

CITY OF LOCKPORT
CORPORATION PROCEEDINGS

Lockport Municipal Building

Regular Meeting
Official Record

September 2, 2015
6:00 P.M.

Mayor Anne E. McCaffrey called the meeting to order.

ROLL CALL

The following Common Council members answered the roll call:

Aldermen Kibler, Lombardi, Mullane, Fogle, Schrader, and Genewick.

INVOCATION

MAYOR'S UPDATE

RECESS

Recess for public input.

090215.1

APPROVAL OF MINUTES

On motion of Alderman Kibler, seconded by Alderman Lombardi, the minutes of the Regular Meeting of August 19, 2015 are hereby approved as printed in the Journal of Proceedings. Ayes _____. Carried.

FROM THE MAYOR

Appointments:

8/25/15 Nicholas D. Rubert, 43 Beattie Avenue, Lockport, NY – appointed as Streets Crew Leader effective August 25, 2015. Said appointment is permanent and subject to the City of Lockport Municipal Civil Service rules and regulations. Received and filed.

8/26/15 Cynthia L. Schilling, 9 Exchange Street, Akron, NY – appointed as Staff Accountant for the City of Lockport Accounting Department effective August 31, 2015. Said appointment is provisional and subject to the City of Lockport Municipal Civil Service rules and regulations. Received and filed.

UPDATED MINUTES – INCLUDES ADDENDUM ITEMS

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)

8/21/15 Town of Lockport, Town Board – Notice of Public Hearing to be held on September 2, 2015 at 7:30 P.M. regarding an application made by Mulvey Construction, Inc., 1010 Davison Road, Lockport, New York requesting dimensional deviations of the Zoning Code of the Town of Lockport in a Planned Use Development (PUD) Use District pursuant to Town Code §200-83. Referred to the Building Inspector.

8/25/15 Richelle J. Pasceri, City Clerk – Notification that the Lockport Municipal Offices will be closed on Monday, September 7, 2015 in observance of Labor Day. For the entire week of September 7th, garbage will be collected on the day following regularly scheduled collection day. Referred to the Media

Notice of Defect:

- 8/10/15 265 Pine Street – tree and sidewalk
- 8/10/15 58 VanBuren Street – tree
- 8/19/15 61 Ransom Street – tree
- 8/20/15 205 Union Street – tree
- 8/27/15 145 Washington Street – tree
- 8/28/15 260 Pine Street – tree

Referred to the Director of Streets and Parks.

Notice of Petition: (To review real property tax assessment pursuant to Article 7 of the Real Property Tax Law)

8/10/15 Bryan Barrett –vs.- City of Lockport, And Lockport City School District

8/21/15 FBBT/US Properties, LLC –vs.- The Board of Assessment Review for the City of Lockport; The Assessor of the City of Lockport and The City of Lockport, NY
Referred to the City Assessor

MOTIONS & RESOLUTIONS

090215.2

By Alderman Genewick:

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 September 4, 2015 as follows:

General Fund	Account #001	\$ 24,552.56
Water Fund	Account #002	\$ 21,040.97
Sewer Fund	Account #003	\$ 15,372.32
Capital Projects	Account #004	\$ 168,508.80
Refuse Fund	Account #012	\$ 40.00
Payroll	Pay Date 8/20/15	\$ 521,720.25

Seconded by Alderman _____ and adopted. Ayes _____.

090215.3

By Alderman Genewick:

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>
Lawrence M. Eggert	35	Police Chief
Roger F. LaRoach	25	Heavy Equipment Operator
Kevin M. Watier	20	Firefighter

Seconded by Alderman _____ and adopted. Ayes _____.

090215.4

By Alderman Mullane:

WHEREAS, in accordance with Section C-173 of the City of Lockport Charter and Section 34 of the General City Law of the State of New York a street is deemed to be private until such time as the local legislative body formally accepts the deed for the street by resolution, and

WHEREAS, a certain parcel of land has been offered for dedication to the City of Lockport for street purposes an extension of the existing Willow Street to the east by a distance of 207.5 feet X 60 foot in depth, which property is particularly described as follows:

Beginning at the southeast corner of Briarwood Drive as described in a deed to the City of Lockport, recorded in Liber 1445 of Deeds, at page 198, in the Niagara County Clerk's Office; THENCE west, along the north line of lands deeded to Briarwood Pool, Inc. by deed recorded in Liber 1440 of Deeds, at page 29, in the Niagara County Clerk's Office, 207.5 feet; THENCE south, along the west line of lands described in said deed recorded in Liber 1440, at page 729, 60 feet; THENCE east, and parallel with the first mentioned boundary 207.5 feet; THENCE north and parallel with the second described boundary, and being an extension of the east line of Briarwood Drive, as extended, a distance of 60 feet to the point or place of beginning; and

