,

Nancy A. Brooks, RMC, CMC  
Lockport Town Clerk