

March 2, 2016

Two Public Hearings and the regular monthly meeting of the Lockport Town Board were conducted at 7:30 p.m. on Wednesday, March 2, 2016, at the Town Hall, 6560 Dysinger Road, Lockport, New York.

Present were: Supervisor: Mark C. Crocker

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

Also present: Michael J. Norris, Town Attorney; Robert Klavoon, of Wendel Duchscherer Architects & Engineers PC; Judith Newbold, Deputy Town Clerk

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

PRESENTATION: Wendel Engineers – Proposed Improvements for Sewer District #3 – Phase 2

Engineer Rob Klavoon from Wendel Engineers gave a presentation regarding the proposed Sewer District improvements for District #3 – Phase 2a and 2b which was based on information from the results of inspections that were done in fall of 2015. He explained that some pumps will need to be replaced, others rehabilitated, new generators will be installed, structural and safety improvements, site work (aesthetic changes) and sewer line rehabilitations. Phase 2a contains approximately twenty lift stations, Phase 2b contains 17. The total cost (7.56 million dollars) of the project was broken down. He explained how the projected revenues generated will cover the cost of the project so that sewer rates should not have to be increased. He laid out the multi year schedule of the project. Phase 2a construction will take approximately two years to complete and will begin in spring of 2017. Phase 2b will begin in 2018 and should also be completed in two years.

PUBLIC HEARING: to Consider Certain Capital Improvements to the Town of Lockport Sewer District #3.

Supervisor Crocker opened the Public Hearing and Mr. Michael Olmstead spoke to the Board inquiring as to how increased sewer rates will not factor into the projection of increased revenue as shown in the diagrams.

Rob Klavoon explained that the increased revenues are based on conservative rates from the last 10-15 year history of the town's finances. These include assessments from additional residential development, user fees and increased tax revenue from commercial building and development.

No others spoke on the matter and the Public Hearing was closed.

PUBLIC HEARING: Proposed Local Law to Extend Moratorium on Disposal of Sludge, Sewer Sludge, Septage, and Bio Mass

The Deputy Town Clerk read a summary of the Notice of Public Hearing as was published in the Union Sun Journal on February 19, 2016. Supervisor Crocker opened the floor for public comment.

Several residents spoke in favor of extending the moratorium at this time for the safety of the residents given the chemicals, antibiotic resistant bacteria and hazardous materials they believe are contained in the biosolids. Others agreed more time to study the effects of the use of the biosolids is necessary and they support the board in their decision to extend the moratorium.

Continued next page

REGULAR BUSINESS MEETING:

1. Approval of Minutes

MOTION (2016-67) to approve the Town Board minutes of 02/01/2016, 02/03/2016, and 02/17/2016 was made by Council Member Siejak and seconded by Council Member DiCarlo. The motion was CARRIED: AYES-5, NAYS-0. Voting AYE: Crocker, Siejak, Dufour, Keough and DiCarlo.

2. Approval of Payment of Bills

MOTION (2016-68) to approve the payment of the bills for the month of March 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 DiCarlo. The bills for March include Vouchers #35930-36085 in the amount of \$435,673.25.

3. Communications - Nothing to report.

4. Building Inspector's Report

Council Member Dufour read the report for the month of February 2016 which states that 14 building permits were issued; \$2,626.76 was collected in fees; and the estimated cost of construction was \$574,922.00.

MOTION (2016-69) to approve the Building Inspector's Report as submitted 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 DiCarlo.

5. Supervisor's Monthly Financial Report

MOTION (2016-70) to approve the Supervisor's Monthly Financial Report which was previously submitted at the Town Board work session on February 29, 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 DiCarlo.

6. Resolution that determines that the proposed Capital Improvement Project for Sewer District #3 – Phase 2 is an Unlisted Action, is not anticipated to result in any significant environmental impact, issues a Negative Declaration and authorizes the Town Supervisor to sign the Short Environmental Assessment Form

MOTION (2016-71) on a motion by Council Member DiCarlo and seconded by Council Member Keough, the following resolution was duly ADOPTED: AYES-5, NAYS-0. Voting AYE: Crocker, Siejak, Dufour, Keough and DiCarlo.

