

August 3, 2016

The regular business meeting of the Lockport Town Board was conducted at 7:30 p.m. on Wednesday, August 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; Judith Newbold, Deputy Town Clerk; media representatives and just a few residents.

Following the Pledge of Allegiance, Supervisor Crocker welcomed those present and opened the meeting as follows:

PUBLIC COMMENTS: No one addressed the Board.

BUESINESS MEETING:

1. Approval of Minutes

MOTION (2016-190): to approve the minutes of Town Board meetings conducted on 06/27/2016, 07/06/2016 and 07/20/2016 was made by Council member Siejak and seconded by Council member Dufour. The motion was CARRIED: AYES-5, NAYS-0. Voting AYE: Siejak, Dufour, Keough, DiCarlo and Crocker.

2. Approval of Payment of Bills

MOTION (2016-191): to approve the payment of bills for the month of August 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.

The bills for August consist of Vouchers #37061 – 37245 in the amount of \$947,873.11.

3. Communications – There were no communications to report.

4. Building Inspector's Report

Councilwoman Dufour read the report as submitted covering the month of July which states that 45 building permits were issued; \$3,558.50 was collected in fees; and the estimated cost of construction was \$323,665.00.

MOTION (2016-192): to approve the Building Inspector's Report for the month of July 2016 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 (2016-193): to approve the Supervisor's Monthly Financial Report for the period covering July 1 – July 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.

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6. Resolution to Approve Final Closeout Payment - Contract #163S-E

MOTION (2016-194): on a motion by Council member Siejak 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
CLOSE-OUT OF CONTRACT
PUMP STATION REHABILITATIONS- ELECTRICAL
CONTRACT 163S-E**

WHEREAS, the Town of Lockport awarded a bid to CIR Electrical Construction Corporation in the amount of \$161,050.09, by way of Contract No. 163S-E, for the IDA, Keck Road & Niagara County Jail Pump Station Rehabilitation project, and

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

RESOLVED, that this Board authorizes the payment of \$8,052.51 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.

7. Resolution to Approve Final Closeout Payment – Upper Mtn. Rd Water Service

MOTION (2016-195): 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: Siejak, Dufour, Keough, DiCarlo and Crocker.

**TOWN OF LOCKPORT RESOLUTION
CLOSE-OUT OF CONTRACT
PUMP STATION REHABILITATIONS- ELECTRICAL
UPPER MOUNTAIN ROAD WATER SERVICE PUSH- RFP**

WHEREAS, the Town of Lockport awarded a Request for Proposal to Mar-Wal Construction Co., Inc., in the amount of \$15,645.00 for the Upper Mountain Road Water Service Push project, and

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

RESOLVED, that this Board authorizes the payment of \$2,000 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.

8. Resolution to Authorize Agreement with Wendel – IDA South Site

MOTION (2016-196): on a motion by Council member DiCarlo and seconded by Council member Keough to authorize the Supervisor to enter the following agreement was duly ADOPTED: AYES-5, NAYS-0. Voting AYE: Siejak, Dufour, Keough, DiCarlo and Crocker.

AGREEMENT

AGREEMENT dated as of the 8th day of August 2016, by and between the Town of Lockport, a municipal corporation, having its principal place of business at 6560 Dysinger Road, Lockport, New York 14094 ("Town"), and Wendel WD Architecture, Engineering, Surveying and Landscape Architecture, PC, having offices at 375 Essjay Road, Suite 200, Williamsville, New York 14221 ("Wendel"),

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WITNESSETH:

WHEREAS, the Town wishes to enable and attract industrial and industrial related growth in the Town of Lockport and has established an Industrial Development Agency (IDA) to that end, and

WHEREAS, the IDA has acquired a parcel consisting of approximately 91 acres south of the existing IDA park (IDA South), and

WHEREAS, the Town and the IDA wish to bring the IDA South site to New York State "Shovel Ready Status" and to complete a Supplemental Generic Environmental Impact Statement (SGEIS) for the site supplementing the GEIS which has been adopted for the existing IDA site,

NOW, THEREFORE, IT IS AGREED:

1. Whenever in this contract the term "IDA" is used, it shall be the prerogative of the Town to assume the activities and obligations of the IDA, if it shall determine, being agreed that this contract is with the Town of Lockport;

2. SCOPE OF SERVICES

To complete a SGEIS and Shovel Ready application, the following process and actions (scope of services) would be completed, subject to review and approval of the Town and IDA Attorneys:

A. SGEIS

- a. A project description and map will be completed;
- b. In coordination with the Town Attorney, Wendel will prepare necessary resolutions and documents for the Town of Lockport IDA to establish itself as Lead Agency under SEQR:
 - i. A cover letter will be written identifying the intention to complete a SGEIS;
 - ii. The Lockport IDA will pass a resolution seeking Lead Agency; and
 - iii. A mailing will be completed to Involved and Interested Agencies.
- c. Once established as Lead Agency, a Positive Declaration (requiring a SGEIS) will be issued (required notices and filings will also be completed);
- d. A Scoping Document will be completed by the IDA with assistance from Wendel clarifying the information needed in the Draft SGEIS (DSGEIS); what alternatives to be evaluated, mitigations to consider, etc. For purposes of this proposal, we have attached a draft Table of Contents of the potential DSGEIS (gives an understanding of the scope and a tool to estimate its costs);
- e. The IDA will then issue the draft Scoping Document and receive public and agency input. A public scoping meeting can be completed to help receive public input. Once input has been received, a final scope will be adopted;
- f. A DSGEIS will be produced in accordance with the Scoping Document and can be started prior to the adoption of the Scoping Document to help with schedule (see the attached draft Table of Contents of the DSGEIS);
- g. Wendel will work with the Town and IDA in producing the DSGEIS, so that when it is completed, the IDA will accept it as complete for review;

Continued Next Page

- h. The document will be sent to Involved and Interested agencies and a public hearing will be scheduled. Formal Notices and postings will also be completed in conformance with SEQR;
- i. Upon closing the public hearing and based on this hearing and other comments received; Wendel will identify and assist the IDA with the needs of the FSGEIS (substantive comments to be addressed, etc.);
- j. Wendel will prepare, subject to Attorney review, a proposed FSGEIS;
- k. Once accepted as complete, Wendel will work with the IDA to complete the SEQR Findings and to address agency issues; and
- l. Once the Findings are adopted, Wendel will establish a proposed Findings Form that will be utilized to evaluate future projects for conformance to the SGEIS.

B. SHOVEL READY APPLICATION

During the development of the SGEIS and the above process, Wendel will work with the IDA to be concurrently producing the documentation needed for the shovel ready application (and coordinating those activities with NYS). The following is the scope for the Shovel Ready application work:

- a. A kick-off meeting (combined meeting also discussing SGEIS) will be held with representatives of the IDA to discuss the project, assignments and any other further needs.
- b. Wendel will provide assistance to the IDA with the following application requirements:
 - Site Ownership Control (Town in lead)
 - Number of Developable acres: Map provided by Wendel (from SGEIS)
 - Floodplain map
 - Map illustrating wetlands (from wetlands study already completed)
 - Site map/plan (from SGEIS)
 - Topographic map (from SGEIS- USGS map and/or LIDAR)
 - Surrounding Land Use map (from SGEIS)
 - Transportation Maps (supplemented from SGEIS)
 - Zoning (existing zoning map)
 - Real Estate terms (IDA)
 - Community support letters (IDA)
 - Lockport IDA Park Expansion
 - Environmental (SEQR) Services & Shovel Ready IDA South Parcel Site
 - Electric Service (from providers to Wendel)
 - Water (Wendel- SGEIS)
 - Wastewater (Wendel- SGEIS)
 - Telecom Service (from providers to Wendel)
 - Natural Gas (from providers to Wendel)
 - Airport Access (map)
 - Rail Service (map)
- c. Wendel will take the lead, subject to Town/IDA oversight, with the following application requirements:
 - Archaeological & Historic survey and SHPO sign-off (Wendel to coordinate); the SGEIS will provide a phase 1A, if higher levels of documentation are needed (phase 1B, etc.) an amendment to the Agreement will be negotiated
 - Assuming no Archaeological or Historic mitigation plans are needed
 - Conceptual Site Plan (from SGEIS)
 - ESA's are completed
 - Floodplain boundaries (from SGEIS)
 - Park covenants/rules/regulations at discretion of IDA and IDA Attorney
 - Protected and Rare species survey (from SGEIS)

