

CITY OF LOCKPORT
CORPORATION PROCEEDINGS

Lockport Municipal Building

Regular Meeting
Official Record

June 7, 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, Mullane, and Wohleben.

Absent: Alderman O'Shaughnessy

INVOCATION

MAYOR'S UPDATE

RECESS

Recess for public input.

060717.1

APPROVAL OF MINUTES

On motion of Alderman Wohleben, seconded by Alderman Abbott, the minutes of the Regular Meeting of May 17, 2017 are hereby approved as printed in the Journal of Proceedings. Ayes 5. Carried.

FROM THE MAYOR

Appointments:

5/23/17 Amanda Farrell, 50 Independence Drive, Lockport, NY – appointed as a Commissioner of Deeds. Said term expires December 31, 2018.
Received and filed

6/2/17 Gary Strenkowski, 2453 Jagow Road, Niagara Falls, NY – appointed as a Commissioner of Deeds. Said term expires December 31, 2017.
Received and filed

6/6/17 Lawrence Eggert, 194 Independence Drive, Lockport, NY – appointed as a Commissioner of Deeds. Said term expires December 31, 2017.
Received and filed

6/6/17 Rikki Cason, 21 Charlotte Street, Lockport, NY – appointed as a Commissioner of Deeds. Said term expires December 31, 2017.
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)

5/25/17 Vanessa Bates-Mixson, Community Health Center of Buffalo, Inc. – request permission to conduct a healthcare event on August 16, 2017.
Referred to the Committee of the Whole

Notice of Defect:

5/12/17 8 South Street – tree
5/15/17 95 Park Lane Circle – tree
5/19/17 156/162 Spalding Street – tree
5/22/17 305-327 High Street – tree stump
5/24/17 Intersection of Roosevelt Dr. & Virginia Ct. – potholes
5/26/17 56 Cleveland Place – trees
5/26/17 271 W. Caledonia Street – trees
5/31/17 480 Hawley Street – tree
Referred to the Director of Streets and Parks.

Notice of Claim:

5/16/17 Richard P. Maignet, 4410 Day Road, Lockport, NY
5/16/17 Matthew & Katie Little, 451 Davison Road, #10, Lockport, NY
5/31/17 Michael P. Barrett, 91 Trowbridge Street, Lockport, NY
Referred to the Corporation Counsel.

MOTIONS & RESOLUTIONS

060717.2

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 June 9, 2017 as follows:

General Fund	Account #001	\$ 104,132.91
Water Fund	Account #002	\$ 26,018.04
Sewer Fund	Account #003	\$ 15,012.88
Capital Projects	Account #004	\$ 89,804.29
Refuse Fund	Account #012	\$ 75.00
Self Insurance	Account #015	\$ 7,271.99
Payroll	Pay Date 5/25/17	\$ 457,895.84

Seconded by Alderman Devine and adopted. Ayes 5.

060717.3

By Alderman Abbott:

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

<u>Employee</u>	<u>Years of Service</u>	<u>Title</u>
Wilmer King Jr.	40	Municipal Worker
Benjamin L. LeSold	20	Fire Lieutenant
Chad E. Ruchala	20	Firefighter

Seconded by Alderman Mullane and adopted. Ayes 5.

060717.4

By Alderman Oates:

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 Tuesday, July 4, 2017, with rain date being Wednesday, July 5, 2017.

Seconded by Alderman Mullane and adopted. Ayes 5.

060717.5

By Alderman Wohleben:

Resolved, that the Youth Board is hereby granted permission to conduct an Independence Day Parade on Monday, July 3, 2017, 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 Abbott and adopted. Ayes 5.

060717.6

By Alderman Abbott:

Resolved that the Common Council hereby amends their governing rules and orders to reflect summer meeting hours as follows:

COTW Work session – 4:30pm on Wednesdays for the remainder of June, and during the months of July and August through August.

Common Council to be held at 5:30 pm for the remainder of June, and during the months of July and August

Summer Recess – no COTW Work Session August 23rd and August 30th

Seconded by Alderman Mullane and adopted. Ayes 5.

060717.7

By Alderman Oates:

Resolved, that pursuant to their request, Soccer Shots Buffalo is hereby granted permission to conduct a Summer Soccer Program at Altro Park beginning July 6, 2017 through November 4, 2017, subject to Soccer Shots Buffalo filing a certificate of insurance with the City Clerk naming the City of Lockport as additional insured.

Seconded by Alderman Abbott and adopted. Ayes 5.

