March 7, 2018

The regular business meeting of the Lockport Town Board was conducted at 7:30 p.m. on Wednesday March 7, 2018 at the Lockport Town Hall, 6560 Dysinger Road, Lockport, New York.

Present were:

Supervisor: Mark C. Crocker
Councilmembers: Paul W. Siejak
                        Patricia Dufour
                        Thomas Keough
                        Darlene DiCarlo

Also present: Donna Johnston, Deputy Town Clerk; Brian D. Seaman, Town Attorney; and several residents.

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

PRESENTATION: Lafarge request for Rezoning

Supervisor Crocker introduced Perry Galdenzi from the Lafarge Corporation who gave a background of Lafarge and a brief description of the rezoning project that they would like to implement. They have recently received a mining permit from the NYS Department of Environmental Conservation to mine 243 acres on the south side of the Hinman Road. This area would be mined in four separate phases with an estimated time line of over forty years. The current quarry layout would remain unchanged with processing and shipping on the north side of Hinman Road, resulting in no change of traffic patterns outside the quarry. They are asking for the Lafarge property south of Hinman Road to be re-zoned to allow mining. He explained the reasons the rezoning is necessary and explained the “Property Value Protection Plan, Structural Damage Protection measures and Town Host Community Agreement” that they intend to implement. He stated they plan to protect the homeowners and will be working with the residents. Supervisor Crocker thanked Mr. Galdenzi for his presentation. He stated the Town Board will consider the re-zoning request and will be scheduling a public hearing in the future to inform the residents.

PUBLIC COMMENTS: Supervisor Crocker then opened the Public Comment Section. No one addressed the Board. He then closed the public comment section.

BUSINESS MEETING:

1. Approval of Minutes

MOTION (2018-57) to approve the minutes of Town Board meetings conducted on 02/05/2018, 02/07/2018, and 02/19/2018 was made by Councilmember Siejak and seconded by Councilmember DiCarlo. The motion was CARRIED: AYES-5, NAYS-0. Voting AYE: Crocker, Siejak, Dufour, Keough and DiCarlo.

2. Approval of Payment of Bills

MOTION (2018-58) to approve the payment of bills for the month of March was made by Councilmember Keough and seconded by Councilmember Dufour. The motion was CARRIED: AYES-5, NAYS-0. Voting AYE: Crocker, Siejak, Dufour, Keough and DiCarlo.

The bills for March consist of Vouchers #40765-40933 in the amount of $684,638.43.

3. Communications - nothing to report.

4. Building Inspector’s Report

Councilmember Dufour read the report as submitted covering the month of February which states that 22 building permits were issued; $5,443.40 was collected in fees; and the estimated cost of construction was $246,999.00.

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MOTION (2018-59) to approve the Building Inspector’s Report for the month of February 2018 was made by Councilmember Dufour, seconded by Councilmember Keough. The motion was CARRIED: AYES-5, NAYS-0. Voting AYE: Crocker, Siejak, Dufour, Keough and DiCarlo.


MOTION (2018-60) to approve the Supervisor’s Monthly Financial report for the period covering February 1, 2018 - February 28, 2018, was made by Councilmember Dufour and seconded by Councilmember DiCarlo. The motion was CARRIED: AYES-5, NAYS-0. Voting AYE: Crocker, Siejak, Dufour, Keough and DiCarlo.

6. Action on “A Local Law Amending Special Uses Allowed in Certain Zoning Districts”

Supervisor Crocker asked Attorney Seaman to give a brief explanation of the Local Law that is being considered by the Town Board. Attorney Seaman reminded everyone present that a public hearing was held at last month’s meeting and explained that the Local Law, if enacted, would change the number of music festivals allowed in the Agriculture/Residential District from one per year to three.

MOTION (2018-61) to take action on a Local Law Amending Special Uses Allowed in Certain Zoning Districts was made by Councilmember Keough and seconded by Councilmember DiCarlo.

