

CITY OF LOCKPORT
CORPORATION PROCEEDINGS

Lockport Municipal Building

Regular Meeting
Official Record

December 2, 2015
6:00 P.M.

Mayor Anne E. McCaffrey called the meeting to order.

ROLL CALL

The following Common Council members answered the roll call:

Aldermen Kibler, Lombardi, Mullane, Fogle, Schrader, and Genewick.

INVOCATION

MAYOR'S UPDATE

RECESS

Recess for public input.

120215.1

APPROVAL OF MINUTES

On motion of Alderman Kibler, seconded by Alderman Lombardi, the minutes of the Regular Meeting of November 18, 2015 are hereby approved as printed in the Journal of Proceedings. Ayes _____. Carried.

PUBLIC HEARING

The Mayor announced a public hearing on Confirming Refuse & Recycling Re-levy.

The Mayor asked the City Clerk if any petitions or communications relative to said Re-levy have been received.

Recess for public input.

The Mayor closed the public hearing

UPDATED MINUTES – INCLUDES ADDENDUM ITEMS

PUBLIC HEARING

The Mayor announced a public hearing on a proposed Local Law to amend section 158-17 of Article 1 of Chapter 158 of the City of Lockport Code to authorize the City of Lockport, in the county of Niagara, to collect \$250 for inspection and other additional cost in connection therewith.

The Mayor asked the City Clerk if any petitions or communications relative to said Local Law have been received.

Recess for public input.

The Mayor closed the public hearing.

FROM THE CITY CLERK

The Clerk submitted payrolls, bills for services and expenses, and reported that the Department Heads submitted reports of labor performed in their departments. Referred to the Finance Committee.

Communications (which have been referred to the appropriate City officials)

Notice of Defect:

11/13/15 31 Hamilton Drive – trees
 12/1/15 67 Scovell Street – tree
 Referred to the Director of Streets and Parks.

Notice of Claim:

11/25/15 Jack Heinz, 37 Minard Street, Lockport, NY
 Referred to the Corporation Counsel.

MOTIONS & RESOLUTIONS

120215.2

By Alderman Genewick:

Resolved, that the Mayor and City Clerk be authorized to issue orders in favor of the claimants for payrolls, bills, and services to be paid on December 4, 2015 as follows:

General Fund	Account #001	\$ 200,012.82
Water Fund	Account #002	\$ 18,694.98
Sewer Fund	Account #003	\$ 13,226.10
Payroll	Pay Date 11/25/15	\$ 457,900.57

Seconded by Alderman _____ and adopted. Ayes _____.

120215.3

By Alderman _____:

WHEREAS, the City Treasurer submitted to the City Council all delinquent assessments, penalties, charges or fees and any other amounts to be added to taxes, and

WHEREAS, the Common Council conducted a public hearing on December 2, 2015 at 6:00 P.M. in the Common Council Chambers, Lockport Municipal Building, One Locks Plaza, Lockport, New York in accordance with section 155-7 A (Solid Waste) of Chapter 158 of the City Code to confirm the delinquent accounts to re-levy.

NOW THEREFORE BE IT

RESOLVED, that the following delinquent accounts totaling \$228,257.30 are hereby confirmed and shall be inserted in the annual tax rolls and be a part of the annual tax upon said parcels against which such amounts are charged and shall be subject to all the provisions of the City Charter:

<u>Account Number</u>	<u>Amount</u>
012-0012-0391	\$228,257.30

And Be it further

RESOLVED, that the following delinquent Water & Sewer Accounts totaling \$809,992.21 are hereby confirmed and shall be inserted in the annual tax rolls and be a part of the annual tax upon said parcels against which such amounts are charged and shall be subject to all the provisions of the City Charter:

<u>Account Number</u>	<u>Amount</u>
002-0002-0630	\$406,470.62
003-0003-6300	\$364,892.74

Seconded by Alderman _____ and adopted. Ayes _____.

