

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

Lockport Municipal Building

Regular Meeting  
Official Record

November 2, 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**

**GRANTS PRESENTATION**

**TREASURER'S REPORT**

**RECESS**

Recess for public input.

**110216.1**

**APPROVAL OF MINUTES**

On motion of Alderman Wohleben, seconded by Alderman Devine, the minutes of the Regular Meeting of October 19, 2016 are hereby approved as printed in the Journal of Proceedings. Ayes 6. Carried.

**FROM THE MAYOR**

**Resignation:**

10/13/16 Joseph O'Shaughnessy, Alderman At-Large – resigned as Chairman of Community Pride. 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)

10/3/16 Craig A. Slater, The Slater Law Firm, PLLC, 500 Seneca Street, Suite 504, Buffalo, NY – copy of communication to Hydraulic Race Co., Inc from the New York State/Thruway Authority/Canal Corporation re: Amendment of Real Estate Permit No. C50520 Referred to the Corporation Counsel

10/31/16 Richelle J. Pasceri, City Clerk – notification that the Lockport Municipal Offices will be closed the following days in November:

Tuesday, November 8 <sup>th</sup>	Election Day
Friday, November 11 <sup>th</sup>	Veteran’s Day
Thursday & Friday, November 24 <sup>th</sup> & 25 <sup>th</sup>	Thanksgiving Holiday

The garbage collection schedule will remain the same for November 8<sup>th</sup> and 11<sup>th</sup>.

For the Thanksgiving Holiday, garbage collection will be as follows:

<u>Normal Pick Up Day</u>	<u>Holiday Pick Up Day</u>
Thursday, November 24 <sup>th</sup>	Friday, November 25 <sup>th</sup>
Friday, November 25 <sup>th</sup>	Saturday, November 26 <sup>th</sup>

Referred to the Media

**Notice of Defect:**

10/7/16 49 Pound Street – tree  
10/18/16 766 Walnut Street – tree  
11/1/16 156 Ontario Street – tree  
11/2/16 390 Locust Street – tree

Referred to the Director of Streets and Parks.

**Notice of Claim:**

10/28/16 Lourdes Spearin, 5324 Saunders Settlement Road, Sanborn, NY  
Referred to the Corporation Counsel.

**MOTIONS & RESOLUTIONS**

**110216.2**

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 November 4, 2016 as follows:

General Fund	Account #001	\$ 107,779.20
Water Fund	Account #002	\$ 37,178.32
Sewer Fund	Account #003	\$ 18,118.31
Capital Projects	Account #004	\$ 6,164.57
Refuse Fund	Account #012	\$ 619.60
Small Cities	Account #013	\$ 100,500.00
Payroll	Pay Date 10/27/16	\$ 481,740.64

Seconded by Alderman Oates and adopted. Ayes 6.

### 110216.3

By Alderman Devine:

Whereas, Allen Marine Services (AMS) performed an inspection of the water intake pipe and crib structure at the Niagara River that is connected to the City of Lockport's Pump Station in the City of North Tonawanda, and

Whereas, said inspection showed that the wooden intake grating is in poor structural condition and many of the timbers are severely rooted and have become unstable; in addition, AMS inspectors observed that zebra mussels' growth is causing deterioration in the intake grating, in the intake pipe, and in the interior of the crib, now therefore be it

Resolved, that the Director of Engineering is hereby authorized and directed to prepare bid specifications for repairing the water intake pipe and crib structure at the Niagara River, and be it further

Resolved, that upon receipt of said specifications, the City Clerk is authorized and directed to advertise for bid proposals.

Seconded by Alderman Abbott and adopted. Ayes 6.

### 110216.4

By Alderman Devine:

Whereas, the City of Lockport has been approved by the Dormitory Authority State of New York to receive a Municipal Facilities Program ("SAM") Grant in the amount of \$800,000.00 for the Purchase and Installation of Water Intake Screens at the City of Lockport's Pumping Station in the City of North Tonawanda, and

Whereas, resolution 091813.11A authorized the Mayor to execute a contract with GHD Consulting Services, Inc. for engineering services to design and prepare bid documents for said project, and

Whereas, GHD Consulting Services, Inc. has completed the design and bid documents of the project and the Engineering Department has reviewed such project and prepared it for public bid, now therefore be it

Resolved, that the City Clerk is authorized and directed to advertise for bid proposal for the Purchase and Installation of Water Intake Screens project.

Seconded by Alderman Mullane and adopted. Ayes 6/

### 110216.5

By Alderman Oates:

**WHEREAS**, section 155-7 A (Solid Waste) of Chapter 158 of the City Code states that unpaid residential and commercial user fees for collection of refuse and recycling shall be the personal liability of the owner, and

**WHEREAS**, any delinquent assessment, penalty, charge or fee remaining unpaid by May 15 is added to the upcoming year's tax bill for the parcel of property against which it is a lien, and

**WHEREAS**, the amount added to taxes shall include late payment charges accrued through June 30 plus an additional administrative charge equal to \$15 for each delinquent account, and

**WHEREAS**, late payment charges shall not continue to accrue after June 30 against any assessment, penalty, charge or fee which is added to taxes, and

**WHEREAS**, the City Treasurer will submit to the City Council all delinquent assessments, penalties, charges or fees and any other amounts to be added to taxes, and

**WHEREAS**, upon receipt of such delinquent amounts the Council must hold a public hearing, and

**WHEREAS**, after making any amendments or corrections to the list of delinquent accounts the Common Council will by resolution confirm said amounts, and

**WHEREAS**, upon confirmation of said amounts the City will insert the delinquent accounts in the annual tax rolls and which shall become a part of the annual tax upon the respective parcels against which such amounts are charged and shall be subject to all the provisions of the City Charter **NOW THEREFORE BE IT**

**RESOLVED**, that the Corporation Counsel is hereby authorized and directed to prepare a resolution listing the re-levies and the dollar amount to be added to the tax rolls, and be it further

**RESOLVED**, that a public hearing be held at the Common Council meeting on Wednesday, November 16, starting at 6:30 P.M. in the Common Council Chambers, Lockport Municipal Building, One Locks Plaza, Lockport, New York relative to said resolution for relevy, and be it further

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

Seconded by Alderman Wohleben and adopted. Ayes 6.

