

CITY OF LOCKPORT
CORPORATION PROCEEDINGS

Lockport Municipal Building

Regular Meeting
Official Record

May 16, 2018
5:30 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, Eggert, Farrell, Oates, and Wohleben.

INVOCATION

MAYOR'S UPDATE

RECESS

Recess for public input.

051618.1

APPROVAL OF MINUTES

On motion of Alderman Wohleben, seconded by Alderman Abbott, the minutes of the Regular Meeting of May 2, 2018 are hereby approved as printed in the Journal of Proceedings. Ayes 6. Carried.

FROM THE MAYOR

Appointments:

5/7/18 Carrie A. Gugliuzza, 7150 Northview Drive, Lockport, NY – appointed as Program Administrator for the Community Development Department effective May 7, 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)

5/3/18 Teresa Manna, Emmanuel United Methodist Church – request permission to Barricade Wakeman Alley on May 19th for a church event, a Vendor Fair & Bike Blessing. Referred to the Committee of the Whole.

4/30/18 Cathy L. Maloney, Executive Director Cornell Cooperative Extension – request permission to erect a banner across East Avenue to promote the 2018 Niagara County Fair from July 25 thru August 5. Referred to the Committee of the Whole.

5/8/18 Richelle J. Pasceri, City Clerk – notification that the Lockport Municipal Offices will be closed as follows in the month of May in observance of Memorial Day.

Monday, May 28

Garbage will be collected on the day following regularly scheduled collection that week.

Referred to the media.

Notice of Defect:

5/1/18 50 Rogers Ave. – two trees

5/2/18 293 Cottage St. – tree

5/4/18 449 Walnut St. - tree

Referred to the Director of Streets and Parks.

Notice of Claim:

4/27/18 Anthony Allee, 10202 Ridge Road, Medina, NY

Referred to the Corporation Counsel.

4/30/18 Adaley Watkins, 22 Van Buren Street, Lockport, NY

Referred to Corporation Counsel.

4/30/18 Ryan S. Whitmore, 47 Allen Street, Lockport, NY

Referred to Corporation Counsel.

4/30/18 Alexandria E. Lewis, 8209 Porter Road, Sanborn, NY

Referred to Corporation Counsel.

5/1/18 David Linsley, 146 West Avenue, Lockport, NY

Referred to Corporation Counsel

5/4/18 Jeanette Howell, 284 Willow Street, Apt. 3, Lockport, NY

Referred to Corporation Counsel.

MOTIONS & RESOLUTIONS

051618.2

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 May 18, 2018 as follows:

General Fund	Fund A	\$ 71,998.79
Water Fund	Fund FX	\$ 5,569.91
Sewer Fund	Fund G	\$ 12,225.89
Capital Projects	Fund	\$149,243.94
Refuse Fund	Fund CL	\$ 90,859.97
Self Insurance	Fund MS	\$ 1,401.80
Payroll	Pay Date 5/10/18	\$442,852.87

Seconded by Alderman Oates and adopted. Ayes 6.

051618.3

By Alderman Abbott:

Whereas, the City of Lockport sought Requests for Proposals for the Widewaters Marina Operation, and

Whereas, the City receive a proposal from Erie Canal Boat Company, and

Whereas, Erie Canal Boat Company desires to use the City's newly constructed Kayak launch in conjunction with the general public, and

Whereas, Erie Canal Boat Company desires access to the Kayak launch and the permission to assist handicapped customers with launching Kayaks, and

Whereas, Erie Canal Boat Company has agreed to pay a fee of \$500 per season for such right. Now, therefore, be it

Resolved, that for an annual fee of \$500.00 Erie Canal Boat Company shall be given access to the Kayak launches and permission to assist handicapped customers with launching Kayaks at the City's new Kayak launch subject to the City of Lockport's receipt of a certificate of insurance naming the City of Lockport as an additional insured.

Seconded by Alderman Farrell and adopted. Ayes 6.

051618.4

By Alderman Oates:

Resolved, that pursuant to their request, Lockport Main Street, Inc. is hereby granted permission to have a Lockport Community Farmers Market on Canal Street, the pocket park and the adjoining parking lot each Saturday 9am-2pm beginning June 9th and running through October 20th, 2018, and be it further

Resolved, that permission is hereby granted to access the electricity available at the light posts and for the city to install the outdoor extension cords at each junction box, and be further

Resolved, that the Director of Streets and Parks is authorized and directed to arrange to deliver refuse containers to the area prior to the said dates.

