

CITY OF LOCKPORT
CORPORATION PROCEEDINGS

Lockport Municipal Building

Regular Meeting
Official Record

December 5, 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.

INVOCATION

MAYOR'S UPDATE

RECESS

Recess for public input.

120518.1

APPROVAL OF MINUTES

On motion of Alderman Abbott, seconded by Alderman Farrell, the minutes of the Regular Meeting of November 20, 2018 are hereby approved as printed in the Journal of Proceedings. Ayes 6. Carried.

PUBLIC HEARING

The Mayor announced a public hearing on Local Law #2010-7, amendment to the Dog Control Law of the City of Lockport Code.

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.

PUBLIC HEARING

The Mayor announced a public hearing relative to adjusting sewer rents and other charges.

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

Recess for public input.

The Mayor Closed the Public Hearing.

FROM THE MAYOR

Appointments:

11/26/18 David Pynn, 7901 Chestnut Ridge Road, Lockport, NY – re-appointed as a member of the Plumbing Board. Said term expires December 31, 2020.
Received and filed.

11/20/18 Susan E. Israel, 5635 Bowmiller Road, Lockport, NY – appointed as Real Property Appraiser for the Assessor's Department effective November 20, 2018. Said appointment is provisional and subject to the City of Lockport Municipal Civil Service rules and regulations.
Received and filed.

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)

11/29/18 Kim Knuutila, Director of Admissions and Marketing, DeSales Catholic School – requests permission to hang a banner over East Ave. Jan 14-28, 2019 announcing their Open House.
Referred to the Committee of the Whole.

12/3/18 Tracy A. Farrell, City Assessor – notification that the General City Tax rolls have been completed, corrected and filed.
Referred to the Committee of the Whole.

12/5/18 Richelle J. Pasceri, City Clerk – notification that the Lockport Municipal Offices will be closed on the following days in December and January for Christmas and New Year's:

Monday, December 24 (closed at 12 noon)

Tuesday, December 25

Monday, December 31 (closed at 12 noon)

Tuesday, January 1, 2019

The garbage collection schedule is as follows:

Due to the Christmas and New Year's holidays, there will be no garbage collection on Tuesday, December 25th & Tuesday, January 1st.

Garbage scheduled for collection on December 25th through December 28th and January 1st through January 4th will be collected on the day following regularly scheduled collection

Bulk items will be collected the week of January 7th

Referred to the Media.

Notice of Defect:

11/26/18 75 Lindhurst Drive – sinkhole
12/4/18 194 Church St – snowplowing sidewalks
12/4/18 86 Allen St - tree

Referred to the Director of Streets and Parks.

MOTIONS & RESOLUTIONS

120518.2

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 December 5, 2018 as follows:

General Fund	Fund A	\$ 158,798.73
Water Fund	Fund FX	\$ 20,825.13
Sewer Fund	Fund G	\$ 23,233.53
Capital Projects	Fund	\$ 27,279.42
Payroll	Pay Date 11/21/18	\$ 448,437.64

Seconded by Alderman Oates and adopted. Ayes 6.

120518.3

By Alderman Abbott:

Whereas, plumbing repairs and new exterior doors are needed at City Hall; and

Whereas, the costs for these repairs exceed funds budgeted within the Building Maintenance Department's budget; and

Whereas, the City Council wishes to amend the 2018 General Fund Budget by utilizing contingency funds to fund these repairs; Now, Therefore, Be it

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

Expense:

Decrease: A.1900.54775	Contingency	\$10,000
Increase: A.1620.54076	Property Repairs	\$10,000

Seconded by Alderman Farrell and adopted. Ayes 6.

By Alderman Devine:

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

Seconded by Alderman Eggert and adopted. Ayes 6.

120518.4

By Alderman Devine:

Resolved, that the following Schedule of Sewer Rents and Other Charges be adopted as follows:

SEWER RATES

The following sewer rental charges shall be effective on all residential, commercial, and industrial water consumption billed as follows:

after January 1, 2019

\$15.75 per month service charge for both domestic and industrial users plus a commodity charge of \$2.42 per 100 cu. ft. of water billed, plus a standard surcharge for industrial users for excess strength of sewage as stated in all existing Industrial sewer contracts.

