

**CITY OF LOCKPORT**  
**CORPORATION PROCEEDINGS**

Lockport Municipal Building

Regular Meeting  
Official Record

May 4, 2016  
6:30 P.M.

Acting Mayor David Wohleben called the meeting to order.

**ROLL CALL**

The following Common Council members answered the roll call:

Aldermen Devine, Oates, O'Shaughnessy, and Mullane.

Absent Alderman Abbott

**INVOCATION**

**MAYOR'S UPDATE**

**RECESS**

Recess for public input.

By Alderman Mullane:

Resolved, that the Rules and Orders of the Common Council be and the same are hereby waived for this meeting.

Seconded by Alderman O'Shaughnessy and adopted. Ayes 4.

**050416.1**

**APPROVAL OF MINUTES**

On motion of Alderman Oates, seconded by Alderman Devine, the minutes of the Regular Meeting of April 20, 2016 are hereby approved as printed in the Journal of Proceedings. Ayes 4. Carried.

**FROM THE MAYOR**

**Appointments:**

4/26/16 Larry Eggert, 194 Independence Drive, Lockport, NY – reappointed as a member of the Housing Authority. Said term expires April 26, 2021.  
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)

2/11/16 Richard Clark, Chairman, Navy Marine Club, 37 Park Avenue, Lockport, NY – request permission to conduct a Memorial Day Parade on Sunday, May 29, 2016. Referred to the Committee of the Whole

4/21/16 Gia Coone, Executive Director, Cystic Fibrosis Foundation, 1775 Wehrle Drive, Suite 150, Williamsville, NY – request permission to use the pavilion at Nelson C. Goehle park on Saturday, May 21, 2016 for their Annual Great Strides Walk Event. Referred to the Committee of the Whole

### **Notice of Defect:**

4/7/16 279 Green Street – tree  
4/15/16 350 Hawley Street – trees  
4/25/16 29 Howard Avenue – tree & sidewalk  
4/25/16 367 E Union Street - trees  
4/29/16 24 Roosevelt Drive – trees  
Referred to the Director of Streets and Parks.

## **MOTIONS & RESOLUTIONS**

### **050416.2**

By Alderman Oates:

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 6, 2016 as follows:

General Fund	Account #001	\$ 79,282.98
Water Fund	Account #002	\$ 26,318.42
Sewer Fund	Account #003	\$ 26,484.37
Refuse Fund	Account #012	\$ 109.20
Small Cities	Account #013	\$ 38,000.00
Self Insurance	Account #015	\$ 140,766.71
Worker's Comp	Account #020	\$ 109,614.00
Payroll	Pay Date 4/28/16	\$ 429,967.25

Seconded by Alderman O'Shaughnessy and adopted. Ayes 4.

**050416.3**

By Alderman Devine:

Resolved, that the Mayor and Common Council do hereby extend congratulations and appreciation to the following City employee for his years of dedicated service to the City of Lockport:

<u>Employee</u>	<u>Years of Service</u>	<u>Title</u>
Louis A. Farina	30	Assistant Fire Chief

Seconded by Alderman Mullane and adopted. Ayes 4.

**050416.4**

By Alderman Oates:

Resolved, that pursuant to their request, the Cystic Fibrosis Foundation is hereby granted permission to use the pavilion at Nelson C. Goehle Park for their annual Great Strides Walk Event on Saturday, May 21, 2016.

Seconded by Alderman Devine and adopted. Ayes 4.