Seconded by Alderman Eggert and adopted. Ayes 6.

051618.5

By Alderman Oates:

Resolved, that a public hearing be held at the Common Council Meeting of June 6, 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 Wide Waters on the Canal, for approval for an outdoor concert series to be located at 767 & 801 Market Street, situated in a R-1 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 Devine and adopted. Ayes 6.

051618.6

By Alderman Wohleben:

Resolved, that a public hearing be held at the Common Council Meeting of June 6, 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 Wayne Harvey, for approval to utilize the property for a towing business and to erect a 30' x 40' pole barn to be located at 349 Mill Street, 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 Farrell and adopted. Ayes 6.

051618.7 Stephen Adorian Memorial 5k - WITHDRAWN

051618.8

By Alderman Oates:

Resolved, that pursuant to their request, permission is hereby granted to Emmanuel United Methodist Church to barricade Wakeman Alley on Saturday May 19, 2018, from 11:00 to 6:00 p.m. for a Vendor Fair & Bike blessing, and be it further

Resolved, that the Director of Streets and Parks be and the same is hereby authorized and directed to arrange for delivery of barricades and traffic cones to said area prior to said event.

Seconded by Alderman Wohleben and adopted. Ayes 6.

051618.9

By Alderman Oates:

Resolved, that pursuant to their request, Cornell Cooperative Extension, Niagara County is hereby granted permission to erect a banner at least 17' from the ground across East Avenue at Davison Road to promote the 2018 Niagara County Fair. Banner is to be erected from July 25 thru August 6, 2018 based on a schedule approved by the City Clerk, and be it further

Resolved, that said permission is subject to Cornell Cooperative Extension, Niagara County filing a certificate of insurance with the City Clerk naming the City of Lockport as additional insured and subject to payment of \$50, and be it further

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

Seconded by Alderman Eggert and adopted. Ayes 6.

051618.10 (*corrected 6/6/18)

By Alderman Oates:

Resolved, that pursuant to their request, permission is hereby granted to the residents of Lakeview Parkway to barricade Lakeview Parkway on ~~June 19, 2018~~ *June 9, 2018 for a block party, and be it further

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

Seconded by Alderman Farrell and adopted. Ayes 6.

051618.11

By Alderman Oates:

Resolved, that the Director of Engineering is hereby authorized and directed to prepare bid specifications for milling and paving of Clinton Street, and be it further

Resolved, that upon receipt of said specifications, the City Clerk is authorized and directed to advertise for bid proposals for same.

Seconded by Alderman Devine and adopted. Ayes 6.

051618.12

By Alderman Eggert:

Whereas, Section C-45 of the city charter requires employees to become a resident of the City of Lockport within six months of the commencement of service, and

Whereas, Section C-45 (8) (a) permits a waiver of the residency requirement in instances where the City of Lockport has difficulty hiring the most qualified person because of its residency requirements, and

Whereas, the Mayor and Common Council have determined that it is in the best interest of the city to waive the residency requirement for the position of Director of Public Works effective June 15, 2018, now therefore be it

Resolved, that the Mayor and Common Council having considered all of the aspects of the residency requirement and for the reason of lack of qualified candidates within the City limits hereby determines that the position shall be exempt from said residency requirement for the position of Director of Public Works for the City of Lockport.

Seconded by Alderman Farrell and adopted. Ayes 6.

051618.13

By Alderman Wohleben:

WHEREAS, the Municipal Building Supervisor has informed the Mayor that the Municipal Building Niagara Street elevator is no longer functional; and

WHEREAS, the City and its consulting engineer Nussbaumer & Clarke, Inc. met with elevator repair technicians and requested quotes to make the necessary elevator repairs; and

WHEREAS, the City received three quotes to complete the elevator repair work as follows: Otis Elevator Company \$37,575.00; Schindler Elevator Corporation \$43,287.00; and Thyssenkrupp Elevator \$49,900.00; and

WHEREAS, Nussbaumer & Clarke reviewed the repair quotes and recommends that the City awards a contract to Otis Elevator Company for a total amount of \$37,575.00; and