TOWN OF LOCKPORT SEWER DISTRICT NO. 3
PHASE 2 CAPITAL IMPROVEMENT PROJECT
RESOLUTION TO ADOPT NEGATIVE DECLARATION
March 2, 2016

Whereas, the Town of Lockport will be funding the Sewer District No. 3 Capital Improvements, Phase 2 through the issuance of a Bond and completing the project in accordance with the Map, Plan and Report dated February 2016; and

Whereas, the funding of a project and the subsequent construction of these improvements are subject to the New York State Environmental Quality Review Act, SEQRA; and

Continued next page

Whereas, the proposed project has been determined to be an Unlisted Action under SEQR and a short EAF has been completed for the project; and

Whereas, the Lockport Town Board, in accordance with the State Environmental Quality Review Act (SEQRA) has determined that the proposed project will not adversely affect the natural resources of the State and/or the health, safety and welfare of the public and is consistent with social and economic considerations, based on completion of Parts 1, 2 and 3 of the EAF,

Now, Therefore, Be It Resolved, that the Lockport Town Board hereby determines that the proposed project is not anticipated to result in any significant adverse environmental impact and issues a Negative Declaration (authorizing the attached short EAF to act as the SEQR Negative Declaration in accordance with recent SEQR amendments), and

Be It Finally Resolved, that the Supervisor is authorized to sign the EAF, and the EAF and associated materials will be placed in the Town's files.

ACTION AFTER PUBLIC HEARINGS:

7. Resolution Authorizing the 202-b Undertaking for Certain Capital Improvements to Sewer District #3

MOTION (2016-72) on a motion by Council Member Keough and seconded by Council Member Dufour, the following resolution was put to a ROLL CALL vote and was duly ADOPTED: AYES-5, NAYS-0. Voting AYE: DiCarlo, Siejak, Dufour, Keough and Crocker.

**TOWN OF LOCKPORT
RESOLUTION**

The following resolution was offered by Council Member Keough, who moved its adoption, seconded by Council Member Dufour, to-wit:

**RESOLUTION OF THE TOWN BOARD OF THE TOWN OF LOCKPORT,
NIAGARA COUNTY, NEW YORK (THE "TOWN") PURSUANT TO SECTION
202-b OF THE TOWN LAW DETERMINING THAT IT IS IN THE PUBLIC
INTEREST TO UNDERTAKE 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"); and

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"); and

WHEREAS, the proposed Project, as more particularly described in a Map, Plan and Report prepared by Wendel, 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, cementitious grouting, chemical root treatment, and any ancillary or related work required in connection therewith; and

WHEREAS, the estimated maximum cost of the Project is \$7,560,000; and

WHEREAS, by resolution adopted on February 3, 2016, at a regular meeting of the Town Board held on such date, the Town Board directed that a public hearing be held on whether to authorize the Project, and to hear all persons interested in the subject thereof concerning the same on March 2, 2016 at 7:30 p.m. at the Town Hall, 6560 Dysinger Road, Lockport, New York 14094; and

WHEREAS, notice of said public hearing certified by the Town Clerk was duly published and posted as required by law, to wit: a duly certified copy thereof was published in the *Lockport Union Sun & Journal*, the official newspaper of the Town, on February 12, 2016 and a copy of such notice was posted on February 12, 2016 on the signboard maintained by the Town Clerk, and on the Town's website, pursuant to Town Law Section 30(6); and

WHEREAS, said public hearing was duly held at the time and place set forth in said notice, at which all persons desiring to be heard were duly heard; and

WHEREAS, by resolution dated March 2, 2016, adopted immediately prior to the consideration of this resolution, the Town Board determined, pursuant to the New York State Environmental Quality Review Act and the regulations promulgated thereunder (6 NYCRR Part 617) (collectively, "SEQRA"), that the actions and improvements to be undertaken as part of the Project constitute an "Unlisted" action within the meaning of SEQRA, and that such actions and improvements will not have a significant adverse impact upon the environment, and issued a negative declaration to such effect.