120215.4

By Alderman _____:

Resolved that the following Local Law be and the same is hereby adopted:

**City of Lockport
Local Law No. 3 of the year 2015**

A local law to amend Section 158-17 of Article I of Chapter 158 of the City of Lockport Code to authorize the City of Lockport, in the county of Niagara, to collect \$250 for inspection and other additional cost in connection therewith.

Be it enacted by the Common Council of the City of Lockport as follows:

Chapter 158. Streets and Sidewalks

Article I. Miscellaneous Provisions

§ 158-17. Cleaning of sidewalks; penalty.

[Amended 12-15-2001]

A. Cleaning requirements.

(1) Every person in charge or control of any building or lot of land within the City of Lockport, New York, whether as an owner, tenant, occupant, lessee or otherwise shall remove any snow and/or ice on any public sidewalk along the property in the City of Lockport, New York, in accordance with Subsection A (2) of this section, so as to make it safe and convenient for public use.

(2) Any tract or parcel of land located within the limits of the City of Lockport shall remove the snow and ice from the public sidewalks in front, on either side or in the rear of the premises owned or occupied by such person. Any person who shall neglect to remove the snow and ice from the public sidewalks in the front, on either side or in the rear of the premises owned or occupied by such person as directed in this article, or who shall fail, neglect or refuse to comply with the provisions of any notice herein provided for, or who shall resist or obstruct the Supervisor of Streets, Sewers and Parks or his duly designated representative or his employees in the removal of the snow and ice from the public sidewalks as aforesaid, shall, upon conviction thereof, be subject to a penalty as hereinafter provided, and each day on which such violation continues shall constitute a separate offense.

B. Notice. When the Supervisor of Streets, Sewers and Parks or his designated representative deems it necessary, he shall notify, by regular mail and by posting upon the property, any such persons that they are in violation of this section. Said notice to be in substantially the following form: "TO THE OWNER AND OCCUPANTS OF PROPERTY IN THE CITY OF LOCKPORT: PLEASE TAKE NOTICE that you are hereby required to clean all snow and/or ice from all public sidewalks on the property owned or occupied by you and to comply with the ordinance of the City of Lockport relative to the removal of said snow and/or ice. In the event of your failure to remove such snow and ice, the Supervisor of Streets, Sewers and Parks or his duly-designated representative may cause such snow and ice located on the public sidewalks on your property to be cleared, and the cost thereof shall thereupon become and be a charge and lien upon your property and shall be collected the same as other taxes upon your property."

C. Failure to comply with notice.

(1) If the provisions of the foregoing subsections are not complied with within 48 hours of the date of posting and mailing of the notice hereinbefore provided for, the Supervisor of Streets, Sewers and Parks or his duly designated representative may cause said snow and ice on said public sidewalks to be removed. The actual cost of such removal, *plus \$250 for inspection and other additional costs in connection therewith*, shall be billed to the property owner, a copy of which shall be forwarded to the City Treasurer by the Supervisor of Streets, Sewers and Parks or his duly-designated representative. Thirty days after the billing date, all unpaid charges shall become and be a lien upon the property on which said snow and ice was removed and shall be added to and become and form a part of the taxes next to be assessed and levied upon such lot or land and shall bear interest at the same rate as taxes and shall be collected and enforced by the same officer and in the same manner as taxes levied and assessed against such property, or the same may be collected by suit against the owner or owners in the name of the City.

(2) Any person who shall fail, neglect or refuse to comply with the provisions of any notice herein provided for or who shall resist or obstruct the Supervisor of Streets, Sewers and Parks or his duly-designated representative or his employees in the removal of snow and ice shall, upon conviction thereof, be subject to a penalty as hereinafter provided, and each day on which such violation continues shall constitute a separate offense.