WHEREAS, said parcel is also described in an existing sewer/water ingress and egress easement to the City of Lockport recorded in Liber 1456 page 719 for highway purposes by Craig Towlson and Kristine Towlson, the owners of said land as purchasers from Friends of Briarwood, LLC by deed from Friends of Briarwood, LLC to Craig Towlson and Kristine Towlson dated September 28, 2013, and recorded October 1, 2012, in Instrument No. 2012-20722 as shown on survey by McIntosh & McIntosh, PC, Job No. 4506-A dated September 21, 2012, and

WHEREAS, the City Engineering Department has recommended acceptance of said parcel for dedication for highway/street purposes upon the completion of construction of said roadway in accordance with City specifications; and

WHEREAS, the Common Council of the City of Lockport has approved said dedication; and

WHEREAS, the Corporation Counsel has approved the certificate of title relating thereto. **NOW THEREFORE**, be it

RESOLVED, by the Common Council of the City of Lockport in regular session duly convened that the City of Lockport agrees to accept the deed of dedication for the said Street to be known as Willow Street and directs the City Clerk to record the same in the Niagara County Clerk's Office.

Seconded by Alderman _____ and adopted. Ayes _____.

090215.5

By Alderman Genewick:

WHEREAS, the City of Lockport has been utilizing professional consultants for legal arbitration and labor relations matters and for temporary financial and accounting assistance, the latter while conducting applicant searches to fill vacant positions within the accounting department; and

WHEREAS, these consultant fees have exhausted available funds within the Accounting, Treasurer's and Corporation Council's departmental budget necessitating the use of contingency funds;

NOW THEREFORE, BE IT

RESOLVED, that the 2015 Budget is hereby amended as follows:

Increase:

Expense	01-3120-4428	Consultants	\$50,000
Expense	01-3125-4428	Consultants	\$17,000
Expense	01-1420-4200	Counsel Fees	\$25,000

Decrease:

Expense	01-3120-0100	Personal Services – FT	\$35,000
Expense	01-1900-1990	Contingency	\$27,000
Expense	01-1010-4426	Audit	\$30,000

Seconded by Alderman _____ and adopted. Ayes _____.

090215.6

By Alderman Genewick:

WHEREAS, the City Treasurer, Director of Finance, and City Engineer in conjunction with the department managers charged with project oversight, have completed a review of all open capital projects, and

WHEREAS, all completed projects have been identified and the associated account balances verified, and

WHEREAS, closure of all completed projects require Council approval, and

WHEREAS, all remaining funds must be returned to the original funding source
NOW THEREFORE, BE IT

RESOLVED, that the following capital projects be closed, the account balances
be transferred to the original funding source, and all related budgets be closed:

<u>Project #</u>	<u>Sponsor Fund</u>	<u>Project Title</u>	<u>Funding Source(s)</u>	<u>Cash Balance</u>
0049	Refuse	REFUSE & RECYCLING BAR SCREEN/'09 WWT	Debt	\$18,416.06
0069	Sewer	GENERATOR	Debt	\$10.00
0070	General	GIS PROJECT-YEAR 2 COMPOST FACILITY	Grant/Projects(Debt)	\$6,281.19
0073	Sewer	RECONSTR	Debt	\$0.00
0092	General	HAZARDOUS REMOVAL	GF/NCBrownflds/Fed	\$17,812.78
0093	General	LKPT HARBOR PROJ STUDY	GF/NYS	\$40,926.00
0104	General	BOA PROJECT	Debt/Grants	\$0.00
0105	Sewer	BRISTOL ERP	GF/NYS	\$447.84
4110	General	COMPUTER UPGRADE GAFFNEY ST WATER LINE	Debt	\$6,775.98
4111	Water	REPLACE MUNI BLDG ROOF REPAIRS	Debt	\$0.00
4112	General	(partial) WATER BLDG ROOF	Debt	\$386,458.40
4113	Water	REPAIRS SEWER BLDG ROOF	Debt	\$0.00
4114	Sewer	REPAIRS	Debt	\$0.00
4115	General	SALT BARN ROOF REPAIR 2012 POLICE	Debt	\$0.00
4116	General	VEHICLES/EQUIP	Debt	\$0.00
4117	Sewer	POUND ST SEWER REPAIR WWTP REFURBISH	GF/Projects(Debt)	\$881.43
4119	Sewer	CLARIFIERS	Debt	\$31,279.50
4120	Sewer	MIXING TRUCKS/COMPOST TRUCKS & EQUIPMENT	Debt	\$0.00
4121	General	(DPW)	Debt	\$0.00
4124	General	FIRE FIGHTING VEHICLE PARKING RAMP	Debt	\$0.00
4122	General	DEMOLITION MUNICIPAL BLDG	Debt	\$53,128.16
4126	General	ELEVATOR RECON	Debt	\$13,629.00
4128	Water	WATER TRUCKS	Debt	\$1,839.51
4130	Sewer	SEWER TRUCK TELEPHONE SYS UPGRADE	Debt	\$0.00
4133	General	(2013)	Debt	\$0.00
4134	Water	REED STREET WATER MAIN WATER DEPARTMENT	Debt	\$0.00
4135	Water	RADIOS	Debt	\$7,700.00
4136	General	HIGHWAY PARKS RADIOS	Debt	\$9,900.00