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

SECTION 1. Based upon the evidence given at the aforesaid public hearing, it is hereby found and determined that it is in the public interest to undertake the Project as hereinabove described at the maximum cost of \$7,560,000. The Project is hereby approved.

SECTION 2. The Town Clerk is hereby authorized and directed to cause a certified copy of this resolution to be duly recorded in the office of the Clerk of Niagara County, New York within ten (10) days after the adoption hereof, in accordance with Section 195 of the Town Law.

SECTION 3. This resolution shall take effect immediately.

8. Authorization for the Issuance of up to \$7,560,000 in Serial Bonds for Capital Improvements to Sewer District #3

MOTION (2016-73) on a motion by Council Member Siejak 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: DiCarlo, Siejak, Dufour, Keough and Crocker.

TOWN OF LOCKPORT RESOLUTION

The following resolution was offered by Council Member Siejak, who moved its adoption, seconded by Council Member DiCarlo, to-wit:

BOND RESOLUTION OF THE TOWN BOARD OF THE TOWN OF LOCKPORT, NIAGARA COUNTY, NEW YORK (THE "TOWN"), AUTHORIZING THE ISSUANCE OF UP TO \$7,560,000 IN SERIAL BONDS OF THE TOWN TO UNDERTAKE CERTAIN IMPROVEMENTS TO TOWN'S SEWER DISTRICT NO. 3

WHEREAS, the Town Board (the "Board") of the Town of Lockport, Niagara County (the "Town") proposes to authorize the issuance of \$7,560,000 in serial bonds of the Town to finance the estimated cost of certain improvements, as hereinafter described, 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"), all at an estimated maximum cost of \$7,560,000; and

WHEREAS, by resolution dated March 2, 2016, adopted immediately prior to the consideration of this resolution, the Town Board determined, pursuant to the New York State Environmental Quality Review Act and the regulations promulgated thereunder (6 NYCRR Part 617) (collectively, "SEQRA"), that the actions and improvements to be undertaken as part of the Project constitute an "Unlisted" action within the meaning of SEQRA, and that such actions and improvements will not have a significant adverse impact upon the environment, and issued a negative declaration to such effect; and

WHEREAS, by resolution dated March 2, 2016, adopted immediately prior to the consideration of this resolution, in accordance with Section 202-b of the Town Law (the "202-b Order"), the Town Board determined it to be in the public interest to undertake the Project, consisting 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, cementitious grouting, chemical root treatment, and any ancillary or related work required in connection therewith; and

WHEREAS, the Board now wishes to appropriate funds for the Project and to authorize the issuance of the Town's serial bonds and bond anticipation notes to be issued to finance said appropriation.

NOW, THEREFORE, BE IT RESOLVED, by the Town Board of the Town of Lockport, Niagara County, New York (by the favorable vote of not less than two-thirds of all the members of such body), as follows:

SECTION 1. The Town is hereby authorized to undertake the Project as hereinabove described and issue up to \$7,560,000 principal amount of serial bonds (including, without limitation, statutory installment bonds) pursuant to the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (the "Law") to finance the estimated cost of the Project.

SECTION 2. It is hereby determined that the maximum estimated cost of the aforementioned specific object or purpose is \$7,560,000, said amount is hereby appropriated therefore and the plan for the financing thereof shall consist of the issuance of the \$7,560,000 in serial bonds of the Town authorized to be issued pursuant to Section 1 of this resolution, or bond anticipation notes issued in anticipation thereof, and the levy and collection of taxes on all the taxable real property in the Town to pay the principal of said bonds and the interest thereon as the same shall become due and payable.

