

CITY OF LOCKPORT
CORPORATION PROCEEDINGS

Lockport Municipal Building

Regular Meeting
Official Record

November 16, 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

RECESS

Recess for public input.

111616.1

APPROVAL OF MINUTES

On motion of Alderman Wohleben, seconded by Alderman Devine, the minutes of the Regular Meeting of November 2, 2016 and the Special Meetings of November 9 and November 14, 2016 are hereby approved as printed in the Journal of Proceedings. Ayes 6. Carried.

PUBLIC HEARING

The Mayor announced a public hearing on Confirming Refuse & Recycling Re-levy.

The Mayor asked the City Clerk if any petitions or communications relative to said Re-levy have been received.

Recess for public input.

The Mayor closed the public hearing

PUBLIC HEARING

The Mayor announced a public hearing on a request to amend the current Special Use Permit by erecting a 10' x 10' banner located at 50 Rogers Avenue.

The Mayor asked the City Clerk if any petitions or communications relative to said Special Use Permit have been received.

11/9/16 Charlene Seekins-Smith, Chairman, Lockport Planning and Zoning Board
– the Board recommends that the request for a Special Use Permit be approved.

Recess for public input.

The Mayor closed the public hearing.

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)

Notice of Summons & Complaint:

11/14/16 Marissa M. Sheron -vs- City of Lockport; Lockport city Police Department; Steven Tarnowski; and additional unknown-named members of the Lockport Police Department
Referred to the Corporation Counsel.

MOTIONS & RESOLUTIONS

111616.2

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 18, 2016 as follows:

General Fund	Account #001	\$ 194,504.01
Water Fund	Account #002	\$ 7,858.33
Sewer Fund	Account #003	\$ 9,969.13
Capital Projects	Account #004	\$ 56,951.15
Refuse Fund	Account #012	\$ 90,374.10
Self Insurance	Account #014	\$ 142,270.26
Payroll	Pay Date 11/10/16	\$ 457,296.20

Seconded by Alderman Oates and adopted. Ayes 6.

111616.3

By Alderman Oates:

Resolved, that the request for a special use permit made by Robert Muscurella to erect a 10' x 10' banner, located at 50 Rogers Avenue, situated in an R-1 Zone, be and the same is hereby approved, subject to the following provisions:

- No change in character of neighborhood.
- No excessive noise or disturbance of neighborhood.
- No appreciable change in traffic.
- No outside storage of materials.
- The banner must be removed 60 days after it is installed.

The special permit shall go to the applicant only and shall terminate on the sale or transfer of the property, and further it terminates if the use permitted is abandoned for more than one year, if any of the conditions enumerated herein have changed, and in the discretion of the Common Council make such use unsuitable.

Seconded by Alderman Wohleben and adopted. Ayes 6.

111616.4

By Alderman Abbott:

Resolved, that the Mayor and Common Council do hereby extend condolences to the family of John J. Babis, a retired City of Lockport Heavy Equipment Operator for the Water Department who recently passed away.

Seconded by Alderman Devine and adopted. Ayes 6.

111616.5

By Alderman Oates:

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

WHEREAS, the Common Council conducted a public hearing on November 16, 2016 at 6:30 P.M. in the Common Council Chambers, Lockport Municipal Building, One Locks Plaza, Lockport, New York in accordance with section 155-7 A (Solid Waste) of Chapter 158 of the City Code to confirm the delinquent accounts to re-levy.

NOW THEREFORE BE IT

RESOLVED, that the following delinquent accounts totaling \$207,215.23 are hereby confirmed and shall be inserted in the annual tax rolls and be a part of the annual tax upon said parcels against which such amounts are charged and shall be subject to all the provisions of the City Charter:

<u>Account</u>	<u>Amount</u>
Refuse	\$207,215.23

And Be it further

RESOLVED, that the following delinquent Water & Sewer Accounts totaling \$796,535.42 are hereby confirmed and shall be inserted in the annual tax rolls and be a part of the annual tax upon said parcels against which such amounts are charged and shall be subject to all the provisions of the City Charter:

<u>Account</u>	<u>Amount</u>
WATER	\$436,774.38
SEWER	\$359,731.04
NSF FEES	\$ 30.00

Seconded by Alderman Wohleben and adopted. Ayes 6.

111616.6

By Alderman Wohleben:

Resolved, that pursuant to their request, Light Up Lockport be and the same is hereby granted permission to use the City's right-of-way to conduct the following events on Saturday, November 26, 2016:

Tacky Sweater 5K run beginning at the Palace Theater starting at approximately 9:00 A.M

Horse Drawn Carriage Rides beginning at the Palace Theater from 12:00 P.M. until 3:00 P.M.

Parade in the Dark commencing at 6:00 PM at Ida Fritz Park, east on Main Street to Charles Street

And be it further

Resolved, that said permissions are subject to approval of the routes by the Police Chief, and Light Up Lockport filing a certificate of insurance with the City Clerk naming the City of Lockport as additional insured, 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 prior to said events.

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

111616.7

By Alderman O'Shaughnessy:

WHEREAS, on November 8, 2014, the Lockport Professional Firefighters Association, Inc. IAFF Local 963 filed an improper practice charge with the Public Employment Relations Board ("PERB"), and

WHEREAS, pursuant to Section C-80 of the Charter, the Corporation Counsel defended the action by submission of legal pleadings and participating in a hearing before PERB on August 28, 2015, and

WHEREAS, on October 26, 2016, the Administrative Law Judge issued a Decision that ordered the City:

1. Respond to Local 963's demand to bargain the impact of the City's decision to abolish eight firefighter positions and lay off seven firefighters in December 2013;

2. Restore to employees in Local 963 the work of providing ambulance services to City residents;
3. Make Local 963 employees whole for any wages and benefits lost as a result of the transfer of the work of ambulance services to twin City Ambulance Corporation, from the date of September 15, 2014 to the date the work is restored to the unit, with interest at the currently prevailing maximum legal rate, and

WHEREAS, it is the opinion of the Corporation Counsel that the above decision is not supported by all of the evidence produced at the above hearing and that there is more than sufficient bases to appeal the ruling and that doing so will ensure that the City keeps all options open and available, and

WHEREAS, the Common Council does not want the Corporation Counsel or the Mayor to appeal the decision or spend any money on the appeal.

NOW THEREFORE BE IT

RESOLVED, the Common Council directs corporation counsel not to appeal said decision in U-339040 and to withdraw any appeal of said decision in U-339040 if already filed and be it further,

RESOLVED, the Common Council directs that as of the date of adoption of this resolution no additional funding whatsoever shall be paid to appeal, stop or stay said decision in U-339040 whether before PERB or the courts.

Seconded by Alderman Mullane. Ayes 2. Noes 3. Abstain 1. Motion Failed.

Aldermen Wohleben, Oates, and Abbott voted no.

Alderman Devine abstained.

111616.8

By Alderman Oates:

Whereas, the City of Lockport has been awarded with a Municipal Facilities Program ("SAM") Grant in the amount of \$250,000.00 for the rehabilitation of the park shelter located at Outwater Memorial Park, including structural, electrical, and plumbing improvements to meet ADA and building code requirements; 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 rehabilitation of the park shelter in Outwater Memorial Park, located at 150 Outwater Drive; 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 Devine and adopted. Ayes 6.

111616.9

ADJOURNMENT

At 7:03 P.M. Alderman Wohleben moved the Common Council be adjourned until a Special Meeting to be held at 5:30 P.M., Monday, November 21, 2016.

Seconded by Alderman Devine and adopted. Ayes 6.

RICHELLE J. PASCERI
City Clerk