Councilmember DiCarlo stated all comments from the public were taken into consideration and she has some concerns about passing this Local Law based on those comments.

Councilmember Siejak agreed he has some severe reservations regarding this Local Law. It currently would allow one music festival per year and he feels the Town Board should not increase this number to three without a true indication of the effects of one festival.

Councilmember Dufour feels the original intent of the special use permit was to have a beautiful winery in a quiet setting with a maximum number of 80 to 85 people and based on the residents’ comments from last month she feels it has grown significantly beyond that original intent. She stated that although the Town Board is very pro-business, she feels that they have to make sure that this is within the boundaries. She would like to give these events a year and see how the one venue for 2018 proceeds and revisit the issue at that time, if necessary.

Councilmember Keough feels that the request was brought to the Town Board by an organization that had received a Special Use Permit last year for a music festival and had met all the requirements. This change would be to a Local Law for any organization in a zone where it would be allowed. However, they would still have to go in front of the Planning Board who would set any restrictions necessary, including safety, appropriate security, emergency services, etc. He is in favor of changing the Local Law because he is confident in the restrictive process required by the Planning Board.

Supervisor Crocker also has some reservations allowing three concerts. He would like to see one concert with the full expected attendance before changing the law to include three. At that time, he would like the organization to come back to the Town Board to consider the change then.

The resolution failed to receive the required affirmative votes. The MOTION was REJECTED: AYES-1, NAYS-4. ROLL CALL VOTE: DiCarlo-NAY, Siejak-NAY, Keough-AYE, Dufour-NAY and Crocker-NAY.
7. **Resolution to approve a contract with the Town Highway Superintendent Pursuant to Section 284 of Town Law, to complete the 2018 Road Paving Projects**

**MOTION (2018-62)** was made by Councilmember DiCarlo, seconded by Councilmember Dufour to approve a contract with the Town Highway Superintendent, pursuant to Section 284 of Town Law, to complete the 2018 Road Paving Projects as follows, subject to the discretion of the Highway Superintendent to modify based on budgetary constraints or contingencies that may arise and discovery of other needed work.

**SCHEDULE “A”**

2018 PAVING LIST

- Purdy Road – total recycle with chip seal finish
- Old Beattie Road – mill and pave
- Locust Street Extension – mill and pave
- Cold Springs Road – mill and pave
- Strauss Road – mill and pave
- Waterford Place – mill and pave
- Shaffer Road – chip seal (oil and stone)
- E. High Street (Keck Road to Day Road) – chip seal (oil and stone)
- Day Road (Ernest Road to Route 31 – chip seal (oil and stone)

Alternative paving if funds provide:

- Rapids Road (Old Beattie to Transit Road) – mill and pave
- Kinne Road (Shaffer Road to Royalton-Townline Road – chip seal
- Crescent Drive – pave
- Lincoln Gate Subdivision – pave
- **also spot paving throughout Town as needed.**

The MOTION was CARRIED: AYES-5, NAYS-0. Voting AYE: Crocker, Siejak, Dufour, Keough and DiCarlo.

8. **Resolution authorizing the Supervisor to enter an agreement with Municipal Solutions to provide Financial Advisory Services and Continuing Disclosure Services to the Town for a two-year period.**

**MOTION (2018-63)** on a motion by Councilmember Keough and seconded by Councilmember DiCarlo, the following resolution was duly ADOPTED: AYES-5, NAYS-0. Voting AYE: Crocker, Siejak, Dufour, Keough and DiCarlo.