**050416.5**

By Alderman Mullane:

Resolved, that pursuant to their request, the Navy Marine Club is hereby granted permission to conduct a Memorial Day Parade in the City of Lockport on Sunday, May 29, 2016 subject to approval of the parade route by the Police Chief. Said parade will form at noon at Veteran’s Park on East Avenue where a brief Memorial Service will be conducted. At approximately 1:00 p.m. the parade units will proceed west on East Avenue/Main Street using the right side of Main Street and terminate at the County Courthouse, and be it further

Resolved, that the Director of Streets and Parks is hereby authorized and directed to arrange for delivery of barricades and no parking signs to keep the right side of Main Street clear where dividers occur, and be it further

Resolved, that the City Clerk is hereby authorized and directed to issue a parade permit for said event, and be it further

Resolved, that the City Clerk is hereby authorized to purchase 12 monument wreaths to be used for Memorial Day ceremonies. Cost of same to be charged to account #001-8510-4379.

Seconded by Alderman Oates and adopted. Ayes 4.

**050416.6**

By Alderman O’Shaughnessy:

WHEREAS, on April 6, 2016, Resolution 040616.8 regarding Refuse and Recycling was tabled by the Common Council, and

WHEREAS, the Common Council desires to remove Resolution 040616.8 from the table for tonight’s meeting. NOW THEREFORE BE IT

RESOLVED that Resolution 040616.8 be and is hereby removed from the table and restored to the May 4, 2016, agenda/meeting.

Seconded by Alderman Mullane and adopted. Ayes 4.

**050416.6a**

By Alderman O’Shaughnessy:

WHEREAS, Alderman O’Shaughnessy desires to amend Resolution 040616.8 and make the requirement to seek bids for refuse and recycling contingent upon the City having not reached an agreement with Modern Disposal Services by June 1, 2016, to extend the contract for an additional five (5) years. NOW THEREFORE BE IT

RESOLVED, that the second Resolve in Resolution 040616.8 be and is hereby amended to read as follows: “that in the event an agreement is not entered into with Modern Disposal Services, Inc. on or before June 1, 2016, the City Engineer with the assistance of Corporation Counsel and subject to the approval of the Common Council is hereby directed to prepare a Request for Proposals (RFP) in accordance with General Municipal Law, Sections 120-w or 103 for solid waste collection, hauling and disposal, and recycling materials collection and processing, plus any other specialized services needed by or within the City of Lockport.”

Seconded by Alderman Mullane and adopted. Ayes 4.

**050116.6b**

By Alderman Devine:

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

Seconded by Alderman O’Shaughnessy and adopted. Ayes 4.

**050416.6c**

By Alderman O’Shaughnessy:

**WHEREAS**, the City of Lockport Common Council adopted Local Law No. 4 (Refuse & Recyclables) on August 17<sup>th</sup>, 2011 superseding former Chapter 113 (Garbage, Rubbish and Refuse) of the City of Lockport Code adopted May 2<sup>nd</sup>, 1992, and

**WHEREAS** Local Law No. 4 of 2011 was amended in its entirety on August 1<sup>st</sup>, 2012 by Local Law No. 2 of 2012 known as “Refuse & Recycling Code”, and

**WHEREAS** the purpose of said local law (Refuse & Recycling Code) is to provide protection of the public health, safety and general welfare of the people of the City of Lockport by establishing rules and regulations governing residential, commercial, institutional and industrial refuse and recycling, licensure, collection and management in the City of Lockport, and

**WHEREAS** said local law (Refuse & Recycling Code) authorized an advance of funds from the city’s 2011 “General Fund” to a “Special Revenue Fund – Recycling and Refuse” for the purposes of funding the costs incurred by the City of Lockport for the collection and disposal of refuse, including recycling, and

**WHEREAS** said local law (Refuse & Recycling Code) required repayment to the City’s General Fund” from the “Special Revenue Fund – Recycling & Refuse” all sums advanced for the collection and disposal of refuse, including recycling, before the end of fiscal year 2011, and

**WHEREAS** upon information and belief said advance sums to the “Special Revenue Fund – Recycling” have not been fully repaid to the City’s “General Fund”, and

**WHEREAS** said local law (Refuse & Recycling Code) states the Director of Refuse and Recycling is the City Clerk or a designee of the Mayor; both potential political appointees, and

