CITY OF LOCKPORT

**CORPORATION PROCEEDINGS**

Lockport Municipal Building

Regular Meeting

Official Record

September 6, 2017

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.

**MAYOR’S UPDATE**

**TREASURER’S REPORT**

**RECESS**

Recess for public input.

**090617.1** **APPROVAL OF MINUTES**

On motion of Alderman Wohleben, seconded by Alderman Oates, the minutes of the Regular Meeting of August 16, 2017 are hereby approved as printed in the Journal of Proceedings. Ayes 6. Carried.

**FROM THE MAYOR**

**Appointments:**

8/17/17 Lisa Burruano, 7038 Akron Road, Lockport, NY – appointed as Tax Enforcement Clerk for the Treasurer’s Department effective August 17, 2017. Said appointment is permanent and subject to the City of Lockport Municipal Rules and Regulations. Received and filed.

8/18/17 Tracy Farrell, 55 Lakeview Parkway, Lockport, NY – appointed as Assessor effective August 18, 2017. Said appointment is permanent and subject to the City of Lockport Municipal Rules and Regulations. Received and filed.

8/30/17 Anthony Cercone, 243 South Niagara Street, Lockport, NY – appointed as Public Works Mechanic for the Highways and Parks Department effective September 1, 2017. Said appointment is provisional and subject to the City of Lockport Municipal 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)

8/29/17 Richelle J. Pasceri, City Clerk – Notification that the Lockport Municipal Offices will be closed on Monday, September 4, 2017 in observance of Labor Day. For the entire week of September 4th, garbage will be collected on the day following regularly scheduled collection day. Referred to the Media

**Notice of Defect:**

8/3/17 34 Chestnut Street – loose steel plate-covered excavation hole

8/16/17 67 Scovell Street – trees

8/18/17 312 Ontario Street - tree

8/21/17 532 Pine Street – trees

8/22/17 4 Park Lane Circle – trees

8/28/17 191 Union Street – tree

8/29/17 265 Lock Street – tree

8/30/17 57 Park Lane Circle – tree

8/31/17 39 Prentice Street – trees

Referred to the Director of Streets and Parks.

**Notice of Claim:**

8/21/17 Progressive Insurance, F/B/O Ernest Tate, 207 Washburn Street, Lockport, NY

8/29/17 Todd R. Habschied, 394 Birchwood Drive, Lockport, NY

Referred to the Corporation Counsel.

## MOTIONS & RESOLUTIONS

**090617.2**

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 September 8, 2017 as follows:

General Fund Account #001 $ 120,447.58

Water Fund Account #002 $ 35,881.35

Sewer Fund Account #003 $ 36,237.41

Capital Projects Account #004 $ 24,499.99

Refuse Fund Account #012 $ 7,051.86

Self Insurance Account #015 $ 146,900.77

Payroll Pay Date 8/17/17 $ 494,737.75

Pay Date 8/31/17 $ 480,539.83

Seconded by Alderman Oates and adopted. Ayes 6.

**090617.3**

By Alderman O’Shaughnessy:

Whereas, the Lockport City Charter (C-175) grants the Common Council power to enact ordinances, and bylaws pertaining to streets, highways … and to make or order and direct the making of such general or local improvements … as it shall deem for the best interests of said City, and

Whereas, said City Charter empowers the Common Council to make, regulate, repair, amend, alter and clean the city streets, and

Whereas, the condition of city streets are among the most common complaints heard by Alderman/Alderwoman and the Common Council, and

Whereas, there is a need to better define the Ward location and date of the City’s street sweeping operation for the betterment of all city streets, now therefore be it

Resolved, that the Common Council hereby requests that the Superintendent of Streets be directed by the Mayor to submit, for Common Council approval, a set, street by street schedule guaranteeing street sweeping in each city Ward at least 3 times per year, and be it further

Resolved, said schedule should be determined by the total number of street and highway miles in each Ward, largest to smallest, and be it further

Resolved, that the Mayor direct the Superintendent of Streets shall immediately notify all Common Council members of any schedule change anticipated due to weather and/or emergency street repairs, and be it further

Resolved, said street by street sweeping schedule, and any emergency changes, be posted weekly on the City’s web site, City Hall bulletin boards and published in all local print and broadcast media outlets.

