

CITY OF LOCKPORT
CORPORATION PROCEEDINGS

Lockport Municipal Building

Regular Meeting
Official Record

November 20, 2018
5:30 P.M.

Mayor David R. Wohleben called the meeting to order.

ROLL CALL

The following Common Council members answered the roll call:

Aldermen Abbott, Devine, Eggert, Farrell, Oates and VanDeMark.

MAYOR'S UPDATE

RECESS

Recess for public input.

Minutes correction:

Appointments:

10/24/18 Under and by virtue of the authority conferred on me by the Charter of the City of Lockport, New York, I, David R. Wohleben, Mayor of said City to hereby make the following appointments:

Youth Board

For the term of three years expiring on December 31, 2021

Delete "For the term of three years expiring on December 31, 2021

Flora Hawkins, 199 West Avenue, Lockport, NY
Lewie Cunningham Jr., 14 Bewley Pkwy, Lockport, NY
LaShonda McKenzie, 30 High Street, Lockport, NY
Ronald Cheatham, 305 South Street, Lockport, NY
William Agronin, 11 Berkley Drive, Lockport, NY
Dennis Stachera, 20 Regent Street, Lockport, NY
Kelly VanDeMark, 587 Pine Street, Lockport, NY"

Replace with "For the term of three years expiring on May 1, 2021, reappoint the following:

Flora Hawkins, 199 West Avenue, Lockport, NY
Lewie Cunningham Jr., 14 Bewley Pkwy, Lockport, NY
William Agronin, 11 Berkley Drive, Lockport, NY
Dennis Stachera, 20 Regent Street, Lockport, NY

For a term of three years expiring on October 24, 2021, appoint the following:

**LaShonda McKenzie, 30 High Street, Lockport, NY
Ronald Cheatham, 305 South Street, Lockport, NY
Kelly VanDeMark, 587 Pine Street, Lockport, NY”**

Received and filed.

112018.1 APPROVAL OF MINUTES

On motion of Alderman Abbott, seconded by Alderman Farrell, the minutes of the Regular Meeting of November 7, 2018 are hereby approved as printed in the Journal of Proceedings. Ayes 6. Carried.

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)

11/8/18 Gabriel F. Deyo, Deputy Comptroller, Office of the State Comptroller - Notification that the City of Lockport 2019 Budget review is complete. Referred to the Committee of the Whole.

11/14/18 Mike Ulrich, Ulrich Sign Co. – withdrawing the formal application for a Special Use Permit to install a billboard at 616 West Ave. Referred to the Committee of the Whole.

11/14/18 Richelle J. Pasceri, City Clerk – notification that bid proposals for the Raw Watermain Replacement Project were received on November 14, 2018 as follows:

Mark Cerrone, Inc. Niagara Falls, NY	Total	\$ 7,242,264.00
	Alternate A	\$ 187,960.00
	Alternate B	\$ 127,300.00
Concrete Applied Technologies Corp. dba CATCO Alden, NY	Total	\$ 7,012,073.00
	Alternate A	\$ 201,125.00
	Alternate B	\$ 138,700.00
Kandey Co. Inc. West Seneca, NY	Total	\$ 6,712,145.00
	Alternate A	\$ 489,750.00
	Alternate B	\$ 137,560.00

Referred to the Committee of the Whole.

MOTIONS & RESOLUTIONS

112018.2

By Alderman Abbott:

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 November 21, 2018 as follows:

General Fund	Fund A	\$ 99,720.02
Water Fund	Fund FX	\$ 11,327.48
Sewer Fund	Fund G	\$ 13,978.93
Capital Projects	Fund	\$ 163535.11
Refuse Fund	Fund CL	\$ 97,805.83
Self Insurance	Fund MS	\$ 151,875.81
Payroll	Pay Date 11/8/18	\$ 449,598.32

Seconded by Alderman Oates and adopted. Ayes 6.

112018.3

By Alderman Abbott:

Whereas, the Fire Department Ladder Truck 9 is in need of extensive repair; and

Whereas, this was not anticipated in the 2018 General Fund Budget necessitating a budget amendment and the use of contingency; Now therefore, Be it

Resolved, that the 2018 General Fund Budget is hereby amended as follows:

Expense:

Decrease:	A.1900.54775	Contingency	\$10,000
Increase:	A.1640.54300	Vehicle Repair	\$10,000

Seconded by Alderman Farrell and adopted. Ayes 6.