**WHEREAS,** the Town has engaged the services of Municipal Solutions, Inc. to serve as its Municipal Financial advisors for many years, and

**WHEREAS,** the Town is in need of the continued services of a Municipal Financial Advisor and for services relating to compliance with continuing disclosure requirements, now therefore be it

**RESOLVED,** that the Town determines that the services of a Municipal Financial Advisor involve a high degree of expertise and involve matters of professional judgment and trust and thus constitutes "professional services" which are exempt from the requirement to seek alternate proposals, and be it further,

**RESOLVED,** that the Town Board approves the proposed agreements with Municipal Solutions, Inc. dated February 4, 2018 for financial advisor services and for services related to continued disclosures and authorizes the Town Supervisor to execute the same.

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9. **Resolution to approve Drainage Projects pursuant to Town Law Section 64 (11-a)**

**MOTION (2018-64)** on a motion by Councilmember Dufour and seconded by Councilmember Siejak, the following resolution was duly ADOPTED: AYES-5, NAYS-0. Voting AYE: DiCarlo, Siejak, Crocker, Dufour and Keough.

**TOWN OF LOCKPORT RESOLUTION**

BE IT RESOLVED THAT, pursuant to Town Law Section 64(11-a), this Board hereby determines that the drainage projects set forth herein are beneficial to the Town as a whole for the purpose of drainage of areas of the Town affected and to protect the Town from floods and high waters, and the listed ditches and drainage appurtenances constitute part of a town-wide drainage system. The Town Superintendent of Highways is hereby authorized:

1. To commence and complete the drainage projects set forth herein, in the order in which he shall determine appropriate, and to complete certain of said projects and to make a determination not to complete others.

2. The cost of the expenditures set forth herein shall be made from the general fund of the Town of Lockport from non-property tax revenues received in the year in which the projects set forth below are completed.

3. The projects may be completed during the fiscal year 2018 or may be carried forward to future fiscal years, as time allows.

4. The authorization herein shall be subject to the determination of the Superintendent of Highways as to the necessity, the practicality, and the expense of such projects.

5. The Superintendent of Highways is authorized to obtain permits and/or easements for entry upon private properties for the purpose of accomplishing the drainage projects set forth herein. Whenever possible, unless the Superintendent determines otherwise, permanent easements shall be required from property owners in order to accomplish the purposes of this Resolution.

6. The Superintendent of Highways is authorized to determine not to undertake any of the projects set forth herein, if he is unable to obtain appropriate permits or easements, or as he otherwise determines for any reason. In the event that the acquisition of property by the Town Board becomes necessary pursuant to its eminent domain powers, he shall so recommend such action to the Town Board. In such instances, the project shall not proceed without such acquisitions.

7. The Superintendent of Highways is authorized to take any further related and ancillary action as is necessary to accomplish the purposes of this Resolution.

The projects which are authorized pursuant to this Resolution are:

*Exhibit “A”*

 Vintage Court - Approximately 1,000 feet  
 Sebastian Drive - Approximately 650 feet  
 Northview Drive – Approximately 400 feet  
 Sanders Road – Approximately 1,000 feet  
 Woodlands Ditches – Approximately 2,400 feet (Contingent on owner conveying permanent easements and removing encroachments into easement areas as necessary to complete work)

10. **Resolution to Award the contract for the School Zone Equipment to Traffic Systems, Inc. as the lowest bidder**

**MOTION (2018-65)** on a motion by Councilmember Dufour, seconded by Councilmember Keough, the following resolution was duly ADOPTED: AYES-5, NAYS-0. Voting AYE: Crocker, Siejak, Dufour, Keough and DiCarlo.
WHEREAS, the Town of Lockport solicited sealed bids for the provision of school zone flashing beacons, radar equipment, signs, and related equipment for purchase in conjunction with the safe schools grant, and

WHEREAS, bids on the above referenced project were opened on March 6, 2018 in accordance with the Notice to Bidders previously authorized, now therefore be it

RESOLVED, that the Lockport Town Board authorizes award of the contract to Traffic Systems, Inc., 224 N. Fehr Way, Bay Shore, NY the low bidder, in the amount of $28,722.00 contingent upon the Town Attorney’s review and approval.