- SEQR (from SGEIS)
- Site Survey (completed)
- Soils Survey (from SGEIS- map)
- Town Special District approvals by IDA if required
- Stormwater Management (from SGEIS)
- Traffic Impact Study (from SGEIS)
- Wetlands (completed) & wetlands avoidance (input from Army Corps)
- Wetlands Mitigation Plan as required

d. During the development of this information, Wendel representatives will meet with IDA representatives as needed.

C. EXCLUSIONS

The following studies/activities have been completed and will be supplied to Wendel:

- Wetlands Delineation
- Phase I and II Environmental Site Assessments
- Boundary Survey of the Site

D. The following studies will need to be completed as part of this scope:

- Water Distribution System Testing & Modeling
- Wastewater Flow Monitoring- Downstream Capacity Analysis
- Transportation Analysis / Traffic Impact Study
- Conceptual Stormwater planning
- Wildlife / Endangered Species Investigation (Including the Northern Long-eared bat habitat)
- Cultural Resources Phase IA Investigation (No Phase 1B or Phase 2 will be necessary)
- Zoning Analysis and proposed uses (work with the IDA and Town Attorney)

E. The following studies/scope items are not included as part of the scope:

- Topographic Survey
- Wetland Mitigation Strategies
- Agency Permits
- Groundwater Testing
- Hazardous Waste/Soil Testing
- Visual Analysis
- Noise Study or Light Study
- Borings/Geotechnical Investigation
- Economic/Needs Analysis (information to be supplied by IDA)

F. Wendel will develop two of conceptual site plan design options in coordination with the IDA. One round of revisions to each conceptual plan is anticipated. Conceptual site plans will include preliminary road location, potential lot layouts, approximate water and sewer locations and preliminary options for stormwater management infrastructure.

G. The DSGEIS will have a Table of Contents as attached to this proposal.

H. The FSGEIS will not involve the production of any new studies or reports and will not include an excessive amount of comments.

I. The Lockport IDA will act as Lead Agency.

J. The IDA will be responsible for putting the Shovel Ready application together and submitting it to ESD, provided Wendel will cooperate with the IDA in their process.

3. FEE PROPOSAL

Based on the Scope provided, along with our assumptions, Wendel proposes the following Lump Sum fee. Wendel, in determining this fee, has contacted potential sub-consultants for certain components of this work. These subs would be used to meet any New York State M/WBE Goals. The IDA reserves the right to approve sales.

TASK	PROPOSED FEE
SGEIS SERVICES	\$45,000
SUB-CONSULTANTS (ALLOCATION)	
Sanitary Flow Monitoring	\$6,300
Traffic Study	\$8,200
Wildlife Study	\$1,500
Cultural Resources	\$4,000
SHOVEL READY APPLICATION & PROCESS	\$8,500
TOTAL	\$73,500

4. Wendel shall comply with all provisions of its underlying contract with the Town during performance of this contract.

9. Resolution to Authorize Agreement with Town of Lockport I.D.A.

MOTION (2016-197): on a motion by Council member Siejak and seconded by Council member Dufour to authorize the Supervisor to enter the following agreement was duly ADOPTED: AYES-5, NAYS-0. Voting AYE: Siejak, Dufour, Keough, DiCarlo and Crocker.

