

April 6, 2016

The regular business meeting of the Lockport Town Board was conducted at 7:30 p.m. on Wednesday, April 6, 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, Supt. of Highways; and Larry Haseley, Town Historian.

Supervisor Crocker welcomed all in attendance and then introduced the leaders and the members of Boy Scout Troop #4 from St. John's Church, who then lead the Pledge of Allegiance.

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

**PUBLIC HEARING:** Local Law to Increase the 2016 Salary of the Town Superintendent of Highways by \$15,833 over and above the \$75,858, to cover additional duties.

The Town Clerk read the Notice of Public Hearing as was published in the Union Sun & Journal. The floor was opened for comments. No one spoke on the matter and the hearing was closed.

**PUBLIC COMMENTS:** Supervisor Crocker read the Town's policy for public speaking at Town Board meetings and opened the floor for comments as follows:

Larry Haseley, Town Historian, addressed the crowd stating that the Town of Lockport Historical Society is seeking new members. There's a very modest fee of \$10 for a family membership and no work involved. The Society holds a monthly meeting except during the winter months. Generally program speakers are brought in if there is enough member participation. Anyone interested in membership can phone Larry at 434-1547.

**BUSINESS MEETING:**

1. Approval of Minutes

**MOTION (2016-091):** to approve the Town Board minutes of 02/29/2016, 03/02/2016 and 03/16/2016 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 (2016-092):** 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.

3. Communications

There were no communications.

4. Building Inspector's Report

Councilwoman Dufour read the Building Inspector's Report for the month of March which states that 43 building permits were issued; \$7,587.20 was collected in fees; and the estimated cost of construction was \$775,376.00.

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**MOTION (2016-093):** 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: Siejak, Dufour, Keough, DiCarlo and Crocker.

5. Supervisor's Monthly Financial Report

**MOTION (2016-094):** to approve the Supervisor's Monthly Financial Report for the period ending March 31, 2016 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.

6. Approve a Letter of Request to Empire State Development

**MOTION (2016-095):** 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**

**WHEREAS,** Yahoo! Is an economic development project located in the Town of Lockport, and

**WHEREAS** our community implemented a payment in lieu of tax abatement whereby our citizens have indirectly contributed financially to the future success of Yahoo! In our community; and

**WHEREAS,** Yahoo! Established a Community Fund, contributing \$500,000 per year for seven years to support non-profit agencies, of which \$250,000 of the funds are distributed through the Community Foundation of Greater Buffalo with input from the Lockport Advisory Council and the other \$250,000 distributed by Empire State Development; and

**WHEREAS,** Empire State Development has recently decided to exclude non-profits in the Town of Lockport and City of Lockport from its annual allocation; and

**WHEREAS,** the Town of Lockport desires its non-profits organizations, which benefit Lockport residents, the opportunity to apply for any of the available Yahoo! Community Funds; now therefore be it

**RESOLVED,** that the Town of Lockport does hereby respectfully request Empire State Development reconsider its exclusion of Lockport non-profits from applying and/or receiving its \$250,000 annual allocation from the Yahoo! Community Fund; and be it further

**RESOLVED,** that the Town Clerk send certified copies of this Resolution to Governor Andrew Cuomo, State Senator Robert G. Ort, Assemblywoman Jane L. Corwin, NYS Economic Development Corporation President Howard Zemsky, NYS Economic Development Regional President Sam Hoyt, and City of Lockport Mayor Anne C. McCaffrey.

7. Resolution to Authorize Public Improvement Permit for the Meadows Condos

**MOTION (2016-096):** on a motion by Council member DiCarlo and seconded by Council member Keough, the following resolution was duly ADOPTED: AYES-4, NAYS-0. Voting AYE: Siejak, Keough, DiCarlo and Crocker. **Note:** Councilwoman Dufour: Recused herself.

**TOWN OF LOCKPORT  
RESOLUTION**

**AUTHORIZING PUBLIC IMPROVEMENT PERMIT  
FOR THE MEADOWS CONDOMINIUMS**

**WHEREAS,** 5937 Wynkoop, Inc. has presented a site plan before the Town of Lockport Planning Board for the development of The Meadows Condominiums on Sherwood Drive and Bluebird Lane, and

**WHEREAS**, the Town of Lockport Planning Board granted approval on March 3, 2015, and

**WHEREAS**, the project requires roadway, sanitary sewer, waterline, and drainage improvements to be installed within the Town of Lockport's right of way, and

**WHEREAS**, in accordance with Chapter 137 of the Town code, the developer is required to file a Public Improvement Permit,

**NOW THEREFORE BE IT RESOLVED**, that the Town Board of the Town of Lockport approves the Public Improvement Permit for the installation of approximately 1,000 LF of roadway, 1,013 LF of waterline, 1,133 LF of storm sewer, and 1,311 LF of sanitary sewer and related appurtenances with the following conditions:

1. An Insurance Certificate, in accordance with Chapter 137-4B must be provided to the Building Inspector by the Contractor prior to commencing work.
2. Four (4) signed and sealed copies of the design plans must be provided to the Building Inspector by the Contractor prior to commencing work.

