

**CITY OF LOCKPORT**  
**CORPORATION PROCEEDINGS**

Lockport Municipal Building

Regular Meeting  
Official Record

March 16, 2016  
6:30 P.M.

Mayor Anne E. McCaffrey called the meeting to order.

**ROLL CALL**

The following Common Council members answered the roll call:

Aldermen Abbott, Devine, Oates, O'Shaughnessy, Mullane, and Wohleben.

**INVOCATION**

**MAYOR'S UPDATE**

**RECESS**

Recess for public input.

**031616.1**

**APPROVAL OF MINUTES**

On motion of Alderman Wohleben, seconded by Alderman Devine, the minutes of the Regular Meeting of March 2, 2016 are hereby approved as printed in the Journal of Proceedings. Ayes 6. Carried.

**PUBLIC HEARING**

The Mayor announced a public hearing on A LOCAL LAW to amend Section 57 of the Charter of the City of Lockport respecting vacancy in the office of Mayor.

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)

3/7/16 David J. Davidson, Lockport Midget League Baseball – request permission to use the baseball diamonds at Outwater Park for their 2016 league. Referred to the Committee of the Whole

3/9/16 Sindee Garlock, B. Leo Dolan Unit 410 – request permission to conduct a Walk-a-thon on Saturday, April 30, 2016. Referred to the Committee of the Whole

3/10/16 Gina Ricotta, National Multiple Sclerosis Society – request permission to conduct the Lockport Walk MS on Sunday, May 1, 2016. Referred to the Committee of the Whole

3/15/16 Richelle J. Pasceri, City Clerk – notification that the Lockport Municipal Offices will be closed on Friday, March 25, 2016 in observance of Good Friday. There will be no change in garbage pick up. Referred to the Media

### **Notice of Defect:**

3/8/16 389 N. Transit Street – tree

3/11/16 350 N. Adam Street – tree

3/15/16 38 Cave Street – tree stump

Referred to the Director of Streets and Parks.

### **Notice of Claim:**

3/10/16 State Farm Fire and Casualty Company, Subrogation Claim for Jack M. Heinz, 37 Minard Street, Lockport, NY Referred to the Corporation Counsel.

## **MOTIONS & RESOLUTIONS**

### **031616.2**

By Alderman Wohleben:

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 March 18, 2016 as follows:

#### 2015 Expenses:

General Fund	Account #001	\$ 6,195.47
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#### 2016 Expenses:

General Fund	Account #001	\$ 118,910.60
Water Fund	Account #002	\$ 20,873.73
Sewer Fund	Account #003	\$ 22,745.67
Capital Projects	Account #004	\$ 88,535.42
Refuse Fund	Account #012	\$ 85,947.20
Self Insurance	Account #015	\$ 141,155.50
Payroll	Pay Date 3/3/16	\$ 462,219.47

Seconded by Alderman Oates and adopted. Ayes 6.

**031616.3 WITHDRAWN (Re-establish capital projects)**

By Alderman Wohleben:

Resolved, that the reading of the foregoing resolution be and the same is hereby waived.

Seconded by Alderman Wohleben and adopted. Ayes 6.

**031616.4**

By Alderman Mullane:

City of Lockport  
Local Law No. 1 of the year 2016

A LOCAL LAW to amend Section 57 of the Charter of the City of Lockport respecting vacancy in the office of Mayor.

BE IT ENACTED by the Common Council of the City of Lockport, New York as follows:

§ 1. Section 57 of Article III of the Charter of the City of Lockport (Chapter 870 of the Laws of 1911, as amended) is hereby further amended by deleting the same in its entirety and substituting therefor a new Section 57 to read as follows:

§ C-57. President of Common Council; vacancy in office of Mayor.