060717.8

By Alderman Wohleben:

Resolved, that pursuant to their request, permission is hereby granted to Lockport Main Street to barricade Pine Street between Main Street to Caledonia Street on July 8, 2017 for the Erie Canal Bicentennial Celebration Concert and fireworks, 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 Devine and adopted. Ayes 5.

060717.9

By Alderman Abbott:

Resolved, that the Mayor and Common Council do hereby extend condolences to the family of Henry B. Newman, a retired City of Lockport Police Chief who recently passed away.

Seconded by Alderman Mullane and adopted. Ayes 5.

060717.10

By Alderman Wohleben:

WHEREAS, the City of Lockport was awarded two grants from the State of New York in 2007 for in the amounts of \$20,000 and \$10,000 for improvements at Outwater Park and the Community Pool respectively, and

WHEREAS, the grants have not yet been acted upon and neither the expense nor revenue has been budgeted necessitating a budget amendment;

NOW THEREFORE, BE IT

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

Increase:

Revenue	001.0001.3089	Other State Revenue	\$30,000
Expense	001.7110.4375	Grant Expense	\$20,000
Expense	001.7180.4375	Grant Expense	\$10,000

Seconded by Alderman Abbott and adopted. Ayes 5.

060717.11

By Alderman Oates:

Whereas, recent heavy rain events have caused erosion at the north side of Market Street and a retaining wall located at 210 Market Street collapsed as a result of hydraulic pressure, and

Whereas, the City's consultant engineering firm, Nussbaumer and Clarke Inc., has performed an evaluation of the damage and issued a memo, dated May 25, 2017, in which a geotechnical investigation is recommended to determine engineering parameters for proposing alternatives to remediate the damage on the north shoulder of Market Street , and

Whereas, the Engineering Department has received a proposal for Sub-Surface Exploration and Geotechnical Evaluation for Proposed Remediation of Failed Retaining Wall on Market Street, from Empire Geo Services, Inc., dated May 30, 2017, for an estimated cost of \$5,950, and be it further

Resolved, that the Mayor, subject to Corporation Counsel approval, is hereby authorized and directed enter into contract with Empire Geo Services, Inc., 5167 South Park Avenue, Hamburg, NY 14075, for an amount of \$5,950.00 to complete said geotechnical evaluation at Market Street and to be charged to Account # 001.1440.4427.

Seconded by Alderman Devine and adopted. Ayes 5.

060717.12 WITHDRAWN (Adopt Water/Sewer Adjustment Policy)

060717.13

By Alderman Wohleben:

Resolved, that pursuant to their request, permission is hereby granted to the Community Health Center of Buffalo to barricade Heritage Way on August 16, 2017 for a healthcare 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 said area prior to said event.

Seconded by Alderman Devine and adopted. Ayes 5.

060717.14

By Alderman Oates:

Resolved, that pursuant to their request, AnJo Baseball is hereby granted permission to use the baseball field at Outwater Park for their 2017 Baseball Tournaments subject to approval of the schedule by Highways & Parks Department and AnJo Baseball filing a certificate of insurance with the City Clerk naming the City of Lockport as additional insured.

Seconded by Alderman Devine and adopted. Ayes 5.

060717.15

By Alderman Oates:

Resolved, that pursuant to their request, permission is hereby granted to Tri-City Aces to use the baseball field at Outwater Park for baseball games on July 23rd and 27th, 2017, and when available. Said permission is subject to approval of the schedule by Highways & Parks Department and Tri-City Aces filing a certificate of insurance with the City Clerk naming the City of Lockport as additional insured.

Seconded by Alderman Devine and adopted. Ayes 5.

060717.16

By Alderman Oates:

Resolved, that pursuant to their request, permission is hereby granted to the Moose Club to barricade Water Street on August 13, 2017 for a community picnic, 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 said area prior to said event.

Seconded by Alderman Abbott and adopted. Ayes 5.

060717.17

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 24, 2017, 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 and picnic tables to the area prior to said event.

Seconded by Alderman Abbott and adopted. Ayes 5.

060717.17A

By Alderman Oates:

WHEREAS, the City of Lockport is in need of a street tree inventory in order to better manage its maintenance and better position itself to receive grants for replacement, and

WHEREAS, the City wishes to utilize an intern position within the City Engineer's department to conduct this inventory; and

WHEREAS, the 2017 General Fund Budget did not anticipate this expense necessitating the use of contingency funds;

NOW THEREFORE, BE IT

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

Increase:

Expense	001.1440.0113	Personnel, Seasonal	\$5,000
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Decrease:

Expense	01-1900-1990	Contingency	\$5,000
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Seconded by Alderman Mullane and adopted. Ayes 5.