INDUSTRIAL	\$ 15.75
COMMERCIAL & RESIDENTIAL	\$ 39.38 (billed quarterly)

The standard surcharge for all industrial users for excess strength of sewage as stated in all existing industrial service contracts be as follows:

Type	Fee
Discharging wastewater, per 100 cubic feet:	
Effective 01 January 2019.....	\$ 1.10
Discharging excess total suspended solids in excess of 350 mg per liter per one hundred pounds per day:	
Effective 01 January 2019.....	\$ 3.30
Discharging excess BOD in excess of 250 mg liter per, per one hundred pounds per day:	
Effective 01 January 2019.....	\$ 2.95
Discharging wastewater through the use of a waste hauler per one thousand gallons:	
Effective 01 January 2019.....	\$17.30

Annual waste hauler disposal permit authorizing the use of City of Lockport wastewater treatment plant to a specific waste hauler:

Effective 01 January 2019\$365.00

Annual amount charged for an effective City of Lockport wastewater discharge permit issued to City of Lockport industries identified as POTW significant industrial users (SIU's):

Effective 01 January 2019.....\$395.00

Effective January 1, 2019, laboratory analysis at City of Lockport wastewater treatment plant laboratory are as follows:

<u>Analyte</u>	<u>Rate</u>
pH	\$10.50
Residual C12	\$10.50
Settleable solids.....	\$10.50
Total suspended solids	\$31.50
Total solids.....	\$15.75
BOD 5.....	\$42.00
COD.....	\$42.00
Dissolved oxygen.....	\$21.00
Total coliform	\$31.50
Fecal coliform	\$36.75
NH3-N.....	\$36.75
TKN.....	\$36.75
Oil and grease, total.....	\$42.00
Total phosphorus	\$31.50
Zn, Cd, Cr, Cu, Pb each.....	\$26.25

Seconded by Alderman Eggert and adopted. Ayes 6.

120518.5

By Alderman Farrell:

WHEREAS, the City of Lockport was awarded a \$5,000.00 grant from the State of New York to sponsor and promote a Solarize campaign; and

WHEREAS, the grant had not been accepted nor recognized by the City in the General Fund Budget; and

WHEREAS, the Director of Planning and Development has requested that \$2,500.00 of this grant be recognized to offset marketing expenses for the Solarize Lockport campaign;

NOW THEREFORE, BE IT

RESOLVED, that the City of Lockport hereby accepts a grant from the State of New York for the Solarize Lockport campaign; and be it further

RESOLVED, that the 2018 Budget is hereby amended as follows:

Increase:

Revenue	A.8021.33989	Other Home and Community Services State Aid	\$2,500
Expense	A.8021.54510	CD Program Expense	\$2,500

Seconded by Alderman Oates and adopted. Ayes 6.

120518.6

By Alderman Oates:

WHEREAS, The City of Lockport received a grant in the amount of Three Hundred Thousand Dollars (\$300,000.00) from the New York State Restore New York Program for the purpose of restoring and renovating 13 West Main Street, Lockport, New York 14094, and

WHEREAS, the City and the Greater Lockport Development Corporation ("GLDC") desire to enter into a subrecipient agreement to authorize the GLDC to oversee and disburse the grant proceeds for the restoration and rehabilitation of 13 W. Main Street, and

WHEREAS, the project will promote economic development, create jobs, and eliminate blight.

NOW, THEREFORE, BE IT

RESOLVED, that the Mayor be and is hereby authorized to enter into a subrecipient agreement with the GLDC for the restoration and rehabilitation of 13 West Main Street, Lockport, New York with the grant received from the New York State Restore New York Program in the amount of \$300,000.

Seconded by Alderman Farrell and adopted. Ayes 6.

120518.7

By Alderman Devine:

Resolved, that a public hearing be held at the Common Council Meeting of December 19, 2018 starting at 5:30 P.M. in the Common Council Chambers, Lockport Municipal Building, One Locks Plaza, Lockport, NY relative to a request for a Special Use Permit made by Michael Ulrich, for approval to erect a 8' x 20' billboard sign to be located at 616 West Avenue, situated in a I-3 Zone, and be it further

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

Seconded by Alderman Eggert and adopted. Ayes 6.

120518.8

By Alderman Farrell:

WHEREAS, the State of New York (Canal Corporation and Greenway Commission) received a grant from the Ralph Wilson Foundation in the amount of \$500,000 to enhance the Empire State Trail Gateway in the City of Lockport along Canal Street on City land, and

WHEREAS, the project requires consent from the City of Lockport allowing the State of New York to make various enhancements along the Canal Street as part of the Empire State Trail Gateway in the City of Lockport, and

WHEREAS, the State has provided the City with a location diagram which defines the proposed site, and

WHEREAS, the City has reviewed the project and accepts the proposed diagram and work to be completed by the State.

NOW, THEREFORE, BE IT

RESOLVED, that the State of New York, Canal Corporation and Greenway Commission be and are hereby authorized to locate various improvements to real property owned by the City of Lockport along Canal Street in accordance with a location diagram and project description provide to the City.

Seconded by Alderman Oates and adopted. Ayes 6.

120518.9

By Alderman Eggert:

City of Lockport
Local Law No. 3 of the year 2018

A LOCAL LAW to amend §55-12 of the Lockport City Code with respect to License fees for Dogs.