D. Subsequent violations of section within one year. Any person who shall, after receiving one notice as provided in Subsection B above in a calendar year, allow his or her property to again be in violation of this section shall not receive a notice as set forth above but shall be issued an appearance ticket for a violation of this section and, upon conviction thereof, shall be guilty of a violation and subject to a penalty as hereunder provided.

E. Supervision and enforcement. The Mayor of the City of Lockport is empowered to designate public servants who shall be specifically authorized pursuant to this article to issue and serve appearance tickets to persons within the City of Lockport for violations of the City's rules, regulations and ordinances concerning streets and sidewalks. Said authority is limited to occasions where the public servant has reasonable cause to believe that a person is the owner of said property in violation of this section.

[Amended 1-19-2005 by L.L. No. 2-2005]

F. Penalties for offenses.

(1) The penalties for violation of any provision of this section shall be as follows: a fine of not less than \$100 or a fine of not more than \$250 or imprisonment for not more than 15 days, or both.

(2) The continuation of any violation for each successive day shall constitute a separate offense, and the person allowing or permitting the continuation of a violation may be punished as above provided for each separate offense.

G. Person. The word "person," as used in this section, shall mean and include one or more natural persons, corporations, partnerships, associations, joint-stock companies, societies and all other entities of any kind capable of being sued.

Explanation: Matter in *italics* is new, to be added

Seconded by Alderman _____. A roll call vote was taken which resulted as follows:

Alderman Fogle	VOTING	_____
Alderman Genewick	VOTING	_____
Alderman Kibler	VOTING	_____
Alderman Lombardi	VOTING	_____
Alderman Mullane	VOTING	_____
Alderman Schrader	VOTING	_____

The Local Law was thereupon declared duly adopted.

120215.5

By Alderman _____;

Resolved, that the Mayor, subject to Corporation Counsel approval, be and the same is hereby authorized and directed to execute a contract with TDS Services, 6265 Dorchester Road, Lockport, NY for removal of snow from sidewalks of privately owned parcels.

Seconded by Alderman _____ and adopted. Ayes _____.

121515.6

By Alderman _____:

Whereas, the City has experienced greater than anticipated expenses in Police overtime and General Fund Workers' Compensation claims; and

Whereas, the City has also received unanticipated revenue from the Tribal Compact, increase Sales Tax and refunds of prior year's expenses in Workers' Compensation; Now Therefore, Be it

Resolved, that the 2015 General Fund Budget is amended as follows:

INCREASE:

Revenue

001.0001.2701.0195	REFUND OF PRIOR YEAR EXP. - WORKMENS' COMP	\$100,000
001.0001.2725	VLT/TRIBAL COMPACT MONEYS	\$ 88,000
001.0001.1111	PRE-EMPTED SALES TAX	\$ 73,400

Expense:

001.3120.0101	OVERTIME	\$ 316,765
001.9000.8001	WORKERS COMPENSATION EXPENSE	\$100,000

DECREASE:

Expense:

001.1900.1990	CONTINGENCY	\$ 30,365
001.3120.0100	PERSONNEL - FULL TIME	\$125,000

Seconded by Alderman _____ and adopted. Ayes _____.

120215.7

By Alderman _____:

WHEREAS, the City of Lockport ("City") is a New York Municipal Corporation with offices at One Locks Plaza, Lockport, New York, 14094 and the Greater Lockport Development Corporation ("GLDC"), is a Local Development Corporation with offices also at One Locks Plaza, Lockport, New York, 14094, and

WHEREAS, the GLDC and City received an contract for purchase and sale of 57 Canal St., Lockport, NY (S.B.L. No. 109.54-2-16) and approximately 20.33' by 73.9' foot portion of the real property commonly known as 69 Canal St., Lockport, NY (S.B.L. No. 109.54-2-15) from Iskalo Development Corp. for the sum of \$375,000, and

WHEREAS, on May 6, 2015, the Common City passed Resolution 050615.13B authorizing said sale, and

WHEREAS, the sale contract contains a Parking Agreement in the form of an easement for 11 parking spaces along the north end of the municipal parking lot situate at 35 Grigg Lewis Way (f/k/a Chestnut Street) immediately adjacent to the south line of 1 East Avenue, Lockport, New York also known as the "Historic Post Office," and

WHEREAS, the restriping of Grigg Lewis Way f/k/a Chestnut Street has created 12 additional parking spaces within said municipal lot.