The Mayor shall appoint, and at his pleasure remove, a member of the Common Council as President of the Common Council, who shall preside during his absence or inability to attend any meeting of the Common Council and be vested with all the powers of the Mayor, excepting that of appointment. In case of the inability of the Mayor to attend to his duties, either by absence from the city or other cause, the President of the Common Council shall act in his stead and be vested with all the authority, duties and powers of the Mayor, excepting that of appointment. In the case of a vacancy in the office of mayor caused by the mayor's resignation, removal, death or permanent inability to discharge all such powers and duties of the office of mayor, all such powers and duties shall devolve upon the president of the common council who shall fill the vacancy in the office of the mayor on an acting basis until the commencement of the political year next succeeding the first annual election after the happening of the vacancy at which a mayor shall, pursuant to law, be elected for the balance of the term. Upon commencement of the term of office of the mayor so elected, the president of the common council then acting as mayor, shall complete the term of his or her office, if any remains. The Acting Mayor shall not exercise any powers or duties of Alderman during such time of service as Acting Mayor. The Acting Mayor may appoint an Acting Alderman to serve in his or her office as Alderman during such time as he or she serves as Acting Mayor with like powers and duties. In case of the inability of the President to preside and fulfill the duties of his office, the Mayor may make a temporary appointment of another member of the Common Council, with like powers and duties. The appointment of the President of the Common Council shall be made in writing to the City Clerk at the next regular meeting of the Common Council following the enactment of this act and at the first regular meeting in January in each year thereafter.

§ 2. This local law shall be subject to a mandatory referendum and the City Clerk and the Corporation Counsel are hereby directed to submit a separate proposition respecting this local law for inclusion on the ballot in the 2016 General Election.

§ 3. This law shall take effect upon approval by the electors as provided by law following the referendum held as set forth in Section 2 above and filing in the office of the Secretary of State.

Seconded by Alderman O'Shaughnessy. A roll call vote was taken which resolute as follows:

Alderman Abbott	VOTING	YES
Alderman Devine	VOTING	YES
Alderman Mullane	VOTING	YES
Alderman Oates	VOTING	YES
Alderman O'Shaughnessy	VOTING	YES
Alderman Wohleben	VOTING	YES

The local law was thereupon declared duly adopted.

#### **031616.5**

By Alderman Oates:

Resolved, that pursuant to their request, the Lockport Midget Baseball League is hereby granted permission to use the baseball diamonds at Outwater Park during the 2016 season subject to approval of the schedule by the Highways & Parks Department and subject to filing a certificate of insurance with the City Clerk naming the City of Lockport as additional insured.

Seconded by Alderman Devine and adopted. Ayes 6.

#### **031616.6**

By Alderman Devine:

Resolved, that a public hearing be held at the Common Council Meeting of April 6, 2016, starting at 6:30 P.M. in the Common Council Chambers, Lockport Municipal Building, One Locks Plaza, Lockport, NY relative to a Bond Ordinance, and be it further

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

Seconded by Alderman Wohleben and adopted. Ayes 6.

#### **031616.7**

By Alderman Wohleben:

WHEREAS, the City of Lockport City Council authorized Computel Consultants to conduct a utility tax audit on telecommunication companies required to pay a utility tax of 1% of gross income to the City of Lockport pursuant to Resolution #031914.5B; and

WHEREAS, the City is in receipt of a settlement payment from Verizon in the amount of \$24,181.23 for the period of the audit ending December 1, 2015 40% of which is due Computel for their services; and

WHEREAS, the 2016 Budget needs to be amended to account for this activity, now therefore be it

RESOLVED, that the 2016 Budget is hereby amended as follows:

Increase:			
Revenue	001-0001-1130	1% Utility Tax	\$9,673
Expense	001-3125-4428	Consultants	\$9,673

Seconded by Alderman Mullane and adopted. Ayes 6.

### **031616.8**

By Alderman Wohleben:

Resolved, that pursuant to her request, Ellen Martin be and the same is hereby given permission to use the City's right-of-way to conduct the following events for "Sweet Sweet Summer 2016":

- Use of City's right of way to place "Scrabble" tiles for short intervals.
- Use of City's right of way to place signage throughout the city.

Seconded by Alderman Mullane and adopted. Ayes 6.

