

CITY OF LOCKPORT
CORPORATION PROCEEDINGS

Lockport Municipal Building

Regular Meeting
Official Record

October 5, 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

BUDGET PRESENTATION

RECESS

Recess for public input.

080516.1

APPROVAL OF MINUTES

On motion of Alderman Wohleben, seconded by Alderman Devine, the minutes of the Regular Meeting of September 21, 2016 are hereby approved as printed in the Journal of Proceedings. Ayes 6. Carried.

FROM THE MAYOR

Appointments:

10/4/16 Under and by virtue of the authority conferred on me by the Charter of the City of Lockport, I, Anne McCaffrey, Mayor of the City of Lockport, do hereby create The Ad-Hoc Veteran's Committee, effective today, October 4, 2016, and make the following appointments:

David Wohleben	145 Lincoln Avenue
Rick Abbott	93 Lewis Street
Richard Clark	289 Washington Street
Gordon Bellinger	5548 Mapleton Road
Mike Walker	100 Irving Street
Dan Marsh	40 S. Transit Street
Mike Hanley	6526 Amy Lane
Ray Pierce	92 Allen Street
Ken Gutowski	7545 Lincoln Avenue
Christine Bryan Simon	56 Grant Street
Paul Siejak	6259 Hamm Road

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)

9/30/16 Paul D. Szafranski, President, Amalgamated Local 686, UAW 524 Walnut Street, Lockport, NY – request permission to conduct their annual Veteran’s Appreciation 5K Run on November, 5, 2016.

Referred to the Committee of the Whole

9/30/16 Antonio Perry, Assistant Principal, Lockport High School, 250 Lincoln Avenue, Lockport, NY – request permission to conduct a Homecoming Parade on October 8, 2016.

Referred to the Committee of the Whole

10/5/16 Richelle J. Pasceri, City Clerk – Notification that the Lockport Municipal Offices will be closed on Monday, October 10, 2016 in observance of Columbus Day. There will be no change in the garbage pickup schedule.

Referred to the Media

Notice of Defect:

9/22/16 81 Corinthia Street – tree

9/28/16 210 Locust Street – tree

9/29/16 391 Market Street – tree

9/29/16 11 Euclid Avenue – trees

Referred to the Director of Streets and Parks.

MOTIONS & RESOLUTIONS

100516.2

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 October 7, 2016 as follows:

General Fund	Account #001	\$ 126,216.48
Water Fund	Account #002	\$ 65,959.81
Sewer Fund	Account #003	\$ 52,750.45
Capital Projects	Account #004	\$ 140,137.24
Refuse Fund	Account #012	\$ 250.60
Self Insurance	Account #015	\$ 2,000.00
Worker’s Comp	Account #020	\$ 7,500.00
Payroll	Pay Date 9/29/16	\$ 456,193.28

Seconded by Alderman Oates and adopted. Ayes 6.

100516.3

By Alderman Mullane:

Resolved, that Monday, October 31, 2016 is hereby designated as Halloween Day in the City of Lockport with the hours for trick or treating scheduled from 4:00 p.m. to 7:00 p.m.

Seconded by Alderman Oates and adopted. Ayes 6.

100516.4

By Alderman Oates:

Whereas, the Director of Engineering has informed the Mayor that the roof of the restroom building of the Widewaters Marina on Market Street is deteriorated and in need of repair, and

Whereas, the Engineering Department has requested quotes from qualified contractors and has received proposals to repair the existing damaged roof and replace with lifetime Standing Seam Hi-Lock Metal Panels, installing all matching appurtenances including, trusses, drip edge, Hip Cap, trims, and snow retention, as follows: Pinto Construction Services, Inc. \$44,979.00; Tundo Construction/TREMCO Inc. \$38,500.00; and Granzow Construction \$19,982.12, and be it further

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 \$19,982.12 to be charged to Municipal Building Roof Repair account # 004.0004.0520.4112.

Seconded by Alderman Devine and adopted. Ayes 6.

100516.5

By Alderman Wohleben:

Whereas, the City of Lockport and Surface Solutions, 7292 Akron Road Lockport, NY 14094 signed a contract on August 11, 2015 to work in Improvements at the Flag Pole Area of Municipal Building and West Main Street Sidewalk of the City of Lockport, and

Whereas, Surface Solutions completed all the proposed improvements with exception of the removal of City lettering (LOCKPORT MUNICIPAL BUILDING, ONE LOCKS PLAZA) from the back south wall of the Municipal Building and relocate it in the front south wall of same building, and

Whereas Surface Solutions proposed to remove and relocate the City lettering as indicated by the City Engineer for an amount of \$3,920.00, and

Resolved, to amend the contract between the City of Lockport and Surface Solutions signed on August 11, 2015 and authorize the Mayor, subject to the Corporation Counsel approval, to extend such contract for an amount of \$3,920.00 to be charged to the Flag Pole Capital Improvements Budget, Account Number 004.0004.0520.4155.