SECTION 3. It is hereby determined that the period of probable usefulness for the aforementioned specific object or purpose is forty (40) years, pursuant to subdivision 4. of paragraph a. of Section 11.00 of the Law.

SECTION 4. The final maturity of the bonds herein authorized to be issued pursuant to Section 1 of this resolution shall be in excess of five (5) years measured from the date of issuance of the first serial bond or bond anticipation note issued.

SECTION 5. The temporary use of available funds of the Town, not immediately required for the purpose or purposes for which the same were borrowed, raised or otherwise created, is hereby authorized pursuant to Section 165.10 of the Law, for the capital purposes described in this resolution. The Town shall reimburse such expenditures with the proceeds of the bonds or bond anticipation notes authorized by this resolution. This resolution shall constitute a declaration of "official intent" to reimburse the expenditures authorized herein with the proceeds of the bonds and bond anticipation notes authorized herein, as required by United States Treasury Regulations Section 1.150-2.

SECTION 6. Each of the serial bonds authorized by this resolution and any bond anticipation notes issued in anticipation of said bonds shall contain the recital of validity prescribed by Section 52.00 of the Law and said serial bonds and any bond anticipation notes issued in anticipation of said bonds shall be general obligations of the Town, payable as to both principal and interest by a general tax upon all the real property within the Town subject to applicable statutory limits, if any. The faith and credit of the Town are hereby irrevocably pledged to the punctual payment of the principal and interest on said serial bonds and bond anticipation notes and provisions shall be made annually in the budget of the Town by appropriation for (a) the amortization and redemption of the bonds and bond anticipation notes to mature in such year and (b) the payment of interest to be due and payable in such year.

SECTION 7. Subject to the provisions of this resolution and of the Law, pursuant to the provisions of Section 30.00 relative to the authorization of the issuance of serial bonds and bond anticipation notes or the renewals of said obligations and of Sections 21.00, 50.00, 54.90, 56.00 through 60.00, 62.10 and 63.00 of the Law, the powers and duties of the Town Board relative to authorizing serial bonds and bond anticipation notes and prescribing terms, form and contents as to the sale and issuance of bonds herein authorized, including without limitation the determination of whether to issue bonds having substantially level or declining debt service and all matters related thereto, and of any bond anticipation notes issued in anticipation of said bonds, and the renewals of said bond anticipation notes, are hereby delegated to the Town Supervisor, as the chief fiscal officer of the Town (the "Town Supervisor"). Such notes shall be of such terms, form and contents as may be prescribed by said Town Supervisor consistent with the provisions of Local Finance Law. Further, in connection with bonds and bond anticipation notes issued under the authority of Section 1 hereof, the power to contract with and issue bonds and bond anticipation notes to the New York State Environmental Facilities Corporation pursuant to Section 169.00 of the Law and to approve the terms, form and content of such bonds and bond anticipation notes, consistent with the provisions of the Law, is hereby delegated to the Supervisor. Further, pursuant to subdivision b. of Section 11.00 of the Law, in the event that bonds to be issued for one or more of the objects or purposes authorized by this resolution are combined for sale, pursuant to subdivision c. of Section 57.00 of the Law, with bonds to be issued for one or more objects or purposes authorized by other resolutions of this Town Board, then the power of the Town Board to determine the "weighted average period of probable usefulness" (within the meaning of subdivision a. of Section 11.00 of the Law) for such combined objects or purposes is hereby delegated to the Supervisor, as the chief fiscal officer of the Town.

SECTION 8. The Town Supervisor is hereby further authorized, at his sole discretion, to execute a project financing and loan agreement, and any other agreements with the New York State Department of Environmental Conservation and/or the New York State Environmental Facilities Corporation, including amendments thereto, and including any instruments (or amendments thereto) in the effectuation thereof, in order to effect the financing or refinancing of the specific object or purpose described in Section 1 hereof, or a portion thereof, by a serial bond, and, or a bond anticipation note issue in the event of the sale of same to the New York State Environmental Facilities Corporation.