060717.17B

By Alderman Devine:

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 5.

060717.17C

By Alderman Devine:

WHEREAS, the City of Lockport is planning to apply for a Clean Water Grant for sewer improvements along Water Street; 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 an Unlisted action as defined under SEQR; and

WHEREAS, the City of Lockport, has caused to be prepared a Full 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 Full Environmental Assessment Form prepared for this action. NOW THEREFORE BE IT

RESOLVED, The City of Lockport declares that it will serve as Lead Agency for the sewer improvements along Water Street; and, The City of Lockport declares that, based on the Full Environmental Assessment Form which has been prepared, the project will result in no significant adverse environmental impacts and, therefore, a Negative Declaration under SEQR is issued for this project.

Seconded by Alderman Oates and adopted. Ayes 5.

060717.17D

By Alderman Devine:

WHEREAS, the City of Lockport (City) previously authorized an evaluation of the Water Street Sewer to identify opportunities to mitigate surcharging in that sewer and has received an Engineering Report recommending various improvements with a cost estimate of \$2.3 million; and

WHEREAS the New York State Water Infrastructure Improvement Act (WIIA) of 2017 authorizes the New York State Environmental Facilities Corporation (NYSEFC) to provide grants to eligible Municipal Clean Water (sewer) Projects on a competitive basis; and

WHEREAS, if awarded, the grant will fund up to 25% of eligible project costs with the balance to be funded by the Clean Water State Revolving Fund (CWSRF); and

WHEREAS, Nussbaumer & Clarke, Inc. has been authorized to prepare a competitive 2017 Clean Water Grant and CWSRF Application for the Water Street Sewer Improvement Project which is due to NYSEFC by June 23, 2017; and
NOW, THEREFORE, BE IT

RESOLVED that the Mayor, subject to Corporation Counsel approval, is directed to apply for the Clean Water Grant, authorized to sign the Grant and CWSRF applications and supporting documents, and if awarded, to execute a Grant Agreement with the NYS Environmental Facilities Corporation and any and all other contracts, documents and instruments necessary to bring about the Project and to fulfill the City of Lockport's obligations under the Clean Water Grant Agreement.

Seconded by Alderman Oates and adopted. Ayes 5.

060717.17E

By Alderman Mullane:

WHEREAS, the Erie Canal is celebrating its 200 anniversary on July 8, 2017 to be memorialized, in part, by a fireworks show sponsored and funded by the Downtown Business Association and,

WHEREAS, the City also sponsors a fireworks display on July 4th, Independence Day, each year, and

WHEREAS, the City wishes to enter into an agreement with a fireworks contractor to provide these displays;

NOW THEREFORE, BE IT

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

Increase:

Revenue	001.0001.2770	Miscellaneous	\$7,500
Expense	001.8510.4301	Fireworks	\$7,500

And Be It Further,

RESOLVED, that the Mayor is hereby authorized and directed to execute and agreement with Young Explosives, Inc. for the provision of fireworks displays for July 4, 2017 and July 8, 2017, with a right of the City to renew for two additional years, subject to review and approval by the City Attorney.

Seconded by Alderman Devine and adopted. Ayes 5.

060717.17F

By Alderman Oates:

WHEREAS, a motorist hit and destroyed the City's gazebo on Market Street and,

WHEREAS, the City wishes to replace the structure and needs to amend the budget accordingly;

NOW THEREFORE, BE IT

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

Increase:

Revenue	001.0001.2690	Insurance Recovery	\$5,431
Expense	001.5110.4706	Building Repair	\$5,431

Seconded by Alderman Abbott and adopted. Ayes 5.

060717.17G

By Alderman Oates:

WHEREAS, the City sought proposals for the management and operation of the “Widewaters Marina,” and

WHEREAS, the City did not receive any proposals, and

WHEREAS, James Kane the owner operator of the adjoining Widewaters Restaurant who expressed a desire and interest in entering into a Management Agreement with the City for the “Marina,” and

WHEREAS, the City did not budget for the operations of the Marina in 2017 necessitating an amendment to the 2017 Budget;

NOW, THEREFORE, BE IT

RESOLVED, that the 2017 General Fund Budget is hereby amended as follows:

Increase:

Revenue:

001.0001.2088	Marina Fuel	\$ 3,600
001.0001.0289	Marina Sales	\$ 1,600

Expense:

001.7185.0100	Personal Services – PT	\$ 8,500
001.7185.4255	Administrative Costs	\$ 3,000
001.7185.4561	Gas, Oil	\$ 3,000
001.7185.4571	Operation Supplies	\$10,000
001.7185.0802	FICA	\$ 650
001.7185.0802	Workers Comp.	\$ 3,960

Decrease:

001.1900.1990	Contingency	\$23,910
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And be it Further

RESOLVED, that the Mayor subject to Corporation Counsel approval be and is hereby authorized to enter into a management agreement with James Kane as an independent contractor for the management and operation of Widewaters Marina under the following terms:

1. The term shall be for one year during the months of June 26, 2017 through September 30, 2017;
2. The fee shall be \$3,000;
3. The independent Contractor shall have the exclusive rights to all retail, catering, boat rental (canoe/kayaks) bicycle rentals and entertainment at the Marina during the above term;
4. Independent Contractor shall present a plan for improvements to Marina to include updating the docks, gas and dump services by the City;
5. Independent Contractor shall work on promotional ideas for travel magazines, state tourism guides
6. The City will assist in Grant research/writing
7. All dock rental fees and launch fees shall belong to the City as well as all ice and gas sales and dump station fees

8. Independent Contractor shall provide boaters with a system to allow boaters to pay with credit card for docks, gas and related; if necessary
9. City shall provide summer help and materials to assist Independent Contractor with the maintenance and operation of the Marina
10. The City shall cut the grass, weedwack, landscape, paint , clean docks, provide lighting as well as clean bathrooms every morning and supply all cleaning and paper products as currently standard operating procedure
11. City shall be responsible for signage.

Seconded by Alderman Devine and adopted. Ayes 5.

060717.17H

By Alderman Mullane:

WHEREAS, the City received a Grant from the Grigg Lewis Foundation, Inc. for the Game Changers Program in the amount of \$800.00, and

WHEREAS, the revenues and activities related to the grant were not budgeted for the year 2017, now therefore be it

RESOLVED, that the 2017 budget needs to be amended as follows:

INCREASE REVENUES:

001-0001-4389	Game Changers Program	\$800.00
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INCREASE APPROPRIATIONS:

001-3120-4552	Supplies/Materials	\$800.00
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Seconded by Alderman Oates and adopted. Ayes 5.

By Alderman Oates:

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

Seconded by Alderman Mullane and adopted. Ayes 5.

060717.17I

The following ordinance was offered by Councilmember Devine, who moved its adoption, seconded by Councilmember Abbott, to wit:

BOND ORDINANCE DATED JUNE 7, 2017.

AN ORDINANCE AUTHORIZING THE ISSUANCE OF \$2,300,000 BONDS OF THE CITY OF LOCKPORT, NIAGARA COUNTY, NEW YORK, TO PAY THE COST OF THE RECONSTRUCTION OF AND CONSTRUCTION OF IMPROVEMENTS TO SANITARY SEWER LINES AND OVERFLOW SEWER LINES, IN AND FOR SAID CITY.

WHEREAS, the capital project hereinafter described has been determined to be a Type II Action pursuant 6 NYCRR Part 617.5(c)(2) of the regulations of the New York State Department of Environmental Conservation promulgated pursuant to the State Environmental Quality Review Act, the implementation of which as proposed, such regulations provide, will not result in any significant adverse environmental impact; and

WHEREAS, it is now desired to authorize the financing thereof, NOW, THEREFORE,

BE IT ORDAINED, by the affirmative vote of not less than two-thirds of the total voting strength of the Common Council of the City of Lockport, Niagara County, New York, as follows:

Section 1. The reconstruction of and construction of improvements to sanitary sewer lines and overflow sewer lines in and near Water Street, in and for the City of Lockport, Niagara County, New York, including original furnishings, machinery, equipment, apparatus, appurtenances, and incidental improvements and expenses in connection therewith, is hereby authorized at a maximum estimated cost of \$2,300,000.

Section 2. It is hereby determined that the plan for the financing of said class of objects or purposes is by the issuance of \$2,300,000 bonds of said City hereby authorized to be issued therefor pursuant to the provisions of the Local Finance Law; **PROVIDED, HOWEVER**, that to the extent that any Federal or State grants-in-aid are received for such class of objects or purposes, the amount of bonds to be issued pursuant to this ordinance shall be reduced dollar for dollar.

Section 3. It is hereby further determined that the period of probable usefulness of the aforesaid class of objects or purposes is forty years, pursuant to subdivision 4 of paragraph (a) of Section 11.00 of the Local Finance Law.

Section 4. The faith and credit of said City of Lockport, Niagara County, New York, are hereby irrevocably pledged for the payment of the principal of and interest on such obligations as the same respectively become due and payable. An annual appropriation shall be made in each year sufficient to pay the principal of and interest on such obligations becoming due and payable in such

year. There shall annually be levied on all the taxable real property of said City, a tax sufficient to pay the principal of and interest on such obligations as the same become due and payable.

Section 5. Subject to the provisions of the Local Finance Law, the power to authorize the issuance of and to sell bond anticipation notes in anticipation of the issuance and sale of the serial bonds herein authorized, including renewals of such notes, is hereby delegated to the City Treasurer, the chief fiscal officer of said City. Such notes shall be of such terms, form and contents, and shall be sold in such manner, as may be prescribed by said City Treasurer, consistent with the provisions of the Local Finance Law.

Section 6. The powers and duties of advertising such bonds for sale, conducting the sale and awarding the bonds, are hereby delegated to the City Treasurer, who shall advertise such bonds for sale, conduct the sale, and award the bonds in such manner as the City Treasurer shall deem best for the interests of said City, including, but not limited to, the power to sell said bonds to the New York State Environmental Facilities Corporation; provided, however, that in the exercise of these delegated powers, the City Treasurer shall comply fully with the provisions of the Local Finance Law and any order or rule of the State Comptroller applicable to the sale of municipal bonds. The receipt of the City Treasurer shall be a full acquittance to the purchaser of such bonds, who shall not be obliged to see to the application of the purchase money.

Section 7. All other matters, except as provided herein relating to such bonds herein authorized including date, denominations, maturities, interest payment dates, and whether said bonds shall be repaid in accordance with a schedule providing for substantially level or declining annual debt service, within the limitations prescribed herein and the manner of execution of the same and also including the consolidation with other issues, shall be determined by the City Treasurer, the chief fiscal officer of such City. Such bonds shall contain substantially the recital of validity clause provided for in section 52.00 of the Local Finance Law and shall otherwise be in such form and contain such recitals in

addition to those required by section 52.00 of the Local Finance Law, as the City Treasurer shall determine consistent with the provisions of the Local Finance Law.

Section 8. The City Treasurer is hereby further authorized, at her sole discretion, to execute a project finance and loan agreement, and any other agreements with the New York State Department of Environmental Conservation and/or the New York State Environmental Facilities Corporation, including amendments thereto, and including any instruments (or amendments thereto) in the effectuation thereof, in order to effect the financing or refinancing of the class of objects or purposes described in Section 1 hereof, or a portion thereof, by a bond, and/or note issue of said City in the event of the sale of same to the New York State Environmental Facilities Corporation.

Section 9. The power to issue and sell notes for said class of objects or purposes to the New York State Environmental Facilities Corporation pursuant to Section 169.00 of the Local Finance Law is hereby delegated to the City Treasurer. Such notes shall be of such terms, form and contents as may be prescribed by said City Treasurer consistent with the provisions of the Local Finance Law.

Section 10. This ordinance shall constitute a statement of official intent for purposes of Treasury Regulations Section 1.150-2. Other than as specified in this ordinance, no monies are, or are reasonably expected to be, reserved, allocated on a long-term basis, or otherwise set aside with respect to the permanent funding of the object or purpose described herein.

Section 11. The validity of such bonds and bond anticipation notes may be contested only if:

- 1) Such obligations are authorized for an object or purpose for which said City is not authorized to expend money, or
- 2) The provisions of law which should be complied with at the date of publication of this bond ordinance are not substantially complied with,

and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication, or

- 3) Such obligations are authorized in violation of the provisions of the Constitution.

Section 12. This ordinance, which takes effect immediately upon the adoption thereof, shall be published in summary form in the official newspaper of said City, together with a notice of the City Clerk in substantially the form provided in Section 81.00 of the Local Finance Law.

The question of the adoption of the foregoing ordinance was duly put to a vote on roll call, which resulted as follows:

Alderman Abbott	VOTING	YES
Alderman Devine	VOTING	YES
Alderman Mullane	VOTING	YES
Alderman Oates	VOTING	YES
Alderman O'Shaughnessy	VOTING	ABSENT
Alderman Wohleben	VOTING	YES

The ordinance was thereupon declared duly adopted.

060717.18

ADJOURNMENT

At 7:27 P.M. Alderman Wohleben moved the Common Council be adjourned until 5:30 P.M., Wednesday, June 21, 2017.

Seconded by Alderman Oates and adopted. Ayes 5.

RICHELLE J. PASCERI
City Clerk