Seconded by Alderman Abbott and adopted. Ayes 5. No 1 – Ald Mullane voted no.

By Alderman Devine:

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

Seconded by Alderman Wohleben and adopted. Ayes 6.

100516.6

By Alderman Wohleben:

WHEREAS, the Zoning Map of the City of Lockport was adopted by the City of Lockport on January 18, 1984, and is incorporated in the City Code under Section 190-8, and, as amended, is currently reflected in the City's Zoning Map of December 2014; and

WHEREAS, on November 18, 1998, the City of Lockport adopted the City of Lockport Comprehensive Plan, Policies and Projects dated November 1997 as prepared by Nutter Associates, a copy of which is on file in the City Clerk's Office; and

WHEREAS, on March 8, 2005, Hawley Development Corporation acquired 15 LaGrange Street, Lockport, New York as an adjoining parcel to a parcel of land owned by them that is presently a combination Crosby's and Tim Horton's Coffee shop and drive through; and

WHEREAS, the adjoining parcel that contains the Tim Horton's store is zoned B-3 and Hawley desires to combine 4 South Transit Street with 15 LaGrange Street, but the lots cannot be combined unless 15 LaGrange Street, Lockport, New York is rezoned from R-3 to B-3; and

WHEREAS, on August 1, 2016, the Lockport Planning Board approved the rezoning of 15 LaGrange Street, Lockport, new York from R-3 to B-3; and

WHEREAS, 15 LaGrange Street, Lockport, New York is listed in the above-mentioned Comprehensive Plan as mixed use; and

WHEREAS, on September 7, 2016, the Common Council held a Public Hearing on the proposed rezoning, and no comments or letters were received; and

WHEREAS, the property in question is situated at or near the junction of several major highways (Walnut Street (Route 31), Transit Street (Route 78) and Main Street/West Avenue, and, its highest and best use is for providing retail and motor fueling services to the motoring public; and

WHEREAS, the property is immediately adjacent to the Central Business District, being a logical extension of same; and

WHEREAS, the property is presently zoned R-3, but its small size (50' x 60') precludes its use for residential development; and

WHEREAS, the public will benefit from a rezoning of 15 LaGrange Street, Lockport, New York from R-3 to B-3 in that businesses located on the property will be better able to serve the motoring public, including both residents and visitors, it will enhance the quality and variety of services available in or adjacent to the Central Business District, and will put otherwise unusable City property into productive use.

NOW, THEREFORE, BE IT

RESOLVED, that for the reasons set forth above, the following described parcel of land, being ALL THAT TRACT OR PARCEL OF LAND, situate in the City of Lockport, County of Niagara and State of New York, being part of Lot 12, Section 14, Township 14, and Range 6 of the Holland Land Company's Survey and according to a certain Map prepared by Jesse P.

Haines in 1845 with additions in 1866 filed in the Niagara County Clerk's Office on November 21, 1866, now in Book 25 of Microfilmed Maps, Page 2433, is known as part of Lot 6 on the north line of LaGrange Street, bounded and described as follows: BEGINNING at a point in the north line of LaGrange Street distant 10.33 feet westerly from the southeast corner of Lot 6; thence northerly parallel with the east line of Lot 6, 61.71 feet; thence westerly parallel with the north line of LaGrange Street, 50.67 feet; thence southerly parallel with the east line of Lot 6, 61.71 feet to the north line of LaGrange Street; thence easterly along the north line of LaGrange Street, 50.67 feet to the point or place of beginning, be, and the same hereby is rezoned from R-3 to B-3.

Seconded by Alderman Oates and adopted. Ayes 6.

100516.7

By Alderman Oates:

WHEREAS, the Widewaters Marina of Market Street area has experienced surcharging of the sewer system in heavy rain events, and

WHEREAS, the City cleaned and flushed out the sewer lines that run down the escarpment and Market Street in the last two years in an effort to alleviate the problem, and

WHEREAS, 767 Market Street is still experiencing sewage surcharging during heavy rain events, and

WHEREAS, the Engineering Department has requested proposals to make improvements in the sewer system of the area and has received proposals from qualified contractors as follows: CFWolcott General Contracting, Inc. \$18,500; O'Regan's Landscaping \$19,550; Pinto Construction Services, Inc. \$37,414; and Palladino Excavating, declined its right to submit a proposal, and

WHEREAS, a utility easement will be established to allow for the construction and future operation and maintenance of the improvements by the City, and be it forward

RESOLVED, that the Mayor, subject to Corporation Counsel approval, is hereby authorized and directed to finalize the required utility easement and enter into contract with CFWolcott General Contracting, Inc., 4311 Plank Road, Lockport, NY 14094, for an amount of \$18,500.00 plus 20% of contingency to be charged to Account # 003.8125.4722.