SECTION 9. The Town Supervisor is hereby further authorized to take such actions and execute such documents as may be necessary to ensure the continued status of the interest on the bonds authorized by this resolution and any notes issued in anticipation thereof, as excludable from gross income for federal income tax purposes pursuant to Section 103 of the Internal Revenue Code of 1986, as amended (the "Code") and to designate the bonds authorized by this resolution and any notes issued in anticipation thereof, if applicable, as "qualified tax-exempt bonds" in accordance with Section 265(b)(3)(B)(i) of the Code.

SECTION 10. The Town Supervisor is further authorized to enter into a continuing disclosure undertaking with or for the benefit of the initial purchasers of the bonds or notes in compliance with the provisions of Rule 15c2-12, promulgated by the Securities and Exchange Commission pursuant to the Securities Exchange Act of 1934.

Continued next page

SECTION 11. The intent of this resolution is to give the Town Supervisor sufficient authority to execute those applications, agreements and instruments, or to do any similar acts necessary to affect the issuance of the aforesaid serial bonds or bond anticipation notes without resorting to further action of the Board.

SECTION 12. The validity of the bonds authorized by this resolution and of any bond anticipation notes issued in anticipation of said bonds may be contested only if:

(a) such obligations are authorized for an object or purpose for which the Town is not authorized to expend money; or

(b) the provisions of law which should be complied with at the date of the publication of such resolution are not substantially complied with,

and an action, suit or proceeding contesting such validity is commenced within twenty (20) days after the date of such publication; or

(c) such obligations are authorized in violation of the provisions of the constitution.

SECTION 13. This resolution shall take effect immediately and the Town Clerk is hereby authorized and directed to cause a copy of this resolution, or a summary thereof, to be published, together with a notice attached in substantially the form as prescribed in Section 81.00 of the Law, in the official newspaper(s) of the Town for such purpose.

9. Adoption of the Local Law to Extend Moratorium on Disposal of Sludge, Sewage Sludge, Septage and Bio mass

MOTION (2016-74) on a motion by Council Member Dufour 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: DiCarlo, Siejak, Dufour, Keough and Crocker.

SECTION 1. FINDINGS PURPOSE AND INTENT

The Town Board of the Town of Lockport enacted a moratorium upon the disposal of sludge, sewage sludge, septage and bio mass on September 2, 2015 and said Local Law was filed with the Secretary of State on September 17, 2015.

The Town Board of the Town of Lockport continues to have under consideration and to review potential amendments to the Town Code in regard to solid waste and recycling. Matters pertaining to solid waste and recycling activity within the Town emphasizes the need for suitable regulation under existing and clearly established standards in an effort to plan for and protect the health, safety and well being of the citizens of and property in the Town of Lockport. The existing provisions contained in Chapter 156 of the Town Code of the Town of Lockport may not create and meet such appropriate standards and controls to allow for a harmonious balance and to protect the health, safety and well being of the citizens and property in the Town of Lockport. The Town Board desires to continue to review and address, in a careful manner, provisions relating to solid waste and recycling and the disposal of sludge, sewage sludge, septage and bio mass on a comprehensive and town wide basis and to amend and/or adopt appropriate provisions to achieve these purposes.

Further, the Town Board understands that other local municipalities have recently enacted and/or amended local laws regarding solid waste and recycling and the disposal of sludge, sewage sludge, septage, and bio mass. The Town Board further understands that certain of these local laws are currently being challenged by the New York State Department of Agriculture and Markets and/or through private litigation. In order to determine the outcome of these challenges, the Town Board of the Town of Lockport finds it prudent and necessary to extend its moratorium applicable to solid waste and recycling and the disposal of sludge, sewage sludge, septage and bio mass.

This moratorium is intended to ensure that no approvals for such land use application be granted or permitted until this Board can complete its planning studies and has had the opportunity to consider and enact appropriate amendments to the Code.

