

CITY OF LOCKPORT
CORPORATION PROCEEDINGS

Lockport Municipal Building

Regular Meeting
Official Record

May 18, 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

TREASURER'S REPORT

RECESS

Recess for public input.

051816.1

APPROVAL OF MINUTES

On motion of Alderman Wohleben, seconded by Alderman Devine, the minutes of the Regular Meeting of May 4, 2016 are hereby approved as printed in the Journal of Proceedings. Ayes 6. Carried.

PUBLIC HEARING

The Mayor announced a public hearing on A LOCAL LAW to amend Section 158 of the Lockport City Code respecting the removal of brush, grass and weeds.

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.

FROM THE MAYOR

Appointments:

5/9/16 Aaron E. Schifferle, 1 Woodlawn Avenue, Lockport, NY – appointed as Deputy City Treasurer effective May 9, 2016. Said appointment is provisional and subject to the City of Lockport Municipal Civil Service Rules and Regulations.

Received and filed.

5/11/16 Tracy Farrell, 55 Lakeview Parkway, Lockport, NY – appointed as Assessor effective May 13, 2016. 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)

4/25/16 Michael Corso, New York State Department of Public Service, Office of Consumer Services – Notification of informational sessions and public statement hearings regarding a Clean Energy Standard program. Referred to the Committee of the Whole

5/9/16 Kara Donovan, Aging and Disabilities Services Coordinator, Niagara County Office for the Aging – request permission to install signs in the City's right-of-way to raise awareness of elder abuse. Referred to the Committee of the Whole

5/10/16 All Saints Parish, 76 Church Street, Lockport, NY – request permission to conduct their annual chicken Bar-B-Q on June 30, 2016. Referred to the Committee of the Whole

5/18/16 Richelle J. Pasceri, City Clerk – notification that the Lockport Municipal Offices will be closed on Monday, May 30, 2016 in observance of Memorial Day. For the entire week of May 30th, garbage will be collected on the day following regularly scheduled collection. Referred to the Media.

Notice of Defect:

5/3/16 132 Vine Street – tree

5/3/16 3 McCue Avenue - tree

5/4/16 131 Church Street, 581 Pine Street, 69 Chapel Street, 156 Vine Street – trees

5/5/16 43 Webb Street – tree

5/5/16 198 Ontario Street – tree

5/10/16 360 Hawley Street – tree

5/13/16 60 Grant Street – tree

5/13/16 67 Scovell Street – trees

Referred to the Director of Streets and Parks.

MOTIONS & RESOLUTIONS

051816.2

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 20, 2016 as follows:

General Fund	Account #001	\$ 67,731.20
Water Fund	Account #002	\$ 37,556.28
Sewer Fund	Account #003	\$ 23,888.69
Capital Projects	Account #004	\$ 2,539.34
Refuse Fund	Account #012	\$ 89,376.55
Small Cities	Account #013	\$ 19,000.00
Self Insurance	Account #015	\$ 79,156.00
Payroll	Pay Date 5/12/16	\$ 444,482.74

Seconded by Alderman Oates and adopted. Ayes 6.

051816.3

By Alderman Oates:

Resolved, that pursuant to their request, the Niagara County office for the Aging is hereby granted permission to install signage in various City right of ways throughout the month of June to raise awareness of elder abuse.

Seconded by Alderman Mullane and adopted. Ayes 6.

051816.4

By Alderman Oates:

Whereas, the Director of Engineering has informed the Mayor that the roofs of the following municipal facilities are in need of repair: North Shelter at Outwater Park, Softball Field Restroom Building at Outwater Park, Gazebo and Restroom Building at Dolan park, Restroom Building at Dudley Square Park, and Restroom Building at Williams Street, and

Whereas, the Engineering Department has requested quotes from qualified contractors to bid for the roof repairs at said municipal facilities, and

Whereas, the lowest responsible bid was submitted by Granzow Construction, 4542 Main Street, Gasport, NY to replace existing damaged roofs with lifetime standing seam metal roof, including new gutters, installing all trims, and matching appurtenances for a cost of \$54,762.81, now therefore be it

Resolved, that the Mayor, subject to Corporation Counsel approval, is hereby authorized and directed enter into contract with Granzow Construction, 4542 Main Street, Gasport, NY, for an amount of \$54,762.81 to be charged to Municipal Building Roof Repair account #004.0004.0520.4112.

Seconded by Alderman Devine and adopted. Ayes 6.

051816.5

By Alderman Oates:

Resolved, that pursuant to their request, permission is hereby granted All Saints Parish to barricade Church Alley between Church and Lock Streets on Thursday, June 30, 2016, for a fundraising event, 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 Wohelben and adopted. Ayes 6.

051816.6

By Alderman Wohleben:

WHEREAS, on September 8, 2011, the City of Lockport entered into a Municipal Solid Waste Collection, Hauling , Disposal and Recycling Agreement with Modern Disposal Services, Inc., and

WHEREAS, the term of the Agreement was for a period of five (5) years until September 30, 2016, and

WHEREAS, the Agreement provided that the term of the Agreement may be extended by written agreement, signed by both parties, for an additional five (5) year period with notification given by the City to Modern in writing on or before ninety (90) days prior to the extension period, and

WHEREAS, the City and Modern wish to extend the term of the September 8, 2011, Agreement.

NOW THEREFORE BE IT

RESOLVED that the Mayor be and is hereby authorized and directed to enter into an Extension Agreement with Modern Disposal Services, Inc. as follows:

1. The City and Modern shall extend the term of the September 8, 2011 Agreement until September 30, 2021.
2. The costs for services during the extension term are outlined on the "Contract Annual Extension Rates 5-18-16" attached hereto and made a part hereof).
- 3 The cost outlined on the "Contract Annual Extension Rates 5-18-16" for extension years 6, 7, 8, 9 and 10 shall remain in full force and effect except that certain items of the "Contract Annual Extension Rates 5-18-16" have fixed increases and have been indexed in a manner consistent with the original contract term. Other items will be subject to increase and indexed in a manner consistent with the original contract term as determined by Consumer Price Index (CPI) for all urban consumers (all items) as published by the U.S. Department of Labor, Bureau of Labor Statistics, for the Northeast regional area. The adjustment will be equal to the net percentage of change over the recent twelve (12) months for which the index figures are available as of November 1 of the preceding year.
4. That, except for the terms contained in the Extension Agreement, all other terms and conditions of the Agreement signed and dated September 8, 2011 shall remain in full force and effect.

Seconded by Alderman Oates and adopted. Ayes 6.

051816.7

By Alderman Devine:

Resolved, that pursuant to her request, Ellen Martin be and the same is hereby given permission to use the Pine and Main Street Parking Lots on Friday July 15th through Sunday July 17th to conduct the Sweet Chalk Festival, and be it further

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

Seconded by Alderman Oates and adopted. Ayes 6.

051816.8

By Alderman Wohleben:

Resolved, that the Mayor, subject to Corporation Counsel approval, be and the same is hereby authorized and directed to execute a contract with Municipal Solutions, Inc. for bond issuance.

Seconded by Alderman Devine and adopted. Ayes 6.

051816.9

By Alderman Oates:

Resolved, that the Mayor, subject to Corporation Counsel approval, be and the same is hereby authorized and directed to execute a contract with Donegal Construction Corporation, 1235 Marguerite Lake Road, Greensburg, PA 15601 for Milling of Roads to be charged to the CHIP's fund.

Seconded by Alderman Wohleben 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 O'Shaughnessy and adopted. Ayes 6.

051816.10

By Alderman Devine:

City of Lockport

Local Law No. 2 of the year 2016

A LOCAL LAW to amend Section 158 of the Lockport City Code respecting the removal of brush, grass and weeds.