8. Resolution to Authorize RFPs for Janitorial and Cleaning Services

**MOTION (2016-097)**: to authorize the Supervisor to seek RFPs for the janitorial and cleaning services for the Town Hall complex and other properties was made by Council member Dufour and seconded by Council member Siejak. The motion was CARRIED: AYES-5, NAYS-0. Voting AYE: Siejak, Dufour, Keough, DiCarlo and Crocker.

9. Resolution to Authorize a Memorandum of Understanding between Town of Lockport and Teamsters Union Local 264

**MOTION (2016-098)**: to adopt a Memorandum of Understanding between the Town of Lockport and the Teamsters Union Local #264 was made by Council member Keough and seconded by Council member DiCarlo. The motion was CARRIED: AYES-5, NAYS-0. Voting AYE: Siejak, Dufour, Keough, DiCarlo and Crocker.

**Memorandum of Understanding  
By and Between  
Town of Lockport, New York  
and  
Teamsters, Local 264**

This Memorandum of Agreement ("MOU") is entered into effective March 16, 2016, by and between the Town of Lockport ("Employer") and Teamsters Local 264 Buffalo, New York, an Affiliate of the International Brotherhood of Teamsters ("Union").

WHEREAS, the Union is a collective bargaining representative for unit employees employed by the Employer;

WHEREAS, the Union and the Employer are parties to a Collective Bargaining Agreement from January 1, 2014 for a term through December.31, 2020 ( the"CBA");

NOW, THEREFORE, it is agreed between the Union and the Employer to enter into this MOU as follows:

1. For any new hire that does not hold a Water Operator's License for Class D distribution, the Town shall schedule their training to obtain said license as close as possible to the twelve month of their date of hire.
2. Upon the Town receiving proof of the employee's Water Operators' License for Class D distribution, the employee shall be paid pursuant to conditions and terms set forth in the current CBA under Article 28 Education.

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10. Adoption of Local Law to Increase 2016 Salary of Superintendent of Highways

**MOTION (2016-099):** 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: Siejak, Dufour, Keough, DiCarlo and Crocker.

**LOCAL LAW No. 2 - 2016**

**A Local Law "To Amend the Superintendent of Highways' 2016 Salary"**

Be it enacted by the Town Board of the Town of Lockport as follows:

SECTION 1. TITLE.

This Local Law shall be known as "A Local Law to Amend the Superintendent of Highways' 2016 Salary".

SECTION 2. PURPOSE AND INTENT.

The Town Board finds that a restructuring of management of the water and sewer districts, parks and facility operations under the Superintendent of Highways shall provide greater efficiency and cost savings to the Town. Due to the additional duties this will place upon the Superintendent of Highways, the Town Board feels it necessary and appropriate to provide additional compensation to the Superintendent of Highways over and above that which was provided for in the Notice of Preliminary Budget. It is the purpose and intent of this Local Law to authorize an increase of the Superintendent of Highways' 2016 salary to cover the additional duties which is being placed upon this office.

SECTION 3. SALARY OF SUPERINTENDENT.

The Town Board of the Town of Lockport hereby enacts that the Superintendent of Highways' 2016 salary shall be increased \$15,833.00 over and above the amount of \$75,858.00 which was adopted in the final budget to specifically cover the additional duties which is being placed upon this office.

SECTION 4. TERM.

This Law shall affect the Town of Lockport 2016 budget only.

SECTION 5. VALIDITY.

This Local Law is enacted pursuant to the authority of §27(1) of the Town Law of the State of New York regarding compensation of Town Officers and employees, which section authorizes a Town Board to increase the salary of certain elected officials of the town at an amount in excess of the amount specified in the Notice of Public Hearing on the preliminary budget for not more than one year by Local Law pursuant to the Municipal Home Rule Law. It is enacted by virtue of authority to manage their property, affairs and government vested in Town governments by §10, §20 and §27 of the Municipal Home Rule Law of the State of New York.