112018.4

By Alderman Eggert:

Resolved, that the Corporation Counsel is hereby authorized and directed to amend Local Law # 7 – 2010 relative to implementing late fees and penalties on Dog licenses, and be it further

Resolved, that a public hearing be held at the Common Council meeting of December 5, 2018, starting at 5:30 P.M. in the Common Council Chambers, Lockport Municipal Building, One Locks Plaza, Lockport, NY relative to said local law, and be it further

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

Seconded by Alderman VanDeMark and adopted. Ayes 6.

112018.5

By Alderman Abbott:

Whereas, pursuant to Section 61 of the City of Lockport Charter when the Common Council has determined and so declared that real or personal property owned by the City of Lockport, New York, should be sold or conveyed for the interest of the City, the City of Lockport may sell and/or convey such personal or real property, for a valuable consideration, at public sale or by a negotiated private sale, and

Whereas, pursuant to Section 279-B of the City Charter no such sale shall be effective unless and until it has been reviewed by the City of Lockport Property Management Committee and has been approved and confirmed by a majority vote of the Common Council for sale or disposition by sealed bid; negotiated sale under provisions of the City's Best Use Policy; Homestead Policy; or negotiated sale; except that no such approval shall be required when the property is sold at public auction to the highest bidder, and

Whereas, the City of Lockport acquired title to two abandon properties, 271 and 281 Genesee Street, pursuant to Article 19 (a) of the Real Property Actions and Proceedings Law of the State of New York, and

Whereas, the Real Property Management Committee met and determined that 271 and 281 Genesee Street, Lockport, New York were not needed for municipal purposes and recommended the properties be advertised for proposals for sale, and

Whereas, City issued an RFP for the purpose of the sale of said properties to encourage their redevelopment, and

Whereas, GenLock submitted a proposal offering \$2,000 for each property and a commitment to redevelop both properties within six months.

NOW THEREFORE BE IT

Resolved, that the Mayor be and is hereby authorized to enter into a Contract of Sale and execute a quit claim deed and related title documents necessary for the sale of 271 and 281 Genesee Street, Lockport, New York to GenLock for the sum of \$2,000 each with a reversion clause to redevelop the same within six months of the conveyance.

Seconded by Alderman Oates and adopted. Ayes 6.

112018.6

By Alderman VanDeMark:

Whereas, the City of Lockport, pursuant to Agreement dated December 17, 1969, and multiple amendments thereto, accepted sewage from the Town of Lockport sewage collector system, located in certain areas of the Town, and

Whereas, the City and Town entered into a new Agreement dated August 6, 2003, running from January 1, 2002 through December 31, 2006, and

Whereas, the City and Town entered into an extension of said Agreement dated August 6, 2003, running from January 1, 2007 through December 31, 2008, and

Whereas, the parties entered into renewals of said contract for an additional period of two years through December 31, 2010, and through December 31, 2012, and for a period of five years from January 1, 2015 through December 31, 2018, and

Whereas, the parties wish to renew said Agreement dated August 6, 2003 for an additional three years, now therefore be it

Resolved, that the Mayor be and is hereby authorized and directed to renew the August 6, 2003 sewer contract for an additional period from January 1, 2019 through December 31, 2021, for the sum of \$637,660.00 per year.

Seconded by Alderman Devine and adopted. Ayes 6.

112018.7

By Alderman VanDeMark:

Resolved, that the City tax budget for fiscal year 2019, containing appropriations for operating City departments, be and the same is hereby adopted as follows:

CITY OF LOCKPORT, NEW YORK
2019 GENERAL FUND BUDGET SUMMARY

Budget Appropriations:	
Personal Services	\$10,973,755
Equipment	314,496
Contractual	2,097,772
Fringe Benefits	9,238,965
Undistributed	1,268,653
Debt Service	860,820

Total Appropriations: \$24,754,462

LESS: Estimated Revenues: \$12,082,542

 Estimated Fund Balance:

Amount to be raised through property taxation:	\$ 12,671,920
Assessed Valuation:	\$700,156,667

REAL PROPERTY TAX RATE: \$18.0987 per \$1,000 ASSESSED VALUATION

Seconded by Alderman Farrell. Ayes 3. Noes 3. Aldermen Devine, Eggert, and Oates voted no. Pursuant to Article III, Chapter C-53 of the City Charter, Mayor Wohleben voted in the affirmative. The motion passed.

112018.8

By Alderman Devine:

Resolved, that the City of Lockport 2019 Water Fund Budget containing appropriations for operating the City's Water Department, be and the same is hereby adopted as follows:

CITY OF LOCKPORT, NEW YORK
2019 WATER FUND BUDGET SUMMARY

Appropriations:

Personal Services	\$1,244,154
Equipment	163,000
Contractual	1,132,439
Fringe Benefits	1,085,219
Debt Services	514,288
Special Items	165,000

Total Appropriations:	\$4,304,100
Estimated Revenues:	\$4,304,100

Seconded by Alderman VanDeMark and adopted. Ayes 6.

112018.9

By Alderman VanDeMark:

Whereas, pursuant to section 452 if the General Municipal Law and Section 150-30 of the City of Lockport Code, the Common Council is authorized to adjust a schedule of sewer rents and other charges after a hearing upon five days' notice. Now, therefore be it

Resolved, that a Public Hearing be held at the Common Council Meeting of Wednesday, December 5, 2018 starting at 5:30PM in the Common Council Chambers, Lockport Municipal Building, One Locks Plaza, Lockport, NY relative to adjusting sewer rents and other charges, and be it further,

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

Seconded by Alderman Devine and adopted. Ayes 6.

112018.10

By Alderman Oates:

Resolved, that the City of Lockport 2019 Budget containing appropriations for operating the City's Refuse & Recycling, be and the same is hereby adopted as follows:

CITY OF LOCKPORT, NEW YORK
2019 SPECIAL REVENUE FUND – RECYCLING & REFUSE SUMMARY

Appropriations:

Personal Services	\$ 0
Equipment	36,337
Contractual	1,235,041
Fringe Benefits	0
Debt Service	36,442
Interfund	0

Total Appropriations:	\$1,307,820
Estimated Revenues:	\$1,307,820

Seconded by Alderman Farrell and adopted. Ayes 6.

112018.11

By Alderman Eggert:

Whereas, the City of Lockport adopted a Non-Represented Employment Policy on November 20, 2018, and

Whereas, the City of Lockport desires to also adopt a City of Lockport Employee Handbook, and

Whereas, the Handbook is intended to inform all employees of various rules, policies and procedures that relate to employment with the City of Lockport, and

Whereas, the Handbook applies to all elected and appointed officials and all City employees.

NOW, THEREFORE, BE IT

Resolved, the Common Council hereby adopts the City of Lockport Employee Handbook incorporated herein by reference.

Seconded by Alderman Abbott and adopted. Ayes 6.

112018.12

By Alderman Eggert:

Whereas, the City of Lockport adopted a City of Lockport Employee Handbook, and

Whereas, the City of Lockport desires to adopt a Non-Represented Employment Policy, and

Whereas, the purpose of the policy manual is to provide Department Heads, Management Employees, and Management/Confidential employees with a reference for the basic terms and conditions of employment with The City of Lockport, and

Whereas, the City Council is committed to providing a high quality of services to the citizens of The City of Lockport and the administrative employees of the City are one of the essential elements required to fulfill this commitment

Whereas, the policy statement is intended to provide those employees with a better understanding of the privileges and responsibilities of their positions and to assist in the mission of the professional delivery of services in The City of Lockport.

NOW, THEREFORE, BE IT

Resolved, the Common Council hereby adopts the City of Lockport Non-Represented Policy incorporated herein by reference.

Seconded by Alderman VanDeMark and adopted. Ayes 5. Alderman Devine voted no.

112018.13

By Alderman VanDeMark:

Whereas, the City of Lockport adopted a Non-Represented Employment Policy on November 20, 2018, and

Whereas, the City of Lockport adopted a City of Lockport Employee Handbook on November 20, 2018, and

Whereas, the City desires to employ Director of Finance of the City of Lockport according to certain terms and conditions of employment set forth in more detail in the Job Specification adopted December 16, 2014 and amended August 25, 2015; and

Whereas, the City of Lockport hired the Director of Finance for the City of Lockport based on Employee's experience, training and accredited university education, and
NOW, THEREFORE, BE IT

Resolved, the mayor be and is hereby authorized to enter into an employment contract for a term of Thirteen (13) months commencing December 1, 2018 and ending December 31, 2019.

Seconded by Alderman Eggert and adopted. Ayes 4. Aldermen Devine, Oates voted no.

112018.14

By Alderman Oates:

Whereas, the City and County entered into an inter-municipal agreement to share information technology services, and

Whereas, the County owns property at 59 Park Avenue, Lockport, New York where the City and County desire to locate sled on the roof to attach communications equipment, and

Whereas, the City and County desire to enter into a lease agreement for a period of five (5) years with an option to renew for four (4) additional five (5) year periods to locate a communications sled on the roof of 59 Park Avenue.

NOW, THEREFORE, BE IT

Resolved, that the Mayor be and is hereby authorized to execute a lease agreement with the County of Niagara for the placement of a communication sled on the roof of 59 Park Avenue, Lockport, New York.

Seconded by Alderman Farrell and adopted. Ayes 6.

112018.15

By Alderman Abbott:

Whereas, the City has received a donation from Grigg Lewis Foundation of \$1,000 for the purpose of "Shop with a Cop" and

Whereas, these funds were not included in the 2018 budget, and

Whereas, the appropriations necessary to add the donation to the 2018 budget, now therefore be it

Resolved, that the following budget amendment needs to be made:

INCREASE REVENUES:

A-3120-32705	Donations	\$1,000
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INCREASE APPROPRIATIONS:

A-3120-54510	Program Expenses	\$1,000
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Seconded by Alderman Eggert and adopted. Ayes 6.

112018.16 Approve Online Auction Sale / Amend Budget - **WITHDRAWN**

112018.17

By Alderman Oates:

Whereas, the New York State Canal Corporation has entered in contract with Hohl Industrial Services, Inc. for the Second Phase of Construction for the Erie Canal Flight of Five Restoration, Lock 68, in the City of Lockport; and

Whereas, the project is intended to be executed between November 26, 2018 through August 3, 2019 and during this construction period Hohl Industrial, Inc. is requesting authorization to use City owned parking area at Upson Park to store materials, equipment, and vehicles needed to complete the project; now, therefore, be it

Resolved, that the Mayor, subject to Corporate Counsel approval, is hereby authorized to grant permission and give consent to Hohl Industrial Services, Inc. to enter onto Upson Park and use part of the existing parking lot as staging area to execute the Second Phase of Construction for the Erie Canal Flight of Five Restoration, Lock 68.

Seconded by Alderman Farrell and adopted. Ayes 6.

112018.18

By Alderman Oates:

Resolved, that the City Treasurer be and the same is hereby authorized and directed to transfer funds from under expended appropriations accounts to over expended accounts in the 2018 General, Water, Sewer, and Refuse Fund budgets and to appropriate fund balance to the extent necessary to balance the budgets, and furthermore, report to the Common Council on those accounts having had transfers.

Seconded by Alderman Abbott and adopted. Ayes 6.

112018.18A

By Alderman Abbott:

Whereas, the City solicited a proposal for a managed fiber optic communications network from its provider, Spectrum; and

Whereas, implementation of a fiber optic communications network would connect the Public Works facility, City Hall, Water Filtration, Willow Street Recreation and the Wastewater Treatment facility in a secured, dedicated fiber network designed to allow for faster and more reliable interconnection of the City's information technology systems, and significantly improve productivity;

Now, therefore, be it

Resolved, that the Mayor, subject to Corporation Counsel approval, is hereby authorized and directed execute an agreement with Spectrum Enterprise, in an amount of \$2,400.00, one-time and a reoccurring monthly amount of \$3,354.00 for fiber optic connectivity.

Seconded by Alderman VanDeMark and adopted. Ayes 6.

112018.19

ADJOURNMENT

At 6:13 P.M. Alderman Abbott moved the Common Council be adjourned until 5:30 P.M., Wednesday, December 5, 2018.

Seconded by Alderman Devine and adopted. Ayes 6.

RICHELLE J. PASCERI
City Clerk