BE IT ENACTED by the Common Council of the City of Lockport, New York as follows: Section 158-21 the Lockport City Code, as amended, is hereby further amended by deleting the same in its entirety and substituting therefor a new Section 158-21 to read as follows:

§ 158-21. Removal of brush, grass and weeds; penalty.
[Amended 8-3-1989; 6-19-1991]

A. Cutback requirements.

(1) Every person in charge or control of any building or lot of land within the City of Lockport, New York, whether as owner, tenant, occupant, lessee or otherwise, shall cut and remove any growth of weeds, grass or other rank vegetation or brush growing on any occupied or unoccupied lot of land or any part thereof located in the City of Lockport, New York, in accordance with Subsection **A(2)** of this section.

(2) Any tract or parcel of land containing one acre or less shall be cut in its entirety to a length of six inches or less. Any contiguous tracts or parcels of land having at least one common owner, which contiguous tracts or parcels of land contain more than one acre in combined area, and any tract or parcel of land containing more than one acre shall be cut back a distance of 20 feet from the curb or boundary line of each adjacent public street and/or property lines to a length of six inches or less.

B. Poisonous plants. It shall be unlawful for any such person or persons to cause, suffer or allow poison ivy, ragweed or other poisonous plant or plants detrimental to health to grow on the part of any such lot or land required to be cut in accordance with Subsection **A(2)** of this section or to allow the seed, pollen or other particles or emanations therefrom to be carried throughout the air into any public place.

C. Notice. The Code Enforcement Officer/Chief Building Inspector is hereby authorized and empowered to notify, by regular mail and by affixing to the front door, the owner, agent, tenant, lessee or occupant of any open or vacant private property within the City or the agent of such owner, agent, lessee, tenant or other occupant to properly cut and remove any growth of weeds, grass or other rank vegetation or brush growth located on such owner's, tenant's, lessee's or occupant's property which is dangerous to public health, safety or welfare or otherwise not in conformity with this Section after making an inspection thereof. Such notice shall be in writing and be in substantially the following form:

"TO THE OWNER AND OCCUPANTS OF PROPERTY IN THE CITY OF LOCKPORT"

"Please take notice that you are hereby required to cut and remove all grass, weeds and other rank, poisonous, harmful vegetation on the property owned or occupied by you and to comply with the ordinance of the City of Lockport relative to the removal of grass, weeds, etc. In the event of your failure to remove such grass, weeds, etc., the Code Enforcement Officer/Chief Building Inspector or his duly-designated representative may cause such weeds and grass and other vegetation on your property to be cut and removed, and the cost thereof shall thereupon become and be a charge and lien upon your property and shall be collected the same as other taxes upon your property. If you wish to object to this determination, such objection must be received in writing to the Code Enforcement Officer/Chief Building Inspector within five days of the date of this notice."

D. Failure to comply with notice.

(1) Upon failure, neglect or refusal of any owner, agent, tenant, lessee or occupant, or agent thereof so notified to properly dispose of litter or remove weeds, grass, or other rank vegetation or brush or to object in writing to the Building Department

within five days from the date of notice provided for in § 158-21(C) above, the Building Inspector shall authorize and direct the appropriate City office, department, or designee to proceed to cut and remove such weeds, grass, or other rank vegetation or brush. In the event that the owner, agent, tenant, lessee, or occupant or agent shall object in writing within five days to the Code Enforcement Officer/Building Inspector, the matter shall be referred to the Zoning Board of Appeals, which shall review the determination within 30 days from the date of receipt of any written objection. The determination of the Zoning Board of Appeals shall be final.

- (2) The actual cost of such cutting and removing, plus \$150.00 for inspection and other additional costs in connection therewith, shall be billed to the property owner, a copy of which shall be forward to the City Treasurer, by the Code Enforcement Officer/Chief Building Inspector or his duly-designated representative. Thirty days after the billing date, all unpaid charges will become and be a lien upon the property on which said weeds, grass and other vegetation were located and shall be added to and become and form a part of the taxes next to be assessed and levied upon such lot or land and shall bear interest at the same rate as taxes and shall be collected and enforced by the same officer and in the same manner as taxes levied and assessed against such property, or the same may be collected by suit against the owner or owners in the name of the City.

E. Person. The word “person” as used in this section, shall mean and include one or more natural persons, corporations, partnerships, associations, joint-stock companies, societies and all other entities of any kind capable of being sued.