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

§55-12 of the Lockport City Code, as amended, is hereby further amended by adding two new sections 55-12 D and 55-12 E to read as follows:

§ 55-12 D. An additional fee (surcharge) as authorized by Agriculture and Markets Law §110, Subdivision 4(a), for costs for enumeration of dogs in the amount of \$10 for each dog identified as unlicensed during such enumeration shall be charged annually.

§55-12 E. There shall be an additional fee of \$5 (a late fee) for any dog licensed obtained more than 30 days after it was due to be obtained.

This law shall be effective upon filing with the Office of the Secretary of State.

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

Alderman Abbott	VOTING	Yes
Alderman Devine	VOTING	Yes
Alderman Eggert	VOTING	Yes

Alderman Farrell	VOTING	Yes
Alderman Oates	VOTING	Yes
Alderman VanDeMark	VOTING	Yes

The Local Law was thereupon declared duly adopted.

120518.10

By Alderman Devine:

WHEREAS, the City entered into an agreement on June 21, 2018 under resolution 062018.6 with Accadia Site Contracting, Inc. to complete the installation of a storm sewer on High Street, between the Erie Canal and Locust Street; and

WHEREAS, Accadia Site Contracting, Inc. has requested two change orders: change order No.1 for \$24,119.69 related to additional milling and utility structure adjustments, and change order No.2 for \$75,503.81 related to additional work that includes extra piping, supplementary excavation, backfilling, paving and replacement of lead water services; and

WHEREAS, the total cost of the Capital project, including construction and engineering is \$1,519,642.70 and exceeds the budgeted amount of \$1.5 million, necessitating amending the Capital and Sewer Fund budgets; now, therefore, be it

RESOLVED, that the Mayor, subject to Corporation Counsel approval, is hereby authorized to approve the change orders submitted by Accadia Site Contracting, Inc. in the amount of \$99,623.50 with \$79,980.85 being charged against the Dormitory Authority of the State of New York (DASNY) State and Municipal Facilities Program (SAM) grant, and the remainder being funded through a transfer from the Sewer budget; and be it further

RESOLVED, that the 2018 Sewer Fund budget is hereby amended as follows:

Expense:

Decrease

G.8120.52200	Utility Replacement & Improvements	\$19,642.70
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Increase

G.9901.59000H	Interfund Transfer to Capital	\$19,642.70
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Seconded by Alderman Oates and adopted. Ayes 6.

120518.11

By Alderman Abbott:

Whereas, the City has received a State and Municipal Facilities (SAM)t grant in the amount of \$20,000 sponsored by Senator Ort in support of the City's replacement of Taser equipment; and

Whereas, the 2018 General Fund budget must be amended to accommodate this grant; Now, therefore, be it

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

Expense:

Increase:

A.3120.52070	Public Safety Equipment	\$20,000
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Revenue:

Increase:

A.3120.33389	Other Public Safety State Aid	\$20,000
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Seconded by Alderman Eggert and adopted. Ayes 6.

120518.12

By Alderman Devine:

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 Real Property Management Committee met and determined that the following properties are not needed for municipal purposes, have little market value due to their irregular size and location and recommended that the properties be offered for sale to either the adjoining owners or other interested parties, and

WHEREAS, the following purchasers submitted a proposal offering to acquire each property for nominal consideration, and

WHEREAS, the City of Lockport desires to return said parcels to the tax rolls.

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 the following properties to the following purchasers for nominal consideration.

PARCEL ID	Address	Purchaser
109.09-1-57	12 COURT STREET	DAVID BUCZEK
109.09-1-84, 109.09-1-56, 109.09-1-70, 109.09-1-55, 109.09-1-71, 109.09-1-54, 109.09-1-72, 109.09-1-53 ,109.09-1-73, 109.09-1-74	1,14,15,16,17,18,19,20,21,AND 23 COURT STREET	BETHANY HARVEY
109.71-2-27.1	30 SPALDING STREET	THOMAS KENNETH
108.16-1-8.21	454 NIAGARA STREET	CHRISTOPHER DOOL
108.16-2-76	320 NIAGARA STREET	MICHAEL D'ADDEO
109.05-1-11	217 GLENWOOD	GLENWOOD CEMETERY ASSOCIATION
108.08-1-14.12	9 CRAINE STREET	HOUSING AUTHORITY

Seconded by Alderman Abbott and adopted. Ayes 6.

120518.13

By Alderman Devine:

Resolved, that the City of Lockport 2019 Sewer Fund Budget containing appropriations for operating the City's Wastewater Treatment and Compost Facility, be and the same is hereby adopted as follows:

CITY OF LOCKPORT, NEW YORK
2019 SEWER FUND BUDGET SUMMARY

Appropriations:

Personal Services	\$1,081,787
Equipment	109,121
Contractual	1,082,144
Fringe Benefits	1,048,183
Debt Service	806,419
Special Items	55,250

Total Appropriations:	\$4,182,903
Estimated Revenues:	\$4,182,903

Seconded by Alderman Oates and adopted. Ayes 6.

