CITY OF LOCKPORT

**CORPORATION PROCEEDINGS**

Lockport Municipal Building

Regular Meeting

Official Record

January 6, 2016

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 Abbott, Devine, Oates, O’Shaughnessy, Mullane, and Wohleben.

**INVOCATION**

**MAYOR’S UPDATE**

**RECESS**

Recess for public input.

**010616.1** **APPROVAL OF MINUTES**

On motion of Alderman Wohleben, seconded by Alderman Devine, the minutes of the Regular Meeting of December 16, 2015 and the Special Meeting of December 23, 2015 are hereby approved as printed in the Journal of Proceedings. Ayes 6. Carried.

**FROM THE MAYOR**

**Resignations:**

12/18/15 Brian C. Ranney – resigned as a member of the City of Lockport Audit Committee effective December 18, 2015.

Received and filed

12/23/15 Peter Robinson – resigned as a City of Lockport Fire Board Commissioner effective August 1, 2015.

Received and filed

1/5/16 Margaret Truax – resigned as a permanent member of the Ethics Committee with a request to be appointed as the Alternate.

Received and filed

**Appointments:**

12/18/15 Flora Hawkins, 199 West Avenue, Lockport, NY – re-appointed as a member of the Police Board. Said term commences January 1, 2016 and expires December 31, 2019.

Received and filed

12/18/15 Jay Dry, 50 O’Brien Drive, Lockport, NY – appointed as a member of the Audit Committee.

Received and filed

1/6/16Under 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 make the following appointments:

**For the term of one year expiring on December 31, 2016:**

President of the Common Council David Wohleben

Corporation Counsel John J. Ottaviano

Deputy Corporation Counsel (1st) David E. Blackley

Deputy Corporation Counsel (2nd) David J. Haylett, Jr.

Traffic Advisory Committee David J. Haylett, Jr.

**2016 Common Council Standing Committees:**

**Finance Committee**- Alderman Wohleben, Chairman

Members: Aldermen O’Shaughnessy, Mullane, Abbott, Oates, Devine

City Treasurer, Director of Finance

**Public Health & Safety Committee**- Alderman O’Shaughnessy, Chairman

Members: Aldermen Wohleben, Mullane, Abbott, Oates, & Devine

Fire Chief, Police Chief, and Chief Building Inspector

**Highways & Parks Committee**- Alderman Oates, Chairman

Members: Alderman O’Shaughnessy, Wohleben, Mullane, Abbott, Devine

Assistant City Engineer, Director of Streets and Parks, Public Works Supervisor

**Water & Sewer Committee**- Alderman Devine, Chairman

Members: Alderman O’Shaughnessy, Wohleben, Mullane, Abbott, Oates

Assistant City Engineer, Sr. Building Inspector, Chief Operator/WWTP, Chief Water Treatment Plant Operator, Water Distribution Maintenance Supervisor

**Youth Committee**-Alderman Mullane, Chairman

Members: Aldermen Abbott, Oates

Assistant City Engineer

**Personnel Committee**- Alderman Abbott, Chairman

Members: Alderman O’Shaughnessy, Wohleben, Mullane, Oates, Devine

City Clerk, Personnel Officer

**Washington Hunt Committee**- Mayor McCaffrey, Chairman

Members: Aldermen Wohleben, Abbott

**For their term of office:**

Police Board Alderman Richard Abbott

Fire Board Alderman David Wohleben

Community Cable Commission Alderman O’Shaughnessy

Community Pride Alderman Joe O’Shaughnessy, Chairman

**Commissioner of Deeds:**

For the term of two years expiring on December 31, 2017

Richard McIntyre, 6349 Vintage Ct., Lockport, NY

Scott P. Kiedrowski, 1253 Bowen Court, North Tonawanda, NY 14120

Robert Norris, 174 Continental Drive, Lockport, NY

Kenneth Genewick, 38 Harrison Ave., Lockport, NY

Michael Carney, 407 Bennett, North Tonawanda, NY 14120

John D. Johnston, 1610 Youngstown-Lockport Rd, Youngstown, NY

Mark Crocker, 5513 Forest Hill Rd, Lockport, NY

Ann Boci, 41 W Grant St, Lockport, NY

Tracy Farrell, 55 Lakeview Pkwy, Lockport, NY

Received and filed.

1/6/16 John Lombardi III, 329 Chestnut Street, Lockport, NY – appointed as the City of Lockport representative for NICAP effective January 1, 2016.

Received and filed.

1/6/16 Patrick W. Schrader, 32 Gaffney Road, Lockport, NY – appointed as a member of the Fire Board. Said term expires on December 31, 2019.

Received and filed

1/6/16 Kathryn Fogle, 35 Bacon Street, Lockport, NY – appointed as a member of the Fire Board to fill the unexpired term of Peter Robinson who resigned. Said term expires on December 31, 2016.

Received and filed

1/6/16 Joseph Oates, 342 E Union Street, Lockport, NY – appointed as a member of the License Revocation Board. Said Term expires on December 31, 2017.

Received and filed

1/6/16 Gregory Zakrzewski, 7457 Lincoln Avenue, Lockport, NY – appointed as a member of the Plumbing Board. Said term expires on December 31, 2018.

Received and filed

1/6/16 Demetrius Grant, 191 Prospect Street, Lockport, NY – appointed as a member of the Youth Board. Said term expires on December 31, 2018.

Received and filed

1/6/16 Kathryn Fogle, 35 Bacon Street, Lockport, NY – appointed as a member of the Youth Board. Said term expires on December 31, 2018.

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)

**Notice of Defect:**

12/11/15 70 Prospect Street – tree

12/15/15 42 Charlotte Street – tree

12/16/15 179 Church Street – tree

Referred to the Director of Streets and Parks.

11/19/15 Patrick Schrader, President, Monday Night Cruise Optimist Club – request permission to use Ida Fritz Park for the 2016 Monday Night Cruise

Referred to the Committee of the Whole

12/4/15 Ed Sandusky, Optimist Club of Lockport – request permission to conduct the 41st Annual Outdoor Arts & Craft Festival.

Referred to the Committee of the Whole

1/3/16 Jeff Tracy, Race Director, Lockport Family YMCA – request permission to conduct the 45th Annual Y-10 Open Road Race.

Referred to the Committee of the Whole

1/6/16 Mayor Anne E. McCaffrey – recommendation that Margaret Truax be appointed as the Alternate member of the City of Lockport Board of Ethics, and that Dr. Jennifer Stoll be appointed as a permanent member.

Referred to the Committee of the Whole

## MOTIONS & RESOLUTIONS

**010616.2**

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 January 8, 2016 as follows:

General Fund Account #001 $ 55,044.50

Water Fund Account #002 $ 6,697.46

Sewer Fund Account #003 $ 7,519.42

Capital Projects Account #004 $ 8,600.00

Refuse Fund Account #012 $ 89,099.59

Payroll Pay Date 12/24/15 $446,550.75

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

**010616.3**

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:

Employee Years of Service Title

Jason P. Hunt 15 Water Maintenance Worker

Jeanne E. Goff 15 Senior Account Clerk

Seconded by Alderman Devine and adopted. Ayes 6.

**010616.4**

By Alderman Oates:

Resolved, that pursuant to their request, Great Lakes Racing, LLC is hereby granted permission to use the rest room facilities and pavilion at Nelson C. Goehle Wide Waters Marina on Saturday, January 23, and Saturday, August 13, 2016, for the annual Winter and Summer Beast of Burden Ultra Marathons. Said permission is subject Great Lakes Racing, LLC 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 the preparation of the restroom facilities for said event and to arrange for delivery of barricades to close off the parking lot.

Seconded by Alderman Wohleben and adopted. Ayes 6.

**010616.5**

By Alderman Devine:

Resolved, that pursuant to their request, Niagara Jr. Thunder Wolves is hereby granted permission to use the baseball field at Outwater Park for their 2016 “Battle at the Falls” baseball tournament subject to approval of the schedule by the Highways & Parks Department and Niagara Jr. Thunder Wolves filing a certificate of insurance with the City Clerk naming the City of Lockport as additional insured.

Seconded by Alderman Mullane and adopted. Ayes 6.

**010616.6**

By Alderman Wohleben:

Resolved, that pursuant to their request, the Lockport Monday Night Cruise Optimist Club is hereby granted permission to conduct Monday night car cruises in Ida Fritz Park beginning May 9 through September 12, 2016 from 6:00 p.m. to 9:00 p.m., (Memorial Day and Labor Day Super Cruise begin at 3:00 p.m.) and be it further

Resolved, that said permission includes the following:

1. to operate a market place at the park for the sale of food and drink items

including alcoholic beverages, crafts, and related items

2. barricade West Avenue and Park Avenue at Hawley Street to North Transit Street and Hawley Street between Park Avenue and West Avenue

and, be it further

Resolved, that the Common Council hereby designates the aforesaid event as a temporary event as defined by Section 53-1 of the City Code (alcoholic beverages) which shall terminate/lapse upon completion of said event, and be it further

Resolved, that said permission is subject to the Lockport Monday Night Cruise Optimist Club 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, traffic cones, street closed signs and extra picnic tables to the area prior to the events, and be it further

Resolved, that the City of Lockport hereby prohibits entry to Ida Fritz Park of all bicycles, skateboards, and dogs on Cruise Nights during the events due to the expected heavy pedestrian traffic.

Seconded by Alderman Abbott and adopted. Ayes 6.

**010616.7**

By Alderman Mullane:

Resolved, that permission is hereby granted the Optimist Club of Lockport to conduct their 41st Annual Lockport Optimists Arts and Craft Festival on June 25th and 26th 2016 from 10:00 A.M. until 5:00 P.M. (street closing from 8:00 A.M. until 7:00 P.M.) with the following provisions:

1. The Lockport Optimist Club shall issue exhibitor's permits to arts and crafts exhibitors, vendors and peddlers, and to insure public safety and order and to avoid overcrowding of the exhibit areas, no other exhibits, displays, vendors or peddlers shall be permitted within the show area, whether located on public or private property, and the Lockport Optimist Club shall enforce this ban with the cooperation of the Lockport Police Department.
2. The Police Department is hereby directed to enforce the removal of all concessionaires, vendors, or peddlers from the show area not possessing an exhibitor’s permit.

(3) The show area shall include the blocks on Main Street from Washburn Street west to Saxton Street.

1. The Lockport Optimist Club shall file a certificate of insurance with the City Clerk naming the City of Lockport as additional insured, subject to the approval of the Corporation Counsel, and be it further

Resolved, that the Director of Streets and Parks is hereby authorized and directed to arrange for delivery and pick-up of City barricades and trash receptacles as needed, and be it further

Resolved, that permission is granted the Optimist Club to use the Police Garage for storage of a golf cart overnight on Friday and Saturday night, June 24th and 25th subject to the approval of the Chief of Police.

Seconded by Alderman Devine and adopted. Ayes 6.

**010616.8**

By Alderman Devine:

Resolved, that the Mayor and Common Council do hereby extend condolences to the family of Floyd Alexander Goff, a retired City of Lockport Highways & Parks Department employee who recently passed away.

Seconded by Alderman Oates and adopted. Ayes 6.

**010616.9**

By Alderman Wohleben:

Resolved, that pursuant to their request, the Lockport Family Y.M.C.A. is hereby granted permission to conduct their 45th annual Y-10 Open Road Race and to close Market Street during the race and close East Avenue from Washburn Street to Elm Street at the beginning and end of the race on Saturday, February 13, 2016, subject to approval of the race route by the Police Chief and subject to the Lockport Family Y.M.C.A 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 salting the streets in the City’s portion of the race route if necessary, and to deliver barricades, cones, and "street closed" signs as required, and be it further

Resolved, that the Traffic Captain is hereby directed to arrange for police support for said event.

Seconded by Alderman Mullane and adopted. Ayes 6.

**010616.9A**

By Alderman Devine:

Resolved, that pursuant to their request, the Erie Canal Fishing Derby is hereby granted permission to erect a banner at least 17' from the ground across Lake Avenue at Olcott Street and on East Avenue at Davison Road to promote the Erie Canal Fishing Derby which will be held from July 6th through July 17th, 2016. Banners are to be erected for a minimum of two weeks prior to the event dates based on a schedule approved by the City Clerk, and be it further

Resolved, that said permission is subject to the Erie Canal Fishing Derby filing a certificate of insurance with the City Clerk naming the City of Lockport as additional insured and subject to payment of $50 for each banner to be erected, and be it further

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

Seconded by Alderman Abbott and adopted. Ayes 6.

**010616.9B**

By Alderman O’Shaughnessy:

Resolved, that an Ad Hoc Committee “City Department Review Committee” be formed to review department operations; procedures and record management; assess computer equipment, software and any additional equipment. Conduct reviews of staffing; past, current and future. Review chain of command in each department; perform cost analysis for employee contracts, benefits and incentives. Review to ensure all departments are in compliance with the city charter and New York State laws and regulations, and be it further

Resolved, that the committee shall consist of the Mayor, two (2) council members (selected by the council as a whole) plus one relevant Committee Chairman, one (1) City Attorney, and a representative from each city department. The committee will begin reviews of departments in alphabetical order.

Seconded by Alderman Abbott and adopted. Ayes 6.

By Alderman Devine:

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

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

**010616.9C**

By Alderman Mullane:

Resolved, that the following Rules and Order of the Common Council are hereby adopted:

# RULES AND ORDERS OF THE COMMON COUNCIL

1. Roll Call. At the hour appointed for the meeting of the Council, the Mayor shall take the chair and direct a call of the members of the Council, and the Clerk shall note the absentees. Upon the appearance of a quorum, the Mayor shall call the members to order. If a quorum be not present, he shall send for absent members. Following shall be the

ORDER OF BUSINESS

a. Reading of minutes. Reading and approval of the minutes preceding meeting; but a majority of the members present may approve of, or dispense with, the reading of the minutes of any previous meeting.

1. Communications from the Mayor.

c. Communications and reports of officers of the corporation.

d. Petitions and remonstrances.

e. Reports of Standing Committees, in the order named in rule.

f. Reports of Special Committees.

g. Committee of the Whole.

h. Executive business.

i. Motions, resolutions and notices.

j. Unfinished business.

DUTIES OF THE MAYOR AS PRESIDING OFFICER

2. The Mayor, as presiding officer, shall possess the powers and perform the duties as herein prescribed, viz:

a. He shall preserve order and decorum.

b. Question of Order. He shall decide all questions of order, subject to appeal of the Council. On every appeal he shall have the right in his place to assign his reason for his decision; but any member may state the grounds for his appeal.

c. Appointment of Committees. He shall appoint all committees except where the Council shall otherwise order.

d. Temporary Chairman. He may substitute any member to perform the duties of the chair, but such substitution shall not extend beyond the adjournment of the Council, except by special consent of the Council.

e. Committee of the Whole. When the Council shall be ready to go into Committee of the Whole, he shall name a chairman to preside therein.

f. Privileges of the floor. He shall have the right to invite to the floor of the Council such persons as he shall deem deserving of the privilege; but the right of admission under such invitation shall not extend beyond the day on which it shall be given.

3. While a question is being put. While the presiding officer is putting a question, no member shall walk across or out of the room; nor in such case, or when a member is speaking, shall entertain any private discourse, nor, while a member is speaking, shall pass between him and the chair.

4. Speaking. Every member, when he speaks, shall, from his chair, address the presiding officer as Mr. Mayor, and shall not proceed until recognized by the Mayor; and no member shall speak more than twice to the same question, nor more than five minutes each time at the same meeting, without requesting and receiving the consent of a majority of the members present, by a roll call vote.

5. Speaker recognized. When two or more members request recognition simultaneously, the presiding officer shall name the member he wishes to speak first.

6. Call to order. Any member may be called to order; in which case the member so called to order shall immediately sit down. The point of order shall be stated at the request of the presiding officer, by the member raising the question of order, and shall be decided without debate, before proceeding to other business.

1. Vote. Every member shall vote when a question is stated from the chair, unless excused by the Council; and every member voting shall be in his place.

8. Petitions, etc. Petitions and other papers may be presented by the presiding officer or any member, but when presented by a member, he shall first endorse on the petition or paper the substance thereof.

9. Motions or Resolutions. No motion or resolution shall be debated or put until seconded, and no member shall make or second a motion or resolution except he request recognition from his chair for that purpose; and when seconded the motion or resolution shall be stated distinctly by the presiding officer, before being put or debated. No motion or resolution shall be presented for action, unless it has been submitted in writing to the Clerk by noon of the day of the Committee of the Whole work session one week prior to the Common Council meeting, excluding the work session the day of the Common Council Meeting, or unless by prior authorizations of the Mayor, City Clerk, and City Attorney and then by consent of two-thirds of the whole number of the Council, except that a motion or resolution referred to any committee may be recalled from that committee at any subsequent Council meeting by vote of a majority of the whole number of the Council . If any motion or resolution referred to a committee shall not have been reported out within forty-five days of the time when it was referred, then the sponsor of the motion or resolution may have it brought out for Council consideration without any committee report. Any motion or resolution may be withdrawn at any time before decision, commitment or amendment by unanimous consent.

10. Ayes and noes. If any member require it, the ayes and noes upon any question shall be taken and entered upon the minutes of the Council. In taking the same, the names of members shall be taken alphabetically.

11. