

March 16, 2016

A regularly scheduled work session of the Lockport Town Board was conducted at 1:00 p.m. on Wednesday, March 16, 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: Nancy A. Brooks, Town Clerk; Michael J. Norris, Town Attorney; Robert Klavoon of Wendel Engineering, David Wohleben, Kelsey Wohleben, Ellen Roth and a local media representative.

Supervisor Crocker welcomed everyone in attendance and introduced Ellen Roth, Mr. David Wohleben and his son, Kelsey, who is a West Point Cadet. Ellen then explained that the City of Lockport will be hosting the West Point Glee Club for a public concert to be held at the Historic Palace Theatre on Saturday, April 2, 2016 at 7:00 p.m. The cost of tickets will be \$10 for adults and \$5 for students/active military. Ellen expressed great pride in Kelsey and for the City to be hosting the Glee Club. She requested the Town Board's assistance in assuring that the concert would be well attended with the selling of tickets and encouraged them all to attend the concert. The Town Board then took the following action:

MOTION (2016-081): to authorize the Supervisor to enter an agreement with the Palace Theatre and to authorize the Town Recreation Committee to offer discount coupons for the West Point Glee Club concert at the rate of \$5 for adults and \$2.50 for students/active military was made by Council member Dufour and seconded by Council member DiCarlo. The motion was CARRIED: AYES-5, NAYS-0. Voting AYE: Siejak, Dufour, Keough, DiCarlo and Crocker.

The Supervisor then opened the work session for the regularly scheduled action as follows:

1. **Town Clerk**

The Town Clerk reported the following correspondence:

- a) Letter of thanks from the Niagara County Fisheries Development Board, thanking the Town Board for allowing their group to utilize the Town Hall for meetings and that they will no longer require use of the hall as their meeting location will change to more closely meet the geography of their membership.
- b) Request from the Niagara County Health Dept. for use of the Community Room for six consecutive weeks from 9:30 a.m. – 12:00 p.m. to conduct Diabetes Self Management Prevention and Chronic Disease Self Management classes.
- c) Notice from the National Multiple Sclerosis Society of Upstate NY that they will be conducting their annual "Walk for MS" on Sunday, May 1, 2016 and that they are requesting Town authorization to schedule part of the walk within the borders of the Town of Lockport. They provided proof of insurance as is the normal requirement to conduct such a walk. The Town Clerk explained that this has been a routine request and authorization for the last several years.

MOTION (2016-082): to authorize the National Multiple Sclerosis Society of Upstate NY to conduct a fund raising walk within the Town of Lockport on May 1, 2016 was made by Council member Keough and seconded by Council member Siejak. The motion was CARRIED: AYES-5, NAYS-0. Voting AYE: Siejak, Dufour, Keough, DiCarlo and Crocker.

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2. **Attorney** - No report.

3. **Engineer** - Mr. Klavoon reported on several topics as follows:

Town Highway Garage Gutters – the RFP sent out in February resulted in better pricing than those obtained in 2015. However, Mr. Klavoon sought Town Board direction as to what their desires were regarding this matter. Supervisor Crocker stated he will meet with Rob and David Miller, Highway Superintendent, to review the information gathered and to discuss the possibilities and will report back to the Board.

Nia. Co. Sewer District Reimbursement Funds – Mr. Klavoon reported that the Town receives an annual amount of \$20,000.00 as partial reimbursement toward the cost of construction and engineering for sewer projects completed in the Town of Lockport. Mr. Klavoon recommended a list of 2016 sewer projects that are eligible for such funding. The cost to complete these projects would be approximately \$45,000.00; requiring approximately \$25,000.00 of additional Town funds. The Board took the following action.

MOTION (2016-083): to authorize the allocation of \$20,000.00 Niagara County Sewer District Reimbursement funds in the addition to Town funds in an amount not to exceed \$25,000.00, for the televising and flushing of sanitary sewer lines as recommended by Wendel Engineers 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.

NYSDEC Letter – Sewer District #3 Post Construction Mitigation Achieved

Mr. Klavoon reported that he has sent a letter to the DEC detailing two sewer construction projects (Contracts #165S and 166S) which have been completed and for which he anticipates receiving inflow/infiltration (I/I) mitigation removal credits for improvements made by the Town. These mitigation credits can be "banked" by the Town for up to two years and can be used by contractors for future development projects. Based on the substantial completion of both projects, he believes the mitigation credits earned for these two projects should be available for use February 3, 2016 until February 3, 2018.

4. **Town Board Comments/Reports**

Councilman Siejak was delighted to inform the Board that he had received notification from the NYS Dept. of Transportation regarding the proposed improvements to the Route 93-Dysinger Road/Beattie Ave intersection. The DOT has requested that a public informational meeting on the proposed changes be conducted on Wednesday, March 23, 2016 from 4:00 p.m. – 7:00 p.m. Construction to correct the road alignments as well as sidewalk improvements is scheduled to begin in the spring of 2017. Supervisor Crocker thanked Councilman Siejak for all his efforts to bring these improvements to fruition.

Additionally, Councilman Siejak reported that the 2016 Spring Newsletter should be mailed out to residents within the week.

Councilman Keough mentioned "Clay's Heroes" to the Town Board. Supervisor Crocker added that this is a private group which aides veterans and for which the Town Board members donate personally. No Town funds are used to make a donation.

5. **Supervisor's Comments/Reports**

Supervisor Crocker brought up the matter of restructuring town operations including the water and sewer districts, parks and facilities; recommending the following action be taken which will provide better efficiency, shared services among the town departments and a cost savings opportunity:

- a) The immediate termination of Daniel Dodge.
- b) The assignment of additional duties to David Miller, Town Superintendent of Highways for the oversight of the water and sewer districts, parks and facilities.
- c) The increase of the 2016 annual salary for the Town Superintendent of Highways to reflect said additional duties.
- d) Call for a Public Hearing to amend the 2016 Salary for the Town Superintendent of Highways.
- e) Appoint Jason Neden as Deputy Director of Sewer/Water Maintenance Operations.

The Town Board took the following actions.

Resolution to Terminate the Employment of Daniel Dodge

MOTION (2016-084): 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**

RESOLVED, that Daniel A. Dodge is hereby terminated as the Town's Director of Operations effective immediately.

Res. to assign additional duties to David Miller, Superintendent of Highways

MOTION (2016-85): on a motion by Council member DiCarlo and seconded by Council member Dufour, the following resolution was duly ADOPTED: AYES-5, NAYS-0. Voting AYE: Siejak, Dufour, Keough, DiCarlo and Crocker.

**TOWN OF LOCKPORT
RESOLUTION**

WHEREAS, Town Law §32(1) states that the Town Superintendent of Highways shall perform such duties as are or hereafter may be conferred or imposed upon him by law, and further duties as the Town Board may determine not inconsistent with law, and

WHEREAS, the Town Board believes that a restructuring of how management of the water and sewer districts, parks and facility operations under Superintendent of Highways will provide greater efficiency and cost savings to the Town,

NOW, THEREFORE, BE IT,

RESOLVED, that the Town of Lockport Town Board does hereby confer upon the Town Superintendent of Highways pursuant to Town Law §32(1) the following further additional duties:

1. The oversight, operation and maintenance of the Town Districts, including Water, Sewer and Lighting Districts;
2. The oversight, operation and maintenance of Town parks;
3. The oversight, operation and maintenance of Town facilities, including buildings and all Town lands; and
4. The oversight and maintenance of all Town owned equipment used for the Water and Sewer Districts, parks and facilities; and be it further

RESOLVED, that the Town Superintendent of Highways shall perform such further additional duties until the Town Board determines otherwise.

Introduction of Proposed Local Law to Increase 2016 Salary of Town Superintendent of Highways

Councilman Siejak introduced a proposed Local Law entitled "A Local Law to Amend the Superintendent of Highway's 2016 Salary" which increases the 2016 salary of the Town Superintendent of Highways to reflect the additional duties placed upon him.

Call for Public Hearing on Proposed Local Law to Amend the 2016 Salary of Town Superintendent of Highways

MOTION (2016-086): 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: Siejak, Dufour, Keough, DiCarlo and Crocker.

**TOWN OF LOCKPORT
RESOLUTION**

WHEREAS, a Local Law "To Amend the Superintendent of Highway's 2016 Salary" has been introduced; and

NOW, THEREFORE, BE IT,

RESOLVED, that the Town of Lockport Town Board does hereby call for a Public Hearing to be held on the introduced Local Law "To Amend the Superintendent of Highways' 2016 Salary" at the Lockport Town Hall, 6560 Dysinger Road, Lockport, New York on April 6, 2016 at 7:30 p.m.

Resolution to Appoint Deputy Superintendent of Water, Sewer Maintenance

MOTION (2016-087): 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**

RESOLVED, that Jason Neden is hereby appointed Deputy Superintendent of Water and Sewer Maintenance (Distribution System) effective March 17, 2016 at a rate of \$25.50 per hour subject to Niagara County Civil Service approval.

6. Adjournment

MOTION (2016-88): to adjourn was made by Council member Siejak and seconded by Council member Keough. The motion was CARRIED: AYES-5, NAYS-0. Voting AYE: Siejak, Dufour, Keough, DiCarlo and Crocker.

The meeting ended at 1:37 p.m. The Lockport Town Board will next meet at 1:00 p.m. on Monday, April 4, 2016.

Respectfully submitted,

Nancy A. Brooks, RMC, CMC
Lockport Town Clerk