120518.14

By Alderman Oates:

Resolved, that pursuant to their request, DeSales Catholic School is hereby granted permission to erect a banner across East Avenue at Davison Road at least 17 feet from the ground to promote their Open House to be held January 14th through January 28, 2019. Said permission is subject to DeSales Catholic School filing a certificate of insurance with the City Clerk naming the City of Lockport as additional insured and a fee of \$50.00 made payable to the City Clerk, and be it further

Resolved, that the City Clerk is hereby authorized and directed to make arrangements to erect the banner.

Seconded by Alderman Eggert and adopted. Ayes 6.

120518.14A

By Alderman Oates:

WHEREAS, Niagara Community Action Program ("Niagara CAP") has as one of its principal functions and purposes of providing emergency services to the needy and disadvantaged persons within Niagara County through use of funding grants and subsidies from federal, state, and municipal governments and agencies, and

WHEREAS, the City desire to contribute to and participate in the funding of NCAP for such purposes in return for NCAP's promise of emergency services to the residents of the City, and

NOW, THEREFORE, BE IT

RESOLVED, that the Mayor be and is hereby authorized and directed to enter into an agreement with NCAP to pay NCAP the sum of \$2,500 to provide emergency services to qualified residents through its outreach office located at 160 Washburn Street from January 1, 2019 through December 31, 2019.

Seconded by Alderman Farrell and adopted. Ayes 6.

120518.14B

By Alderman Abbott:

WHEREAS, the City of Lockport raw water intake is in North Tonawanda, and

WHEREAS, the raw water line intake travels from the North Tonawanda through the municipalities of Pendleton, Wheatfield, Lockport (Town) and North Tonawanda for a total of 13 miles to get to the City of Lockport Summit Street filtration plant, and

WHEREAS, the City of Lockport prior to June 17, 2007, paid Niagara County property tax based upon the assessment of the raw water line which resulted in a water bill increases for each homeowner in the City of Lockport, and

WHEREAS, a 100% tax exemption for the City of Lockport from the Niagara County taxes on the above described 13-mile raw water line resulted in a tax levy impact of less than one cent per thousand of assessed property values, and

WHEREAS, the County passed resolution IL-046-08 on June 17, 2008 granting a tax exemption for a period of five years upon the condition that the savings be deposited into a fund designed for and used to repair or replace damaged Lockport City owned water lines thereby providing lower water bill costs to the City of Lockport residents who are residents of the County of Niagara as well, and

WHEREAS, the County passed Resolution IL-007-14 and the City of Lockport passed Resolution 2114.16F in 2014 extending the exemption for an additional five (5) years until March 1, 2019, and

WHEREAS, the City of Lockport and County of Niagara desires to renew said exemption for another five years, and

WHEREAS, the City of Lockport set up an account to deposit said savings for repairs and improvement, and the Department of Utilities prepared and submitted a plan each year to the Mayor and Common Council for expenditure in accordance with the above, now, therefore, be it
NOW, THEREFORE, BE IT

RESOLVED, that the Mayor be and is hereby authorized to execute an agreement with the County of Niagara to renew the same exemption for another five years until March 1, 2024, and be it further

RESOLVED, that the Treasurer be and is hereby directed to set up an account to deposit said savings for repairs and improvement, and be it further

RESOLVED, that Department of Utilities be and is hereby directed to prepare and submit a plan each year to the Mayor and Common Council for expenditure in accordance with the above.

Seconded by Alderman Devine and adopted. Ayes 6.

120518.14C

By Alderman Oates:

WHEREAS, the City of Lockport authorized the sale of 271 and 281 Genesee Street to GenLock LLC by resolution 112018.5, and

WHEREAS, the sale is conditioned upon GenLock LLC redeveloping the properties,
and

WHEREAS, due to the location of the properties GenLock LLC requested permission to locate a dumpster in the City Right of Way.

NOW THEREFORE BE IT

RESOLVED, that GenLock LLC be and is hereby granted permission to locate a dumpster(s) in the City Right of Way for the rehabilitation of 271 and 281 Genesee Street for a period not to exceed 2 months.

Seconded by Alderman Eggert and adopted. Ayes 6.

120518.14D

By Alderman Farrell:

Resolved, that the City tax roll for year 2019 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 Oates and adopted. Ayes 6.

120518.15

ADJOURNMENT

At 6:10 P.M. Alderman Abbott moved the Common Council be adjourned until 5:30 P.M., Wednesday, December 19, 2018.

Seconded by Alderman Devine and adopted. Ayes 6.

RICHELLE J. PASCERI
City Clerk