### **031616.9**

By Alderman Mullane:

Resolved, that pursuant to their request, the American Cancer Society is hereby granted permission to conduct a 5K Glow Run event on Friday, June 17, 2016 beginning at 8:00 PM, subject to approval of the race route by the Police Chief and subject to filing a certificate of insurance with the City Clerk naming the City of Lockport as additional insured, and be it further

Resolved, that the Director of Streets and Parks is hereby authorized and directed to arrange for delivery of barricades and cones as required, and be it further

Resolved, that the Traffic Captain is hereby directed to arrange for police support for said event.

Seconded by Alderman O'Shaughnessy and adopted. Ayes 6.

### **031616.10**

By Alderman Wohleben:

Resolved, that pursuant to their request, permission is hereby granted to the B. Leo Dolan American Legion to conduct a walk-a-thon fundraiser on Saturday, April 30, 2016 beginning at 10:00 a.m. at the American Legion Post, subject to approval of the walk route by the Police chief and filing a certificate of insurance with the City Clerk naming the City of Lockport as additional insured, and be it further

Resolved, that the Director of Streets and Parks is hereby authorized and directed to arrange for delivery of barricades and waste receptacles to the area prior to the event.

Seconded by Alderman Abbott and adopted. Ayes 6.

**031616.11**

By Alderman Oates:

Resolved, that pursuant to their communication, the National Multiple Sclerosis Society is hereby granted permission to conduct their annual MS Walk in the City on Sunday, May 1, 2016 subject to approval of the walk route by the Police Chief and the Multiple Sclerosis Society filing a certificate of insurance with the City Clerk naming the City of Lockport as additional insured.

Seconded by Alderman Devine and adopted. Ayes 6.

**031616.12**

By Alderman Abbott:

Resolved, that the Mayor, subject to Corporation Counsel approval, is hereby authorized to execute the 2016 agreement between the City of Lockport and Niagara Community Action Program, Inc. at a cost not to exceed \$2,500.00. Cost of same to be charged to account #001-8697-4325.

Seconded by Alderman Oates and adopted. Ayes 6.

**031616.12A**

By Alderman Devine:

**WHEREAS**, the Niagara Wine Trail and Flight of Five Winery purchased four signs to help guide Lockport residents and visitors to Flight of Five Winery and the Niagara Wine Trail, **WHEREAS**, the Niagara Wine Trail and Flight of Five Winery have agreed to cover the cost of the installation of these sign, and

**WHEREAS**, the Niagara Wine Trail and Flight of Five Winery would like to install them on City property.

**NOW THEREFORE BE IT**

**RESOLVED**, that the Niagara Wine Trail is hereby granted permission to install four signs directing the Niagara Wine Trail within the City right of way subject to the approval of the location by the Traffic Control Committee and the Department of Building Inspection.

Seconded by Alderman Oates and adopted. Ayes 6.

**031616.12B**

By Alderman Wohleben:

Resolved, that the Mayor and Common Council do hereby extend condolences to the family of Arthur E. Sherman, a retired City of Lockport Firefighter who recently passed away.

Seconded by Alderman Abbott and adopted. Ayes 6.

**031616.12C**

By Alderman Oates:

Resolved, that the Director of Streets and Parks is hereby authorized and directed to purchase, via Chautauqua Co. bid price, one 2016 F-350XL Reg. Cab 4x4 SRW 8' Box Pickup at a cost of \$32,942.10 and one 2016 Ford 350 Cab 1 Ton Dump Truck for a cost of \$48,379.07, at a total cost of \$81,621.17, and be it further

Resolved to amend the 2016 budget as follows:

Increase:

001-5110-0240

Streets Maintenance

\$82,000.00

Decrease:		
001-7110-0230	Vehicle Equipment	\$20,000.00
001-5142-5460	Salt/Chemical	\$42,000.00
001-5110-0101	Overtime	\$20,000.00

Seconded by Alderman Devine and adopted. Ayes 5. Noes 1 – Alderman Abbott.

**031616.13**

**ADJOURNMENT**

At 6:55 P.M. Alderman Wohleben moved the Common Council be adjourned until 6:30 P.M., Wednesday, April 6, 2016.

Seconded by Alderman Devine and adopted. Ayes 6.

RICHELLE J. PASCERI  
City Clerk