Seconded by Alderman Devine and adopted. Ayes 6.

**090617.4**

By Alderman Wohleben:

Whereas, the Lockport City School District has received the Safe Routes to School Grant, and

Whereas, the Lockport City School District wishes to purchase ten solar powered crossing lights for each elementary school and intermediate schools, now therefore be it

Resolved, that the City of Lockport accepts said solar lights, and be it further

Resolved, that the Director of Streets and Parks is hereby authorized and directed to arrange for installation and maintenance of said solar lights.

Seconded by Alderman Mullane and adopted. Ayes 6.

**090617.5**

By Alderman Wohleben:

WHEREAS, the City Treasurer, Director of Finance, and City Engineer in conjunction with the department managers charged with project oversight, have completed a review of all open capital projects, and

WHEREAS, all completed projects have been identified and the associated account balances verified, and

WHEREAS, closure of all completed projects require Council approval, and

WHEREAS, all remaining funds must be returned to the original funding source, now, therefore be it

RESOLVED, that the following capital projects be closed, the account balances be transferred to the original funding source, and all related budgets be closed:

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| **Project #** | **Sponsor Fund** | **Project Title** | **Funding Source(s)** | **Cash Balance** |
| #0076 | Sewer | BLOWER UPGRADE | Sewer/Debt | $0.00 |
| #0108 | General | BROWNFIELD OPPORTUNITY AREA | GF/NYS Grant | $39,590.64 |
| #4112 | General | MUNICIPAL BLDG ROOF REPAIR(#2) | Debt | $0.00 |
| #4122 | General | PARKING RAMP DEMO(#2) | Debt | $3,883.20 |
| #4162 | Sewer | WWT-CLARIFIER TANK | Debt | $19,946.59 |
| #4163 | Sewer | CSO-8 SEWER | Debt | $70.95 |
| #4165 | Water | LINCOLN AVE WATER MAIN | Debt | $5,021.76 |
| #4166 | Water | SOUTH NEW YORK WATER MAIN | Debt | $14,149.56 |
| #4169 | Sewer | WWT-THICKENER TANK | Sewer/Debt | $490.40 |
|  |  | **TOTAL** |  | **$83,153.10** |

And be it further

RESOLVED, that the cash balance total of $83,153.10 be returned to the original funding source as follows:

|  |  |  |
| --- | --- | --- |
| Debt Service Reserve, General |  | $3,883.20 |
| Debt Service Reserve, Water |  | $19,171.32 |
| Debt Service Reserve, Sewer |  | $20,507.94 |
| General Fund |  | $39,590.64 |
| **TOTAL** |  | **$83,153.10** |

Seconded by Alderman Oates and adopted. Ayes 6.

**090617.6**

By Alderman Abbott:

Resolved, that a public hearing be held at the Common Council Meeting of September 20, 2017 starting at 6:30 P.M. in the Common Council Chambers, Lockport Municipal Building, One Locks Plaza, Lockport, NY relative to CDBG housing programs, including First-Time Home Buyer and Housing Rehab grants, and be it further

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

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

**090617.7**

By Alderman Devine:

Whereas, the City Council approved Resolution 080217.7 authorizing Kandey Company, Inc. to inspect and clean sanitary sewers on Elmira, Maple, Washburn Streets and Tudor Lane; and

Whereas, emergency repair work was identified and authorized on Elmwood sewer lines in the amount of $17,000; and

Whereas, the budget needs to be amended to accommodate these services; Now Therefore, Be it

Resolved, that the 2017 Sewer Budget is amended as follows:

Revenue:

Increase:

003.0003.2122 Special Billings $37,000

Expense:

Increase:

003.8125.4571 Operational Services $37,000

Seconded by Alderman Abbott and adopted. Ayes 6.