Seconded by Alderman Devine and adopted. Ayes 6.

100516.8

By Alderman Devine:

WHEREAS, the New York State Department of Environmental Conservation (DEC) has scheduled for October 2016 its annual review and inspection of the City's Landfill at Oakhurst Road as a part of the monitoring plan to evaluate the effectiveness of the remedial program to maintain the integrity of the landfill cap, and

WHEREAS, in the 2015 landfill inspection, DEC determined that vegetation cutting to redefine the perimeter drainage of the existing ditch "C" is required to allow for drainage to the north end of the ditch, and recommended the use of herbicide to treat the overgrown area, and

WHEREAS, the Engineering Department has requested proposals from qualified contractors to remediate the identified drainage problem in the City's Landfill, as follows: Villani's Lawn & Landscaping, LLC \$4,950.00; O'Regan's Landscaping, LLC declined its right to submit a proposal; and Palladino Excavating, declined its right to submit a proposal, and,

WHEREAS, the 2016 budget must be amended for this purpose, now therefore be it
RESOLVED, that the Mayor, subject to Corporation Counsel approval, is hereby authorized and directed enter into contract with Villani's Lawn & Landscaping, LLC, 6405 Packard Road, Niagara Falls, NY 14304 for an amount of \$4,950.00, and, be it further

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

Decrease:

Expense:

001.1900.1990	Contingency	\$4,950
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Increase:

Expense:

001.5110.4721	Emergency Repairs	\$4,950
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Seconded by Alderman Wohleben and adopted. Ayes 6.

100516.9

By Alderman Mullane:

Resolved, that pursuant to their request, the Zonta Club of Lockport is hereby granted permission to install signage in various City right of ways throughout the month of November to raise awareness of Violence Against Women, and be it further

Resolved, that permission is hereby granted to erect a vinyl banner across East Avenue at Davison Road at least 17 feet from the ground, which will be erected based on a schedule approved by the City Clerk, and be it further

Resolved, that said permission is subject to the Zonta Club of Lockport filing a certificate of insurance with the City Clerk naming the City of Lockport as additional insured and subject to payment of \$50, and be it further

Resolved, that the City Clerk is hereby authorized and directed to make arrangements with city forces to erect the banner.

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

100516.10

By Alderman Wohleben:

Resolved, that pursuant to their request, permission is hereby granted to the Events Committee to barricade portions of Park Avenue, West Avenue, and Hawley Street surrounding Ida Fritz Park for a Downtown Trick or Treating Celebration on Saturday, October 29, 2016 between 3:00PM and 6:00PM, 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, picnic tables, and trash receptacles to said area prior to said event.

Seconded by Alderman Mullane and adopted. Ayes 6.

100516.10A

By Alderman Mullane:

Resolved, that pursuant to their request, the United Auto Workers, Local 686 Veteran's Committee is hereby granted permission to conduct their Annual Veteran's Appreciation 5K run and barricade Vine Street from Walnut Street to Remick Parkway starting at approximately noon on November 5, 2016, subject to the U.A.W. Local 686 filing a certificate of insurance with the City Clerk naming the City of Lockport as additional insured and subject to approval of the race route by the Police Chief, 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 area prior to the event.

Seconded by Alderman Wohleben and adopted. Ayes 6.

100516.10B

By Alderman Wohleben:

Resolved, that pursuant to their request, Lockport High School is hereby granted permission to conduct a Homecoming Parade in the City of Lockport on Saturday, October 8, 2016, starting at 1 p.m., subject to approval of the parade route by the Police Chief and issuance of a parade permit by the City Clerk.

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

100516.10C

By Alderman Abbott:

Whereas, the City of Lockport received a check in the amount of \$10,000.00 from Niagara County for upgrades to the softball diamonds at Outwater Park, now therefore be it

Resolved that the 2016 budget is hereby amended as follows:

Increase:

Revenue:

001.0001.2189	Youth Programs	\$10,000.00
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Increase:

Expense:

001.7110.4571	Operating Supplies	\$10,000.00
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Seconded by Alderman Oates and adopted. Ayes 6.

100516.11

ADJOURNMENT

At 7:04 P.M. Alderman Wohleben moved the Common Council be adjourned until 6:30 P.M., Wednesday, October 19, 2016.

Seconded by Alderman Devine and adopted. Ayes 6.

RICHELLE J. PASCERI
City Clerk