

CITY OF LOCKPORT
CORPORATION PROCEEDINGS

Lockport Municipal Building

Regular Meeting
Official Record

April 20, 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.

042016.1

APPROVAL OF MINUTES

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

FROM THE MAYOR

Appointments:

4/8/16 Tom Prisaznuk, 327 North Transit Street, Lockport, NY – appointed as a member of the Planning and Zoning Board to fill the unexpired term of David Wohleben, who resigned. Said term expires October 14, 2017.
Received and filed

4/8/16 Jeff Tracy, 5 Cherry Street, Lockport, NY – reappointed as a member of the Planning and Zoning Board. Said term expires October 14, 2018.
Received and filed

4/8/16 Marshall Roth, 110 Locust Street, Lockport, NY – appointed as a member of the Planning and Zoning Board. Said term expires October 14, 2018.
Received and filed

4/8/16 William C. Beshaw, 15 Briarwood Drive, Lockport, NY – reappointed as a member of the Traffic Advisory Committee. Said term expires June 1, 2020.
Received and filed

4/11/16 Terry Harmon, 57 Regent Street, Lockport, NY – appointed as a member of the Planning and Zoning Board. Said term expires October 14, 2018.
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)

4/11/16 Jennifer L. Serrano, Jenny Marketing Group LLC, on behalf of the Lockport Business Association – request permission to conduct the annual Taste of Lockport on Sunday, August 14, 2016 at Ida Fritz Park
Referred to the Committee of the Whole

4/19/16 Niagara County Industrial Development Agency – Notice that a public hearing will be held on the 3rd day of May, 2016, at 3:30 p.m. at the Lockport Municipal Building regarding the acquisition and renovation of 57 Canal Street by ISKALO Development Corp.
Referred to the Committee of the Whole

4/19/16 Rolando Moreno, Director of Engineering – in support of the Special Use Permit for Lafarge. Requesting a pre-expansion meeting with all parties in involved.
Referred to the Committee of the Whole

Notice of Claim:

4/5/16 Le Thi Pham, 135 Saxton Street, Lockport, NY
4/5/16 Briana Mullen, 106 Gooding Street, Lockport, NY
Referred to the Corporation Counsel.

MOTIONS & RESOLUTIONS

042016.2

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 April 22, 2016 as follows:

General Fund	Account #001	\$ 38,745.90
Water Fund	Account #002	\$ 68,233.81
Sewer Fund	Account #003	\$ 34,579.09
Refuse Fund	Account #012	\$ 89,616.64
Self Insurance	Account #015	\$ 1,376.00
Payroll	Pay Date 4/14/16	\$445,428.56

Seconded by Alderman Devine and adopted. Ayes 6.

By Alderman O'Shaughnessy:

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

Seconded by Alderman Devine and adopted. Ayes 6.

042016.3

By Alderman Devine:

WHEREAS, on November 15, 2013, Redland Quarries N.Y. Inc/Continental Placers Inc. (the "Applicant") applied for a Special Use Permit pursuant to sections 190-118 and 190-119 of the City Code to excavate a 9.1 acre area of mineral reserves located in an I-3 Heavy Industry District on a 15 acre parcel known as the "Murphy Parcel" located at 400 Hinman Road, and

WHEREAS, on January 6, 2014, the Lockport Planning and Zoning Board approved a Special Use Permit with the condition that the City Engineer be satisfied that the blasting proposal presented by the Applicant on April 13, 2016 includes adequate provisions and bonding to mitigate the risk to City Raw Waterline resulting from the proposed mining activity, and

WHEREAS, on June 17, 2015, a public hearing was held in the Common Council Chambers at 6:00 PM, and

WHEREAS, on April 13, 2016, Redland Quarries N.Y. Inc/Continental Placers Inc. (Lafarge) agreed to post a bond in the amount of \$500,000 to be used exclusively for waterline repairs and related expenses should there be damage caused by mining activity, be responsible for waterline damage within an established area of 700 ft north or south of the center point (1,400 ft. total) of the proposed mining site, reimburse the City of Lockport in the event the contractor is called upon to respond to a break, maintain a record of seismic activity while mining the said property and make the records available to the City upon request, reimburse the City for water purchased from the Niagara County Water District during a repair and reimburse the City for the cost of material to replace the City's control valve, and

WHEREAS, on April 13, 2016, the City's outside engineering consultant, GHD Consulting Services, Inc. made a presentation to the Common Council of its findings from its review of the test blasting data, excavation of test pits, inspection of the exterior condition of the pipe and joints, measurement and recording of pipe thickness by ultrasonic readings, insertion of a bore camera through the existing air relief valve to observe the interior of the pipe, blasting data evaluation methodology and allowable strain evaluation, and

WHEREAS, the Common Council having considered all of the above wishes to approve the Special Use Permit subject to the following conditions that will be memorized in a written agreement approved by Corporation Counsel.