NOW THEREFORE BE IT

RESOLVED, that Resolution 050615.13B be and is hereby amended to authorize the inclusion of an easement for 11 parking spaces along the north end of the municipal parking lot situate at 35 Grigg Lewis Way (f/k/a Chestnut Street) immediately adjacent to the south line of 1 East Avenue, Lockport, New York (also known as the "Historic Post Office") in the contract of sale of 57 Canal Street, Lockport, New York to Iskalo Development Corp. for the sum of \$375,000.

Seconded by Alderman _____ and adopted. Ayes _____.

120215.8

By Alderman _____:

Resolved, that the Director of Finance be and the same is hereby authorized and directed to transfer funds from under expended appropriations accounts to over expended accounts in the 2015 General, Water, Sewer, and Refuse Fund budgets, and furthermore, report to the Common Council on those accounts having had transfers.

Seconded by Alderman _____ and adopted. Ayes _____.

120215.9

By Alderman _____:

Resolved, that the 2015 and 2016 General Fund Budget be amended as follows:

2015 Budget

Increase

Expense	001.1210.0100	Personal Services – Regular Confidential Secretary	\$1,050
---------	---------------	---	---------

Decrease

Expense	001.1355.4434	Appraisals	\$1,050
---------	---------------	------------	---------

2016 Budget

Increase

Expense	001.1210.0100	Personal Services – Regular Confidential Secretary	\$6,300
---------	---------------	---	---------

Decrease

Expense	001.1900.1990	Contingency	\$6,300
---------	---------------	-------------	---------

Seconded by Alderman _____ and adopted. Ayes _____.

120215.10

Resolved, that the 2015 General Fund budget be amended by creating 3 entry level Police Officer positions for account #001-3120-100.

Seconded by Alderman _____ and adopted. Ayes _____.

120215.11

By Alderman _____:

Resolved, that the City tax roll for year 2016 be and the same is hereby confirmed and the City Clerk is hereby authorized and directed to certify thereto and deliver said tax rolls to the City Treasurer for collection.

Seconded by Alderman _____ and adopted. Ayes _____.

120215.12

By Alderman _____:

Whereas, on May 18, 2015, there was an incident on Green Street involving a backflow that directly lead to the cross contamination of the City of Lockport's water system, and

Whereas, the Water Department has billed and received a check for \$9,717.99 for the incident, now therefore be it

Resolved, that the City Treasurer is hereby authorized and directed to amend the 2015 budget as follows:

Increase:

002-8340-4722-0203	Hydrants & Valves	\$1,580.00
002-8340-4504	Repair Svcs/Plumbers	\$1,075.00
002-8310-0270	Water Meters	\$2,050.00
002-0002-2148	Water Billing Fees	\$5,012.99

Seconded by Alderman _____ and adopted. Ayes _____.

120215.13

By Alderman _____:

Resolved, that a public hearing be held on Wednesday, December 16, 2015 starting at 6:00P.M. in the Common Council Chambers, Lockport Municipal Building, One Locks Plaza, Lockport, NY for the purpose of allowing citizens to be heard relative to the proposed 2016 Water Fund Budget, and be it further

Resolved, that the City Clerk is hereby authorized and directed to advertise notice of said public hearing.

Seconded by Alderman _____ and adopted. Ayes _____.