SECTION 6. EFFECTIVE DATE.

This Local Law is enacted subject to permissive referendum. This Local Law shall therefore be effective upon filing with the Secretary of State either after a favorable vote by the voters of the Town of Lockport, if a referendum is requested, or unless and until forty-five (45) days have elapsed after its adoption, if no referendum is requested.

11. Resolution to Authorize Supervisor to enter Contract Amendment 2 with Lawns Unlimited

**MOTION (2016-100):** to authorize the Supervisor to enter Contract Amendment 2 with Lawns Unlimited for landscaping services for minor changes to the contract 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.

12. Resolution to Authorize Economic Development Coordinator to execute the Acceptance of the Incentive Proposal with Empire State Development

**MOTION (2016-101):** to authorize the Economic Development Coordinator to execute the acceptance of the Incentive Proposal in the amount of \$19,000 from Empire State Development toward the engineering and environmental studies for expanding the Town of Lockport Industrial Park 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.

13. Town Board Comments/Reports

*Councilman Keough* reported that the Spring Newsletter has been mailed out to residents' homes and he encouraged residents to read the various articles included as there are some very valuable things such as the sign up for summer swim lessons and information on upcoming free rabies clinics. Additionally, he mentioned that on April 18<sup>th</sup>, Fort Niagara will be hosting a "Community Night" with free admission for area residents.

*Councilwoman Dufour* thanked Boy Scout Troop #4 for attending and for their dedication to the Scouts and their commitment to the community.

She informed the crowd that Jill Lederhouse, Town Assessor, has mailed out approximately 2200 Change of Assessment Notices. Residents who feel their new assessment is unfair or incorrect should contact Jill's office. She will be conducting informal hearings beginning immediately and the formal Grievance Day will be held on May 24<sup>th</sup>.

Additionally, she reported that Harbor Freight will soon be coming to the former Grossman's store on Transit Road.

She has also ordered twenty new trees to be planted at Day Road Park which will conclude the Memorial Tree Program. Lastly, she thanked Elaine Hertel and Vera Giuliano for donating five blue bird houses for Day Road Park, which the Highway Dept. has graciously put up. They are lovely additions to our park.

*Councilman Siejak* also welcomed Troop #4. He then reported that brush pickup for April will be on Monday, April 18<sup>th</sup>. He also stated that applications for the 2016 Outstanding Youth Award, which is for a graduating Town senior, can be picked up at the Guidance Offices at the high schools and at the Town Clerk's office. The award includes a \$1000, a plaque and a proclamation by the Town Board. Applications must be returned to the Town Clerk's office by April 25<sup>th</sup>. He encouraged all seniors to apply.

*Councilwoman DiCarlo* also thanked Troop #4 for attending and reported that she had worked the first electronics recycling drop off on March 27<sup>th</sup>. The drop off was very successful with 25 wooden pallets filled with old electronics or approximately 12,000 lbs. She noted that the next electronics drop off is scheduled for Saturday, April 30<sup>th</sup> from 9:00 – 1:00 p.m.

The Councilwoman also stated that due to a licensing agreement with Disney, the Town's Movie Nights have been rescheduled. On June 17<sup>th</sup> the Town will show "Minions" and on August 5<sup>th</sup>, they will show "The Good Dinosaur".

14. Supervisor's Comments/Reports

Supervisor Crocker also thanked Troop #4 for attending and for leading the room in the Pledge of Allegiance.

He also reported that at their annual installation and awards evening, the local Elk's Lodge #41, gave their 2016 Distinguished Citizen Award to Town Councilman, Paul Siejak, for his efforts to bring the Traveling Viet Nam Wall to the Town of Lockport. He congratulated Councilman Siejak and stated the award was well deserved.

Lastly, the Supervisor wanted to inform residents that the Town of Lockport will be seeking RFPs for the refuse and recycling contract. The Town may consider changes in the contract to include recycling totes rather than bins. To better grasp the needs and wants of Town residents with regard to refuse and recycling, a survey will be mailed out in the near future. He urged residents to participate in the survey by completing and returning them, as the Town Board eagerly wishes to know their desires in the matter.

15. Adjournment

There being nothing further, Supervisor Crocker asked for a motion to adjourn.

**MOTION (2016-102):** to adjourn 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.

The meeting was ended at 7:52 p.m. The Lockport Town Board will next meet at 1:00 p.m. on Wednesday, April 20, 2016.

Respectfully submitted,

Nancy A. Brooks, RMC, CMC  
Lockport Town Clerk