NOW TEHREFORE BE IT

RESOLVED, that the request for a Special Use Permit pursuant to sections 190-118 and 190-119 of the City Code to excavate a 9.1 acre area of mineral reserves located in an I-3 Heavy Industry District on a 15 acre parcel known as the "Murphy Parcel" located at 400 Hinman Road is hereby approved subject to a written agreement with the Applicant with the following conditions including but not limited to:

1. A written letter from the City Engineer stating that he is satisfied that the blasting proposal presented by the Applicant on April 13, 2016 includes adequate provisions and bonding to mitigate the risk to City Raw Waterline resulting from the proposed mining activity.

2. Applicant shall maintain a bond in the amount of \$500,000 in a form that is satisfactory to Corporation Counsel which shall be used exclusively for waterline repairs and any related expenses, in the event of any damage caused during mining activity. Applicant will maintain the \$500,000 bond until mining activity is complete on the said property to protect the City of Lockport in the event that there are multiple failures.
3. Applicant shall not be liable for the repair of any waterline failure in excess of 700 ft north or south of the center point (1,400 ft. total) of the proposed mining site, unless a subsequent investigation by the City deems the failure was caused by blasting activity. The City of Lockport will mark out these limits prior to blasting.
4. Applicant shall be responsible for waterline damage within the above established area commencing on the first day of the first blast on the subject property and terminating 30 days after the last blast. Applicant shall notify the City prior to the first blast and all subsequent blasting activities so the City can monitor its raw waterline.
5. The City of Lockport shall engage a qualified contractor with an adequate inventory of repair parts available prior to the commencement of such work to immediately repair the waterline in the event of a failure.
6. In the event of a failure of the waterline Applicant shall reimburse the City of Lockport for all labor and material incurred by the City or the City's contractor in repairing said waterline.
7. Applicant shall maintain a record of seismic activity while mining the said property and will make such records available to the City upon request. Seismic activity will be monitored by Applicant and blast designs will be reviewed with the City's engineer prior to blasting and modified accordingly to minimize the impact to the raw waterline and as mining activity nears the waterline if needed.
8. In the event of a waterline failure any and all water purchased by the City of Lockport from the Niagara County Water District shall be reimbursed by Applicant. The City of Lockport will bill Applicant for water purchased from the Niagara County Water District until the repair is complete.
9. Applicant agrees to reimburse the City in an amount not to exceed \$50,000 for the replacement of the control valve prior to blasting (excluding labor for installation).
10. The Special Use Permit for 2016 shall require blasting to be a distance of 500 feet from City's raw waterline.
11. The Special Use Permit 2017 shall require blasting to be a distance of 300 feet from the City's raw waterline.

12. The City of Lockport reserves the right to revoke this Special Use Permit in the event two or more breaks occur in the raw water line due to the blasting.
13. The special permit shall go to the Applicant only and shall terminate on the sale or transfer of the property, and further it terminates if the use permitted is abandoned for more than one year, if any of the conditions enumerated herein have changed, and in the discretion of the Common Council make such use unsuitable
14. Extractive operations shall not be conducted closer than 300 feet to the adjacent property.
15. A location map which shows land to be quarried or mined and the location of adjacent properties, roads and natural features shall be filed with the Building Inspector.
16. A plan for the restoration of the land, including anticipated future use of the restored land, the proposed final topography indicated by contour lines of no greater interval than five feet, steps which will be taken to conserve the topsoil, and the location of future roads, drainage courses or other improvements contemplated shall be submitted to the Planning Board for approval prior to the issuance of the permit.
17. Upon approval of the plan, the Building Inspector shall issue a use permit for a period of two years. Application for renewal of the permit shall be made to the Planning Board. The Building Inspector shall extend the permit from year to year if the Planning Board finds that restoration of the landscape is proceeding at a pace commensurate with the earth-removal operations, and be it further

RESOLVED, that the Mayor be and is hereby authorized to enter into a written agreement with the above conditions with Applicant subject to the approval of the Corporation Counsel.

Seconded by Alderman Oates and adopted. Ayes 6.