**WHEREAS** the City of Lockport entered into an agreement for solid waste collection, hauling, disposal and recycling with Modern Disposal Services, Inc. (with offices at 4746 Model

City Road, Model City, NY 14107) commencing on October 10, 2011 and terminating on September 30, 2016, and

**WHEREAS**, Section 3 of the above agreement states that “The term of this Agreement may be extended by written agreement, signed by both parties, for an additional five (5) year period. Notification must be given by the City to Modern in writing on or before ninety (90) days prior to the extension period, and

**WHEREAS**, the City of Lockport must determine not less than ninety days prior to September 30, 2016, (July 1, 2016) whether it desires to extend the present agreement with Modern, and

**WHEREAS** said agreement with Modern Disposal Services Inc. states, among other things, it will submit monthly invoices to the City of Lockport for services performed in the preceding month and that the City shall pay Modern the full amount for each invoice within 30 days, and

**WHEREAS** said agreement has burdened the City with significant administrative costs associated with billing, payment processing, collection and/or re-levy for non-payment from all residential, commercial, institutional and industrial units within the City of Lockport sometimes requiring subsidy by city taxpayers. **NOW THEREFORE BE IT:**

**RESOLVED**, the Common Council hereby requests the Mayor to request the Director of Finance to provide the Common Council with an audit of all revenues collected or credited on behalf of the “Special Revenue Fund – Recycling & Refuse” and all expenses or transfers from said fund for the years 2011- 2015 no later than June 1<sup>st</sup>, 2016, and be it further

**RESOLVED**, that in the event an agreement is not entered into with Modern Disposal Services, Inc. on or before June 1, 2016, the City Engineer with the assistance of Corporation Counsel and subject to the approval of the Common Council is hereby directed to prepare a Request for Proposals (RFP) in accordance with General Municipal Law, Sections 120-w or 103 for solid waste collection, hauling and disposal, and recycling materials collection and processing, plus any other specialized services needed by or within the City of Lockport, and be it further

**RESOLVED** that upon receipt of said Request for Proposals (RFP) the City Clerk is authorized and directed to advertise the same no later than June 1, 2016, and be it further

**RESOLVED**, that said Request for Proposals (RFP) shall include as an alternative the elimination of the City’s billing and collection obligation related to said refuse and recycling, and be it further

**RESOLVED** that the Corporation Council be and is hereby directed to prepare a Local Law amending section 155-1 (c) of the City Code replacing the words “The “City Clerk or the Mayor’s designee” with the words “ The Deputy Treasurer or the Mayor’s designee” as the Director of Refuse and Recycling

**RESOLVED**, the Common Council hereby creates a “Citizen’s Refuse & Recycling Advisory Board” to replace and supersede any prior ad-hoc committee on refuse and recycling. Said Board to be charged with the mission to investigate and advise the Common Council on all matters relating to management of the City’s residential, commercial and institutional refuse and recycling programs including hazardous or infectious waste collection and transportation. Said Advisory Board to consist of the sitting Alderman At Large plus four (4) citizen members with specialized interest, experience or expertise in solid waste and recycling programs. Said Board to meet minimally each quarter and report its deliberations and work to the Common Council and Mayor.

Seconded by Alderman Mullane and adopted. Ayes 4.

**050416.7**

By Alderman Devine:

Resolved, that pursuant to their request, Lockport Main Street, Inc. is hereby granted permission to have a Community Market on Canal Street each Saturday beginning June 18th and running through October 8th, 2016, and be it 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 O'Shaughnessy and adopted. Ayes 4.

**050416.8**

By Alderman Devine:

Resolved, that resolution # 030216.4 adopted by the Common Council at their March 2, 2016 meeting, regarding the Correlator for Leak Detection bid, be and the same is hereby rescinded.

Seconded by Alderman O'Shaughnessy and adopted. Ayes 4.