11. **Town Board Comments**

**Councilmember Keough** read the list of areas that were authorized for Drainage Projects in 2018 (see above resolution #2018-62).

He also reported that the Town will be supporting the Western New York Armed Forces Luncheon on May 10th at Salvatore’s Italian Gardens. As the Town is sponsoring this event he invited any Veterans who are residents of the Town to contact any Town Board member and a ticket will be provided to them.

**Councilmember Dufour** read a list of the roads that were approved for paving in 2018 (see above resolution #2018-64). She also thanked the Highway Superintendent and his Department for the hard work that they do to keep our roads in good shape.

She also wanted to announce some upcoming events that will be taking place at the Dale Association:

Meat Raffle – Saturday, March 24th – 5:00 pm (raffle begins at 6:00pm) food available, you may bring your own snacks.

Basket Raffle – 100 Baskets – Saturday, April 28th – great fundraiser for the Dale and their services to the community. Contact the Dale Association for tickets to either event at 433-1886.

**Councilmember Siejak** thanked everyone for coming out to hear the presentation from LaFarge and thanked Mr. Galdenzi for providing the information for the residents. He welcomed the Participation in Government students and hoped that they enjoyed this educational meeting. He wished Judi Newbold, Town Clerk, a speedy recovery.

He reminded residents that March is the first month of the year for brush pick up. The first collection will be Monday, March 19th. He asked that residents have their brush at the road by 7:00 am with cut ends to the road. It must be piled neatly with no roots, stumps or limbs larger than 8" in diameter.

He reported that 77,547 lbs. (nearly 38 tons) of electronic recycling was collected at the Town Hall from Town residents in 2017. Of this total, 55,000 lbs. consisted of CRT televisions at a cost of $5,062.00.

He reported the Spring 2018 newsletter will be arriving in the residents’ mailboxes any day and reminded everyone the Town Clerk’s office will be hosting a Veterans Service Outreach on Wednesday, March 28th in conjunction with the Niagara County Clerk’s Office. Veterans who are residents of the Town can make an appointment to meet with a Veterans service representative to provide for services that are available to them. Meetings are by appointment only, please call the Town Clerk’s office at 716-439-9524 for a reservation.

He also reminded everyone the Town of Lockport Historical Society will be hosting a meeting on Wednesday, March 21st where Rich Woodbridge will be giving a presentation on the McCollum Orchards and its history in Lockport. Refreshments will be served.

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Councilmember DiCarlo reminded everyone the electronic recycling program will begin again in March and will continue each month on the last Saturday of the month from 9:00 am to 1:00 pm. The service will be available to Town residents only as there are increased costs to dispose and recycle these products. This year there will be a limit of three large items per month. CRT televisions cannot be accepted if the monitor is broken.

The Memorial Tree program will continue for 2018. There is currently a waiting list but residents are welcome to call and submit an application for this year. The forms can be found in the newsletter or on the Town website.

The Recreation Commission will be accepting applications for the Outstanding Youth Award until April 23rd at the Town Clerk’s office. Applications can be obtained at the High School guidance offices, the Town Clerk’s office or the Town website (Recreation page). The scholarship includes a plaque, a check for $1,000.00 and a proclamation.

12. Supervisor’s Comments

Supervisor Crocker thanked Mr. Galdenzi for the LaFarge rezoning briefing and those watching on LCTV. He also feels it is nice to see the Participation in Government students attend and encouraged them to ask questions.

13. Adjournment

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

MOTION (2018-66) to adjourn was made by Councilmember DiCarlo and seconded by Councilmember Siejak. The motion was CARRIED: AYES-5, NAYS-0. Voting AYE: Crocker, Siejak, Dufour, Keough and DiCarlo.

The meeting ended at 8:13 p.m. The Lockport Town Board will next meet at 1:00 p.m. on Wednesday, March 21, 2018.

Respectfully submitted,

Donna Johnston
Deputy Town Clerk