WHEREAS, the City did not budget for the repair costs of this elevator necessitating the use of contingency and amending the 2018 Budget; now, therefore, be it

RESOLVED, that the Mayor, subject to Corporation Counsel approval, is hereby authorized to execute an Agreement with Otis Elevator Company, 354 Sonwil Drive, Buffalo, New York 14225 in the amount of \$37,575.00; and be it further

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

Expense:

Decrease:

A 1900.54775	Contingency	\$40,000
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Increase:

A 1620.54076	Property Repairs	\$40,000
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Seconded by Alderman Devine and adopted. Ayes 6.

051618.14

By Alderman Wohleben:

Resolved, that the Corporation Counsel is hereby authorized and directed to prepare bid specifications for City of Lockport Chief of Police, and be it further

Resolved, that upon receipt of said specifications, the City Clerk is authorized and directed to advertise for bid proposals for same.

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

By Alderman Devine:

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

Seconded by Alderman Farrell and adopted. Ayes 6.

051618.15

By Alderman Wohleben:

Whereas, the Common Council of the City of Lockport has considered the Palace Theatre Interior Renovation Project at the 2 East Avenue, Lockport, New York 14094 (the "Project"), and

Whereas, the Project is an Unlisted Action, and the Common Council is conducting an uncoordinated review of those actions for which it is responsible, pursuant to the State Environmental Quality Review Act (SEQRA); and

Whereas, the Common Council of the City of Lockport has duly considered the Short Environmental Assessment Form, the proposed Project in its entirety, and the criteria for determining significance set forth in 6 N.Y.C.R.R. 617.7 (c) of the SEQRA regulations, and such other information deemed appropriate; and

Whereas, the Common Council has identified the relevant areas of environmental concern, has taken a hard look at these areas, and has made a reasoned elaboration of the basis for its determination, now, therefore, be it

Resolved, by the Common Council of the City of Lockport as follows:

1. The Common Council declares that the proposed Palace Theatre Interior Renovation Project at the 2 East Avenue, Lockport, New York 14094 will not result in any large and important impacts, and therefore, the approval of the Project does not include the potential for any significant adverse environmental impacts. Accordingly,

the Common Council issued the attached negative declaration under SEQRA for the Project.

2. The reasons for the decision are stated in the attached negative declaration.
3. This resolution shall be effective immediately.

Seconded by Alderman Devine and adopted. Ayes 6.

051618.16

By Alderman Oates:

Whereas, the City of Lockport Received correspondence from the United States Environmental Protection Agency ("EPA) seeking consent to access City owned property along Plank Road to collect soil samples, and

Whereas, the EPA plans to begin work in the Summer of 2018, and

Whereas, the EPA included the above sites in the National Priorities List of hazardous waste sites for remediation; Now, therefore, be it

Resolved, the Mayor be and is hereby authorized to execute Consent for Access to City owned property along Plank Road for the above stated purposes.

Seconded by Alderman Devine and adopted. Ayes 6.

051618.17

By Alderman Abbott:

Whereas, the City applied for and was subsequently awarded a \$100,000 grant from the Dormitory Authority of the State of New York (DASNY) to repair the Veterans Memorial Monument in Veterans Memorial Park; and

Whereas, on October 4, 2017, the City of Lockport authorized the Mayor to sign an agreement with Modern Surface Solutions to repair the monument by Resolution 100417.4A, and

Whereas, per Engineering Department request, Modern Surface Solutions submitted a change order to perform additional work that includes cleaning and painting the western flag pole, reworking the flag pole base, replacing lighting fixtures on the four sides of the monument, and improving the access to the monument from the south side by regrading drainages and resetting pavers. Modern Surface Solutions proposed to complete this additional work for \$18,200; now, therefore, be it

Resolved, that the Mayor, subject to Corporation Counsel approval, is hereby authorized to amend the contract signed on October 10, 2017 with Modern Surface Solutions, Inc., 7292 Akron Road, Lockport, New York 14094 for an amount of \$18,200 to be charged to Capital Projects. The up to date cost of the project of \$78, 526.70 is hereby amended to be \$96,726.70

Seconded by Alderman Wohleben and adopted. Ayes 6.