4139	Sewer	TUDOR LANE STORM SEWER	Debt	\$90,250.00
4140	Sewer	LOCK STREET STORM SEWER	Debt	\$10,438.27
4141	General	H& P SKID STEER	Debt	\$936.00
4142	General	GIS LAPTOPS	Debt	\$0.00
4145	Sewer	SKID STEER FOR COMPOST	Debt	\$0.00
4146	Sewer	AGITATOR FOR WWT STATIONARY	Debt	\$0.00
4149	Sewer	SAMPLER/SEWER GOODING STREET	Debt	\$11,811.51
4150	General	DEMOLITION	Debt	\$0.00
4157	Sewer	RADIOS/SEWER	Debt	\$1,500.00
4158	Sewer	BUCKET TRUCK/SEWER	Debt	\$1,022.53
TOTAL				\$711,444.16

And be it further

RESOLVED, that the cash balance total of \$724,444.16 be returned to the original funding source as follows:

Debt Service Reserve, General	\$ 478,438.00
Debt Service Reserve, Water	\$ 9,539.51
Debt Service Reserve, Sewer	\$ 146,311.81
Debt Service Reserve, Refuse	\$ 18,416.06
General Fund	\$ 50,738.78
TOTAL	\$ 703,444.16

and BE IT FURTHER

RESOLVED, that the debt funded Municipal Roof Repair project be reestablished at a budget not to exceed \$150,000 for work on the Willow Street Parks Building and Outwater Park Storage Building and other structures; and BE IT FURTHER

RESOLVED, that \$8,000 of unused General Fund proceeds be reallocated to the Flag Pole and City Hall façade project, and be it further

RESOLVED, that \$13,000.00 of unused General Fund proceeds be reallocated to the Demolition Project.

Seconded by Alderman _____ and adopted. Ayes _____.

090215.7

By Alderman Schrader:

Resolved, that a public hearing be held at the Common Council Meeting of September 16, 2015 starting at 6:00 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 Marianne Urtel, for approval for a medical billing business to be located at 23 Lincolnshire Drive, situated in an 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 _____ and adopted. Ayes _____.

090215.8

By Alderman Fogle:

Resolved, that a public hearing be held at the Common Council Meeting of September 16, 2015 starting at 6:00 P.M. in the Common Council Chambers, Lockport Municipal Building, One Locks Plaza, Lockport, NY relative to amending the Special Use Permit issued to Lock City Metals to add tire storage, and be it further

Resolved, that the City Clerk is hereby authorized and directed to advertise notice of said public hearing.

Seconded by Alderman _____ and adopted. Ayes _____.

090215.9

By Alderman Fogle:

Resolved, that pursuant to the request of William and Linda Olczak, property owner of 44 Hillcrest Drive, permission is hereby granted to erect and maintain a fence in the City's right-of-way at 44 Hillcrest Drive 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 fence 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.

Seconded by Alderman _____ and adopted. Ayes _____.

090215.9A

By Alderman Schrader:

Resolved, that pursuant to his request, Joel Harris is hereby granted permission to place a dumpster on Charles Street beginning September 4, 2015 for a maximum of 10 days for a roof project being completed at 45 East Avenue. Said permission is subject to filing a certificate of insurance with the City Clerk naming the City of Lockport as additional insured.

Seconded by Alderman _____ and adopted. Ayes _____.

090215.10

ADJOURNMENT

At _____ P.M. Alderman Kibler moved the Common Council be adjourned until 6:00 P.M., Wednesday, September 16, 2015.

Seconded by Alderman _____ and adopted. Ayes _____.

RICHELLE J. PASCERI
City Clerk