AGREEMENT

AGREEMENT dated as of the 8th day of August 2016, by and between the Town of Lockport, a municipal corporation, having its principal place of business at 6560 Dysinger Road, Lockport, New York 14094 ("Town"), and the Town of Lockport Industrial Development Agency, a corporate governmental agency constituting a body corporate and politic and a public benefit corporation of the State of New York, having its office and principal place of business at 6560 Dysinger Road, Lockport, New York 14094 ("IDA"),

WITNESSETH:

WHEREAS, the Town of Lockport has established the Town of Lockport IDA, and

WHEREAS, the Town of Lockport is contracting with Wendel Engineers for development of an SGEIS for the parcel of property owned by the IDA and known as IDA Park South and for a "New York Shovel Ready Status", and

WHEREAS, the Town wishes to be reimbursed for the cost of said work by the IDA, and the IDA is willing to reimburse the Town for such work,

NOW, THEREFORE, IT IS AGREED:

1. The Town of Lockport shall engage Wendel Engineers to prepare, perform the above-referenced work, with the cost to be paid by the Town.
2. The Town is and will pursue a grant for a portion of said work and process all necessary documentation for such grant.
3. The work performed benefits the Town as a whole by enabling the location, marketing and establishment of IDA projects in the park.
4. The IDA has sufficient funds to reimburse the Town for said costs.

5. The IDA shall reimburse the Town of the cost of performing said work paid to Wendel, pursuant to its contract with Wendel, provided, however, that said reimbursement will be reduced by the amount received, if any, by the Town as a result of receiving a grant or grants for the project which is the subject of such contract.

10. Town Board Comments/Reports

Councilwoman DiCarlo informed those present that the Town of Lockport has recently applied for new playground equipment, including some for autistic children, for Day Road Park. She also thanked Councilwoman Dufour and her husband, as well as her own husband, stating that they were responsible for improvements to the plaques for the memorial tree park at Day Road Park. The plaques, which are all most complete, have been covered with plexiglass for long-term existence. The park has also been spruced up by Highway Dept. personnel and she encouraged residents to come out to see and enjoy the park for themselves.

Additionally, she reported that the Town's monthly electronic recycling drop off will take place on Saturday, August 27th from 9:00 a.m. – 1:00 p.m.

Councilman Siejak reported that the monthly brush pickup will begin on Monday, August 15th. All brush should be out by 7:00 a.m.

Rapids Community Day – the Councilman also reported that the third annual Rapids Community Day Parade and celebration will be held on Saturday, August 27th. The parade will begin at 11:00 followed by food, games, basket raffle and a talent show for local residents at the Rapids Bible Church at 2:00 p.m. All are welcome to this free event.

Town Veterans' Display Case – the Councilman reported that a formal dedication of the display case which has been installed in the front hallway of Town Hall, will take place at the September 7, 2016 Town Board meeting. There will be an honor guard, proclamations by the City and Town, a presentation by local Eagle Scouts of their project for the discarding of old American flags, as well as refreshments for all who attend. He urged residents to attend that evening as the Town remembers and celebrates its veterans.

Councilwoman Dufour reported that the Town Board attended the annual breakfast at the Niagara County Fair. She encouraged all residents to attend the fair and to enjoy the many events and activities that are available.

She also mentioned the September 7th Town Board meeting, stating at that time, the Town's "time capsule" will also be filled and closed until some future date. She stated that the Town Board is looking for special items of historical value that the Town can place into the capsule. Persons with prospective items, newspaper articles, pictures etc. can contact her for more information.

Councilman Keough stated he attended the 11th annual Community Day celebration here at Town Hall on July 24th. It was well attended as he thanked the Town Recreation Committee members, the local fire companies and the many volunteers who work hard to provide this very enjoyable, free, event for area residents.

He also reminded residents that the Town's Recreation Committee will be hosting a Movie Night at Day Road Park on Friday, August 5th. The movie to be shown is "The Good Dinosaur" and the Lockport Community Band will provide a free concert prior to the movie.

11. Supervisor's Comments/Reports

Supervisor Crocker stated that Lockport City Mayor, Anne McCaffrey, will be in attendance on September 7th for the dedication of the Veterans' display case and encouraged everyone to attend what is expected to be a very special event.

12. Adjournment

MOTION (2016-198): 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 7:42 p.m. The Lockport Town Board will next meet at 1:00 p.m. on Wednesday, August 17, 2016.

Respectfully submitted,

Nancy A. Brooks, RMC, CMC
Lockport Town Clerk