051618.17A

By Alderman Farrell:

Resolved, that the Youth Board is hereby granted permission to conduct an Independence Day Parade on Tuesday, July 3, 2018, commencing at 6:00PM at Ida Fritz Park, east on Main Street to Charles Street, subject to the approval of the Parade route by the Police Chief and issuance of a parade permit by the City Clerk, and be it further

Resolved, to barricade the following streets beginning at 5:00 PM on July 3, 2018 for the City of Lockport fireworks display to be held on Canal Street:

Pine Street from Main to Gooding
Gooding from Pine to Caledonia
Lock St from Pine to Caledonia
Ontario St from Church to Pine
Canal St between the pedestrian walk and Church
Church Street (Big Bridge) from Main to Niagara St.,

and be it further

Resolved, that the Main Street Parking Lot and the Pine Street Parking Lot be closed beginning at 5:00 PM, and the Canal Street Parking Lot be closed from 2:00 PM until 11:00 PM and temporary no-parking on the south side of Main Street for the parade, and be it further

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

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

051618.17B

By Alderman Abbott:

Whereas, the Fire Chief, Fire Board and the City Council have identified a need for Fire Engine to replace the auxiliary 1988 Fire Engine due to its unreliability and potential imminent catastrophic failure; and

Whereas, the Penfield Fire District is offering the City of Lockport a 2009 Pierce Fire Engine that will fit the City's needs for \$200,000; and

Whereas, the City must immediately replace this fire engine to provide reliable firefighting apparatus to its fire fighters to ensure to their safety as well as ensure adequate firefighting capabilities for the protection of the City's residents, businesses and general public; and

Whereas, additional costs necessary to outfit the engine to be purchased are estimated to total \$15,000; and

Whereas, the City has not budgeted the capital expenditure for the replacement of this fire engine necessitating the issuance of a bond;

Now, therefore, be it

Resolved, that the City Council hereby authorizes the Mayor execute a purchase offer for the acquisition of the 2009 Pierce Fire Engine with the Penfield Fire District in the amount of \$200,000 pursuant to Section 103, paragraph 4 of NYS General Municipal Law which allows for the forgoing of the City's regular procurement process due to a public emergency caused by an unforeseen occurrence that jeopardizes the publics' health and safety; and Be It Further

Resolved, that the City Attorney and Director of Finance are directed to prepare a Bond Ordinance for the acquisition of the fire engine an ancillary equipment in an amount not to exceed \$215,000 plus issuance costs.

Seconded by Alderman Oates and adopted. Ayes 6.

051618.17C

By Alderman Wohleben:

Whereas, on April 11, 2018, the Common Council adopted Resolution No. 041118.13 requesting the State of New York Legislature draft companion bills for the purpose of increasing the existing Bed Tax by 1% to be designated specifically to the Discover Niagara Shuttle or other entities for transportation or economic development purposes pursuant to New York State Tax Law Article 29, § 1201-d(a), Authority to Impose Tax: and

Whereas, Senate Bill 8420 and Assembly Bill 10528 were recently introduced in the Senate and Assembly to impose an additional 1% bed tax on rooms located in the City of Lockport to be dedicated to the Discovery Niagara Shuttle. Now, therefore be it

Resolved, that pursuant to Section 3 of Article IX of the New York State Constitution and Section 2 of the Municipal Home Rule Law of the State of New York the City of Lockport hereby requests enactment of Senate bill No. 8420 entitled” An Act to amend the tax law, in relation to imposing an additional one percent occupancy tax in the City of Lockport, Niagara County to be dedicated to the operation of the Discovery Niagara Shuttle, and be it further

Resolved, that a necessity exists for the enactment of such legislation, and that the facts establishing such necessity are that the City of Lockport does not have the power to enact such legislation by local law, and be it further

Resolved, that such request is hereby made by the Mayor of the City of Lockport and the Common Council

Seconded by Alderman Abbott and adopted. Ayes 6.

051618.18

ADJOURNMENT

At 6:17 P.M. Alderman Wohleben moved the Common Council be adjourned until 5:30 P.M., Wednesday, June 6, 2018.

Seconded by Alderman Farrell and adopted. Ayes 6.

RICHELLE J. PASCERI
City Clerk