**050416.9**

By Alderman Oates:

Resolved, that pursuant to his request, Pete Robinson DBA Winter Wonderland Project is hereby granted permission to conduct the "Winter Wonderland Project" along Market Street between Exchange Street Bridge and Cold Springs Bridge on daily, from 4:00 pm until 10:00 pm beginning November 30, 2016 through December 31, 2016, and be it further

Resolved that said permission includes the following:

1. Allow on street parking along Market Street during event times.
2. Use of the restroom facilities at Wide Waters Marina,
3. Allow decorative lights to be hung on city owned property along the canal.

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 refuse containers to said area prior to said event, and be it further

Resolved, that said permission is subject to the Winter Wonderland Project filing a certificate of insurance with the City Clerk naming the City of Lockport as additional insured.

Seconded by Alderman Mullane and adopted. Ayes 4.

**050416.10**

By Alderman Oates:

Resolved, that the Corporation Counsel is hereby authorized and directed to prepare a Local Law relative to a proposed amendment to Chapter 158 Streets and Sidewalks, Article I, § 158-21 Removal of brush, grass and weeds; penalty, and be it further

Resolved, that a public hearing be held at the Common Council meeting of May 18, 2016 starting at 6:30 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 Devine and adopted. Ayes 4.

**050416.10A**

By Alderman Devine:

Whereas, the City of Lockport is contemplating separating the existing combined sewer on High St. between State Rd. and Locust St. into distinct sanitary and storm sewers; and

Whereas, the proposed project will include installation of approximately 5,000 linear feet of new sewers and appurtenances within existing City Right-of-Ways; and

Whereas, in accordance with the New York State Environmental Quality Review regulations (SEQR), the City of Lockport intends to serve as Lead Agency for the proposed action; and

Whereas, the City of Lockport has determined that the proposed action is a Type II action pursuant to NYCRR 617.5 (c)(1) as defined under SEQR; and

Whereas, although not required for Type II actions, the City of Lockport, has caused to be prepared a Short Environmental Assessment Form to consider the significance of and potential environmental impact of the action described above; and

Whereas, the City of Lockport has considered Parts 1, 2 and 3 of the Short Environmental Assessment Form prepared for this action, now therefore be it

Resolved, that the City of Lockport declares that it will serve as Lead Agency for the High St. Sewer Separation Project; and be it further

Resolved, that the City of Lockport declares that, based on the Short Environmental Assessment Form which has been prepared, the project will not result in any significant adverse environmental impacts and, therefore, a Negative Declaration under SEQR is issued for this project.

Seconded by Alderman Mullane and adopted. Ayes 4.

**050416.10B**

By Alderman Mullane:

Resolved, that pursuant to their request, the Kenan Center is hereby granted permission to use the artwork from the Common Council Chambers for their “MetaCorporate: Art from Industry” art exhibit from May 15, 2016 until June 26, 2016, and be it further

Resolved, that said permission is subject to the Kenan Center filing a certificate of insurance with the City Clerk naming the City of Lockport as additional insured, and be it further

Resolved, that the City Clerk is hereby authorized and directed to make arrangements for delivery of said artwork.

Seconded by Alderman Oates and adopted. Ayes 4.

**050416.11**

**ADJOURNMENT**

At 7:10 P.M. Alderman Oates moved the Common Council be adjourned until 6:30 P.M., Wednesday, May 18, 2016.

Seconded by Alderman Devine and adopted. Ayes 4.

State of New York

City of Lockport

Office of the City Clerk

I, Richelle J. Pasceri, City Clerk of said City, do hereby certify that I have compared the foregoing copy with the original proceedings of the Common Council of said City of Lockport, New York, now remaining on file and of record in this office; and that the same is a correct transcript therefrom and of the whole of said original.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of said City,  
this 10<sup>th</sup> day of May, 2016.

RICHELLE J. PASCERI, City Clerk

City of Lockport