SECTION 2. AUTHORITY

This Local Law is enacted pursuant to the provisions of the Town Law and the Municipal Home Rule Law of the State of New York, and pursuant to the police powers of the Town of Lockport. This Local Law is further enacted pursuant to the zoning authority vested in the Town of Lockport and to the authority set forth in the Municipal Home Rule Law Section 10(1)(ii)(a)(1) and 10(1)(ii)(d)(3). To the extent that any provision of this Law is inconsistent with any other Town Law, including Town Law Sections 261, 262, 263, 269, 270, 271, 274(a) and 274(b), such Laws are expressly superseded by the provisions of this Law, as authorized by said Sections of the Municipal Home Rule Law.

SECTION 3. APPLICATION

The Law shall apply to any and all solid waste and recycling and disposal of sludge, sewage sludge, septage and bio mass with the Town.

SECTION 4. DURATION

This Law shall be in effect for nine months from and after its adoption and filing.

SECTION 5. SCOPE

During the effective period of this Local Law, no Board or Agency of the Town shall accept, process, review, recommend or grant approval for solid waste and recycling processing or the disposal of sewage, sewage sludge, septage, or bio mass. No permit shall be issued for such activity, and no application shall be accepted or processed for such activity during such time. Such activity is hereby banned during this time.

SECTION 6. EXISTING ACTIVITIES

Any or all projects with the Town having a current permit to dispose of sewage, sewage sludge, septage or bio mass shall not be affected by the terms and provisions of this Local Law.

SECTION 7. SEVERABILITY

The invalidity of any word, section, clause, paragraph, sentence or part or provision of this Local Law shall not affect the validity or any other part of this Local Law which shall be in effect.

SECTION 8. EFFECTIVE DATE

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

10. Authorization to Enter Contract with Municipal Solutions to provide Financial Advisory Services for the Phase 2 Capital Improvements to Sewer District #3

MOTION (2016-75) to authorize the Town Supervisor to enter an agreement with Municipal Solutions for the purpose of providing Financial Advisory Services for the Capital Improvements to Sewer District #3 – Phase 2 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 DiCarlo.

11. Authorization to Enter Contract with Wendel to provide Engineering Services for the Capital Improvements to Sewer District #3 Phase 2a

MOTION (2016-76) to authorize the Town Supervisor to enter an agreement with Wendel WD Architecture, Engineering, Surveying & Landscape Architecture P. C. for the purpose of providing Engineering Services for the Survey, Design and Bidding Services for the Capital Improvements to Sewer District #3 in an amount not to exceed \$447,000.00, subject to the approval of the Town Attorney was made by Council Member DiCarlo and seconded by Council Member Dufour. The motion was CARRIED: AYES-5, NAYS-0. Voting AYE: Crocker, Siejak, Dufour, Keough and DiCarlo.

12. Authorization to Enter Contract with Wendel to provide Easement Preparation Services for Phase 1A Capital Improvements to Water District #3

MOTION (2016-77) to authorize the Town Supervisor to enter an agreement with Wendel WD Architecture, Engineering, Surveying & Landscape Architecture P. C. for the purpose of providing Easement Preparation Services for the Phase 1A of the Capital Improvement Project to Water District #3 in an amount not to exceed \$8,500.00 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 DiCarlo.

13. Authorization for Town Supervisor to execute a letter of commitment for the WNY Stormwater Coalition

MOTION (2016-78) to authorize the Town Supervisor to execute a letter of commitment for the WNY Stormwater Coalition for the MS4 Gap Analysis and Mapping Project and binding the Town for all conditions contained therein was made by Council Member Siejak and seconded by Council Member DiCarlo. The motion was CARRIED: AYES-5, NAYS-0. Voting AYE: Crocker, Siejak, Dufour, Keough and DiCarlo.

14. Authorization to award of Contract 162S-R (Base Bid, Alternate #1 and Alternate #2) to Milherst Construction of Clarence Center, NY as the lowest responsible bidder in the amount not to exceed \$355,855.10.