120215.13A

By Alderman _____:

WHEREAS; the City of Lockport solicited bids for the purchase of a Correlator for Water Leak Detection, **AND**

WHEREAS; the City received three bids of which Matchpoint, Inc., 215 Racine Drive, Wilmington, NC 28403, was determined to be the low bidder, **AND**

WHEREAS; the City of Lockport on October 23, 2015 accepted the bid proposal from Matchpoint, in the amount of \$18,995.00, **AND**

WHEREAS; the City of Lockport at that time reserved its rights to reject the award if the materials and equipment associated with the Correlator did not meet specifications, **AND**

WHEREAS; GHD has reviewed the materials and equipment submitted by Matchpoint and determined that they do not meet the specifications, **THEREFORE BE IT**

RESOLVED; the City of Lockport rejects the Matchpoint bid previously awarded,
AND FURTHER BE IT

RESOLVED; the bid proposal of the second low bidder Pow-R Mole Sales, LLC, 1400 Commerce Parkway, Lancaster, NY 14086 for the Correlator for Water Leak Detection Purchase be accepted in the amount of \$20,869.10. The City reserves its rights to reject this award if the materials and equipment associated with the Correlator for Water Leak Detection do not meet specification or such said equipment fails to detect water leaks with tolerable limits of accuracy specified in the Contract Documents – Correlator for Water Leak Detection Purchase

Seconded by Alderman _____ and adopted. Ayes _____.

120215.13B

By Alderman _____:

WHEREAS, the City of Lockport held its annual in rem tax foreclosure auction on November 17, 2015; and

WHEREAS, by public auction, the City of Lockport accepted bids on several parcels which were foreclosed upon by a Court ordered Judgment; and

WHEREAS, pursuant to the paragraph 13 of the Terms of Sale approval of the governing body of the tax district is required; and

NOW THEREFORE BE IT

RESOLVED, that the City of Lockport does hereby approve and confirm by ratification the sale of the properties in the attached schedule.

14 Glenwood Ave	Michael E. Evans/Affordable Living NY	\$5,500.00
57 Hill St/ 20, 22, 24 Glenwood Ave	Michael E. Evans/Affordable Living NY	\$1,300.00
165 No Adam St	Elizabeth Czaplicki	\$5,000.00
114 Prentice St	Erik S. Michaelsen	\$9,500.00
67 Scovell St	John D. Emborsky	\$4,000.00
214 South St	Charles Collura	\$6,500.00
52 & 50 Hyde Park	Daniel K. Mckie Jr/Mckie Properties LLC	\$27,500.00
33 Marshall Place	Raymond E. Renouf	\$6,500.00
188 Grand St	Adam Bobak	\$7,000.00
19 Allen St	Roger V. Israel	\$6,000.00
92 Locust St	Bradley A. Lilley	\$4,500.00
229 Washburn St	Saundra Hope Zysek	\$5,000.00
49 Columbia St	Yolanda Escamilla Mandujano	\$9,750.00
43 Price St	Noel Ubiles	\$6,250.00

\$104,300.00

Seconded by Alderman _____ and adopted. Ayes _____.

120215.13C

By Alderman _____:

Resolved, that the Mayor, subject to Corporation Counsel approval, be in the same is hereby authorized and directed to accept an amendment to the Memorandum of Understanding with the Hickory Club PBA in respect to the correspondence dated November 10, 2015 regarding a change to paragraph 8 on page 3, paragraph 6 on page 2, paragraph 7 on page 3, and paragraph 18 on page 8 of the new MOA labeled 2019-2023 MOA. The change in MOA Labeled 2019-2023 will change the hiring on paragraph 8 on page 3, paragraph 6 on page 2, paragraph 7 on page 3, and paragraph 18 on page 8 will change from January 1, 2016 to November 30, 2015.

Seconded by Alderman _____ and adopted. Ayes _____.

120215.14

ADJOURNMENT

At _____ P.M. Alderman Kibler moved the Common Council be adjourned until 6:00 P.M., Wednesday, December 16, 2015.

Seconded by Alderman _____ and adopted. Ayes _____.

RICHELLE J. PASCERI
City Clerk