042016.4

By Alderman Mullane:

Whereas, the City of Lockport received nine Statements of Qualification for Engineering Services on February 5, 2016, and

Whereas, after interviewing the engineering firms, the committee recommended that the City of Lockport enter into an agreement Nussbaumer & Clarke, Inc., 3556 Lake Shore Road, Suite 500, Buffalo, NY in accordance with their submitted proposal, now therefore be it

Resolved, that the Mayor, subject to Corporation Counsel approval, is hereby authorized and directed to enter into a contract with Nussbaumer & Clarke, Inc. for a cost not to exceed the budgeted amount of \$50,000.00, to be charged to account 001-1440-4427.

Seconded by Alderman Devine and adopted. Ayes 6.

042016.5

By Alderman Devine:

WHEREAS, the City of Lockport has received notice from The New York State Department of Environmental Conservation requiring that the City conduct a hydraulic study and analysis on the City’s sewer system in the area of Water Street by June 1, 2016; and

WHEREAS, the Director of Engineering has received a proposal from Nussbaumer & Clarke, Inc. to perform said study and analysis in the estimated amount of \$25,000;

NOW THEREFORE, BE IT

RESOLVED, that the City Council hereby accepts the proposals received from Nussbaumer and Clarke, Inc. and authorizes the Mayor to execute same upon approval by the City Attorney as to form; and BE IT FURTHER

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

Increase:			
Expense	03-8125-4428	Engineering Services	\$25,000
Decrease:			
Expense	03-8125-4571	Operational Supplies	\$25,000

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

042016.6

By Alderman O’Shaughnessy:

Resolved, that the Lockport Business Association is hereby granted permission to use Ida Fritz Park and to barricade West Avenue and Park Avenue at Hawley Street to North Transit Street and Hawley Street between Park Avenue and West Avenue to conduct “A Taste of Lockport” on Sunday, August 14, 2016 from noon to 6:00 p.m., and be it further

Resolved, that the Common Council hereby designates the aforesaid event as a temporary event as defined by Section 53-1 of the City Code (alcoholic beverages) which shall terminate/lapse upon completion of said event, and be it further

Resolved, that said permissions are subject to the Taste of Lockport 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 trash receptacles to the area prior to the event.

Seconded by Alderman Mullane and adopted. Ayes 6.

042016.7

By Alderman Abbott:

WHEREAS, for the past year the Chief Building Inspector had taken on the duties and responsibilities of the Sr. Building Maintenance Supervisor when that position became vacant; and

WHEREAS, the Chief Building Inspector has requested that these duties be removed from his responsibilities due to the time commitment required;

WHEREAS, the City wishes to create a part-time position of Sr. Building Maintenance Supervisor and needs to amend the 2016 Budget accordingly; NOW THEREFORE, BE IT

RESOLVED, that the 2016 Budget is hereby amended to create and include a part-time Sr. Building Maintenance Supervisor; and be it further

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

Increase:			
Expense	01-1620-0100	Personal Services	\$13,000
Decrease:			
Expense	01-1620-0113	Seasonal Help	\$10,000
Expense	01-3620.0122	Stipend	\$ 3,000

Seconded by Alderman Wohleben and adopted. Ayes 6.

042016.8 Authorize Mayor to enter into agreement with LaFarge (Resolution #042016.3)

042016.9

By Alderman Wohleben:

WHEREAS, the City of Lockport has received proposals and qualifications from approximately 14 engineering firms in response to a Request for Qualifications the City let soliciting for qualified project engineering; and

WHEREAS, the Director of Engineering and review committee has reviewed these proposals and determined each of the firms qualified in certain areas of expertise; and

WHEREAS, the City wishes to allow the ability to solicit formal proposals and utilize the most qualified firm for specific projects that arise from time to time; NOW THEREFORE, BE IT

RESOLVED, that the City Council hereby pre-qualifies all firms submitting proposals and qualifications and authorizes the City Engineer to request proposals from any and all of the firms based upon the firms' level of expertise; and BE IT FURTHER

RESOLVED, that the Mayor is authorized to execute an agreement, after review and approval by the City Attorney, with any of these firms for studies and projects that arise from time to time; and BE IT FURTHER

RESOLVED, that said authority is shall be limited to limits imposed by project resolutions or budgetary appropriation.

Seconded by Alderman Oates and adopted. Ayes 6.

042016.9A

By Alderman Devine:

Resolved, that pursuant to the recommendation of the Civil Service Commission, the job specifications for Property and Right of Way Maintenance Worker are hereby approved.

Seconded by Alderman Abbott and adopted. Ayes 6.

042016.10

ADJOURNMENT

At 7:03 P.M. Alderman Wohleben moved the Common Council be adjourned until 6:30 P.M., Wednesday, May 4, 2016.

Seconded by Alderman Devine and adopted. Ayes 6.

RICHELLE J. PASCERI
City Clerk