MOTION (2016-79) 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 DiCarlo.

RESOLUTION
AWARD OF CONTRACT
TOWN OF LOCKPORT CARLISLE GARDENS SANITARY
SEWER REHABILITATION CONTRACT 162S-R

WHEREAS, the Town of Lockport had authorized Wendel, the Town's Engineers to complete the contract documents for the Carlisle Gardens Sanitary Sewer Rehabilitation Project, and

WHEREAS, bids on the above referenced project were opened on January 20, 2016 in accordance with the Notice to Bidders previously authorized, and

WHEREAS, Wendel conducted a thorough review and issued a Recommendation of Award and its findings dated February 29, 2016 to the Town Board; now therefore be it

RESOLVED, that the Lockport Town Board adopts Wendel's recommendation and findings dated February 29, 2016 as its basis for determination and hereby authorizes and awards Contract 162S-R (Base Bid, Alternate #1, and Alternate #2) to Milherst Construction Inc., 10025 County Road, PO Box 430, Clarence Center, New York 14032 as the lowest responsible bidder in the amount of \$355,885.10 contingent upon the Town Attorney's review of the Contractor's Bonds and Insurances.

Continued next page

15. Town Board Comments/Reports

Councilmember DiCarlo thanked all for attending and reminded everyone about the Electronic Recycling program which will resume on Saturday, March 26, 2016 from 9:00am-1:00pm in the recycling shed located at 6560 Dysinger between the Town Hall and the Highway Department. Recycling will then continue every month on the last Saturday through November.

She also reminded all high school seniors who are Lockport residents to be sure to fill out an application for the Outstanding Town Youth Scholarship which is sponsored by the Town of Lockport Recreation Committee. This award is offered to a graduating high school Senior and includes a \$1000 scholarship, a recognition plaque and a proclamation from the Town. Completed applications must be returned to the Town Clerk's office by April 25, 2016 and can be obtained from the school guidance counselors, the town website, the local library or the Town Clerk's office.

Councilmember Siejak wanted to remind everyone that the Town recycling shed is only for Town residents, drop offs will be monitored by camera. There is a cost to the town for the disposal of these items.

He also announced that the Town Brush Pick Up will recommence on Monday, March 21, 2016 and will continue through November on the third Monday of the month. Have brush piled neatly, no roots, stumps or limbs larger than 8 inches in diameter, with cut end to the road by 7:00 a.m.

He also thanked all those who addressed the Town Board.

Councilmember Dufour reminded everyone how important it is to come and speak to the Town Board, it is important to know the residents support our decisions. She also thanked Rob Klavoon for helping everyone understand the action that the Town Board is taking on the sewer improvement project. The reason we work so diligently on these improvements is to protect our future. She also asked to see everyone at the future meetings where she will be sharing important information relevant to Day Road Park and the Town Hall Campus.

Councilmember Keough also reiterated the idea that the Board members cannot work in a vacuum; the Board welcomes residents' comments and suggestions.

He reported the Town has purchased ten tickets for the Armed Forces Week luncheon Thursday, May 5, 2016 at 11:00am and would be honored to issue tickets to veterans in the Town of Lockport area on a first come, first served basis.

16. Supervisor's Comments/Reports

Supervisor Crocker thanked all for coming out to share their comments with the Board this evening, especially on the Local Law extending the Moratorium on disposal of sludge. The Town Board is doing their due diligence on a monthly basis and are following all the information they can gather on this issue. He also thanked Rob Klavoon for coming out to give a brief overview of the Capital Improvement plan for Sewer District #3 - Phase 2.

17. Adjournment

MOTION (2016-80) to adjourn 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 DiCarlo.

The meeting ended at 8:05 p.m. The Lockport Town Board will next meet at 1:00 p.m. on Wednesday, March 16, 2016.

Respectfully submitted,

Judith A. Newbold,
Deputy Town Clerk