**090617.8**

By Alderman Oates:

**Whereas**, the Building Maintenance Supervisor has informed the Mayor that the floor carpeting at several offices and hallways of the Municipal Building is damaged and in need of replacement, and

**Whereas**, the Engineering Department has requested quotes to replace the deteriorated carpets with carpet tiles, type Kraus Rhone 7043-04 in Acorn Color, and proposals were received as follows: M. Carter Décor Floor and Window Coverings $22,056, Custom Carpet Centers $26,150, Carpet Collection Tile and DeSantis Carpet Tile Floors declined their right to submit their proposals; now, therefore, be it

**Resolved**, that the Mayor, subject to Corporation Counsel approval, is hereby authorized and directed enter into contract with M. Carter Décor Floor and Window Coverings, 360 West Avenue, Lockport, NY 14094, for an amount of $22,056 to replace floor carpeting at the Municipal Building and

Whereas, the carpet replacement was not budgeted for in the 2017 budget necessitating an amendment using contingency funds; be it further

Resolved, that the 2017 Budget is hereby amended as follows:

Increase

Expense:

001.1620.4705 Building Maintenance $22,500

Decrease:

Expense

001.1900.1990 Contingency $22,500

Seconded by Alderman Wohleben and adopted. Ayes 6.

**090617.9 WITHDRAWN** (Establish standard work day for elected and appointed officials)

**090617.10 WITHDRAWN** (Amend budget re: damaged fire hydrants)

**090617.11**

By Alderman Mullane:

**WHEREAS**, the Office of the New York State Comptroller conducted a “Fiscal Street Audit” of the City of Lockport for the calendar year 2013 as well as a “Cash Flow Audit” for 2013, “Independent Audit Services” for 2014 and “Budget Reviews” for 2015 & 2016, and

**WHEREAS**, several of Councilwomen Mullane’s constituents have questioned Councilwomen Mullane why a forensic audit was never conducted by the New York State Comptroller’s Office despite the City’s fiscal stress and deficit borrowing, and

**WHEREAS**, a Forensic audit will determine whether the City was and is in compliance with legal requirements and whether internal controls, and

**WHEREAS**, the Office of the New York State Attorney General is presently auditing municipal assessment departments across the State and the Common Council desires that the Office of the Assessor be included in the statewide audit and, if possible, be granted priority status by the Office of the New York State Attorney General, and

**WHEREAS**, the Common Council also desires to request the Office of the New York State Comptroller conduct a forensic audit of the assessment department, civil service department, water department and that said forensic audits be granted, if possible, priority status by the Comptroller to allow the Common Council sufficient time to prepare its annual budget in November. **NOW, THEREFORE, BE IT**

**RESOLVED**, that the Common Council for the City of Lockport hereby request the assistance of the New York State Attorney General in conducting an audit of the department of assessment, and be it further

**RESOLVED**, that the Common Council for the City of Lockport hereby requests the Office of the New York State Comptroller conduct a forensic audit of the following departments: Assessment, Civil Service, and Water, and be it further

**RESOLVED**, that the City of Lockport Common Council hereby requests that the above named audits be given priority status by the State of New York to allow the Common Council time to prepare its annual budget in November, and be it further

**RESOLVED**, that upon passage a certified copy of this Resolution be sent to the Office of the New York State Attorney General and the Office of the New York State Comptroller.

Seconded by Alderman O’Shaughnessy.

Ayes 3. Nos 3. Ald. Abbott, Wohleben, Oates voted no.

The Mayor voted in the negative. Motion failed.

**090617.11A**

By Alderman Wohleben:

WHEREAS, the City of Lockport received a grant for $1,315,000 from Empire State Development for continued rehabilitation of the historic Erie Canal Flight of Five locks, and

WHEREAS, the City of Lockport contracted with Bergmann Associates to complete the final design, Phase 2 (Lock 68), of the Flight of Five rehabilitation project, and

WHEREAS, a number of factors (including an additional $200,000 National Maritime Heritage grant through the National Park Service for said rehabilitation) have led to additional design work needing to be completed pursuant to the proposal for supplemental services from Bergmann Associates dated August 30th, 2017. NOW THEREFORE BE IT

RESOLVED that the Mayor be and is hereby authorized and directed to execute a supplemental agreement with Bergmann Associates for a sum not-to-exceed $196,455.00 for additional services needed to complete the Construction Documents for the 2nd Phase of Constructions that rehabilitates Lock 68 of the Flight of Five.

Seconded by Alderman Devine and adopted. Ayes 6.

**090617.12** **ADJOURNMENT**

At 7:16 P.M. Alderman Wohleben moved the Common Council be adjourned until 6:30 P.M., Wednesday, September 20, 2017.

Seconded by Alderman Abbott and adopted. Ayes 6.

RICHELLE J. PASCERI

City Clerk