Seconded by Alderman Oates. A roll call vote was taken which resolute as follows:

Alderman Abbott	VOTING	YES
Alderman Devine	VOTING	YES
Alderman Mullane	VOTING	YES
Alderman Oates	VOTING	YES
Alderman O’Shaughnessy	VOTING	YES
Alderman Wohleben	VOTING	YES

The local law was thereupon declared duly adopted.

051816.11

By Alderman O’Shaughnessy:

Resolved, that the Mayor, subject to Corporation Counsel approval, be and the same is hereby authorized and directed to execute a contract with Niagara County Custom Landscaping, 5764 Wilson-Burt Road, Burt, NY for cutting grass on privately owned parcels.

Seconded by Alderman Abbott and adopted. Ayes 6.

051816.12

By Alderman Oates:

Resolved, that pursuant to the request of GLDC / Iskalo Development, property owner of 57 Canal Street, permission is hereby granted to install and maintain canopies and exterior lighting in the City’s right-of-way at 57 Canal Street subject to the following provisions:

that upon motion of the Common Council, duly adopted by a majority vote only, and thirty days notice from the City Clerk, the canopies and lighting must be removed,

filing a certificate of insurance with the City Clerk naming the City of Lockport as additional insured, leaving the City free and clear of all liability in connection therewith,

payment of the revocable permit fee of \$100.00 renewable annually.

Seconded by Alderman Mullane and adopted. Ayes 6.

051816.13

By Alderman Oates:

Resolved, that the 2016 Marina Slip Rates are as follows:

- No Electric or Water \$ 8.00 per foot
- No Electric with Water \$10.00 per foot
- Electric and Water \$ 15.00 per foot
- Daily (Transient) \$.25 per foot

Seconded by Alderman Devine and adopted. Ayes 6.

051816.14 Withdrawn (Authorize Mayor to enter into agreement with Rampage Football for use of Exchange field for their 2016 season.)

051816.15

By Alderman O’Shaughnessy:

Resolved, that the City Clerk is hereby authorized and directed to forward a communication to the Lockport City School District requesting permission to conduct the fireworks display at North Park Middle School, and be it further

Resolved, that the fireworks display shall be conducted on Monday, July 4, 2016, with rain date being Tuesday, July 5, 2016.

Seconded by Alderman Devine and adopted. Ayes 6.

051816.16

By Alderman O’Shaughnessy:

Resolved, that the Youth Board is hereby granted permission to conduct an Independence Day Parade on Sunday, July 3, 2016, commencing at 6:00PM at Lockport High School, north on Locust Street to Ulrich City Centre, subject to the approval of the Parade route by the Police Chief and issuance of a parade permit by the City Clerk.

Seconded by Alderman Mullane and adopted. Ayes 6.

051816.16A

By Alderman Oates:

Resolved, that pursuant to their request, Lockport AnJo Summer Baseball is hereby granted permission to use the baseball diamonds at Kibler Park for their 2016 summer season, subject to the approval of the schedule by the Highways & Parks Department, and be it further

Resolved, that said permission is subject to Lockport AnJo Summer Baseball filing a certificate of insurance with the City Clerk naming the City of Lockport as additional insured.

Seconded by Alderman Wohleben and adopted. Ayes 6.

051816.16B

By Alderman Devine:

Resolved, that pursuant to their request, Harrington’s Service is hereby granted permission to use the baseball diamonds at Outwater Park for softball games from May 20, 2016 until September 20, 2016, subject to the approval of the schedule by the Highways & Parks Department, and be it further

Resolved, that said permission is subject to Harrington’s Service filing a certificate of insurance with the City Clerk naming the City of Lockport as additional insured.

Seconded by Alderman Oates and adopted. Ayes 6.

051816.17

ADJOURNMENT

At 7:30 P.M. Alderman Wohleben moved the Common Council be adjourned until 6:30 P.M., Wednesday, June 1, 2016.

Seconded by Alderman Devine and adopted. Ayes 6.

RICHELLE J. PASCERI
City Clerk