### **110216.6**

By Alderman Abbott:

Whereas, the City of Lockport has been awarded with a Municipal Facilities Program ("SAM") Grant in the amount of \$200,000.00 for the renovation of the Lockport Police Department Facilities located at the Municipal Building, including space optimization and energy efficiency improvements, and

Whereas, the City of Lockport intends to serve as Lead Agency for the proposed action to comply with the New York State Environmental Quality Review regulations (SEQR), 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, the City of Lockport has caused to prepare a Short Environmental Assessment Form to consider the significance of and potential environmental impact of the described action, even though this step is not required for Type II actions, 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 said renovations at the Lockport Police Department, and that, based on the Short 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 Mullane and adopted. Ayes 6.

### **110216.7**

By Alderman Mullane:

Whereas, the City of Lockport has signed a contract with Surface Solutions to perform repairs in Municipal Building, Fire Department facilities, and

Whereas, City's engineering consulting firm, Nussbaumer and Clarke Inc., has evaluated structural damage in the joint of concrete slab and wall located at the west side of the Fire Department garage, and determined that immediate repair is needed to prevent additional deterioration, and

Whereas, a change order in the amount of \$9,320.00 is needed to complete the repair of said structural damage, and be it further

Resolved, that the Mayor, subject to Corporation Counsel approval, is hereby authorized and directed to sign a change order in the amount of \$9,320 plus 20% of contingency; and be it further

Resolved that the 2016 Budget is hereby amended as follows:

Increase:

Expense:

001.3410.2665	Building Repair	\$12,000
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Decrease:

Expense

001.1900.1990	Contingency	\$12,000
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Seconded by Alderman Oates and adopted. Ayes 6.

### **110216.8**

By Alderman Wohleben:

Whereas, the Director of Engineering has informed the Mayor that there are storm drainage issues at the intersection of Weld Street and Cedar Street causing floods in residences during heavy rain events, and

Whereas, the Engineering Department has requested proposals to make storm drainage improvements in the area, including the installation of three catch basins and regrading both sides of Weld Street at the intersection with Cedar Street, and

Whereas, the Engineering Department has received quotes from qualified contractors as follows: CFWolcott General Contracting, Inc. \$15,950.00; TRI-C Inc. \$38,500.00; and Yarussi Construction, Inc. \$31,500.00, now therefore be it

Resolved, that the Mayor, subject to Corporation Counsel approval, is hereby authorized and directed enter into contract with CFWolcott General Contracting, Inc., 4311 Plank Road, Lockport, NY 14094, for an amount of \$15,950.00 plus 20% of contingency to make said drainage improvements at Weld Street to be charged to Account # 003.8125.4722 System Reform.

Seconded by Alderman Devine and adopted. Ayes 6.

### **110216.9**

By Alderman Oates:

Resolved, that pursuant to the request of Jane Walker-Lloyd, property owner of 45 East Avenue, permission is hereby granted to erect and maintain three awnings, garbage corral, flower planters, and goose neck lighting in the City's right-of-way at 45 East Avenue 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 awnings, corral, planters and/or 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 Wohleben and adopted. Ayes 6.

**110216.10**

By Alderman Wohleben:

Resolved, that a public hearing be held on Wednesday, November 9, 2016 starting at 5:30 P.M. in the Common Council Chambers, Lockport Municipal Building, One Locks Plaza, Lockport, NY for the purpose of allowing citizens to be heard relative to the proposed 2017 tax budget, and be it further

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

Seconded by Alderman Oates and adopted. Ayes 6.

**110216.10A**

By Alderman Wohleben:

Whereas, on September 7, 2016, the Common Council passed resolution 090716.10 adopting the City of Lockport Program Income Plan, now therefore be it

Resolved, that the Mayor be and is hereby authorized to enter into Program Income Agreements with recipients who qualify for the program; and be it further

Resolved, that the Mayor be and is hereby authorized to execute any and all related documents to the City of Lockport Program Income Plan.

Seconded by Alderman Abbott and adopted. Ayes 6.

**110216.10B**

By Alderman Devine:

Whereas, the City of Lockport is planning to apply for a New York State Department of Health Drinking Water Fluoridation Grant to replace fluoridation equipment at the Lockport Water Treatment Plant, located at 220 Summit Street, including replacement of inaccurate pumps and aged tanks in poor condition; 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 6 NYCRR 617.5 (c)(2) 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 replacement of fluoridation equipment at the Lockport Water Treatment Plant, located at 220 Summit Street; and, The City of Lockport declares that, based on the Short 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 Wohleben and adopted. Ayes 6.

**110216.11**

**ADJOURNMENT**

At 7:12 P.M. Alderman Wohleben moved the Common Council be adjourned until 6:30 P.M., Wednesday, November 16, 2016.

Seconded by Alderman Devine and adopted. Ayes 6.

RICHELLE J. PASCERI  
City Clerk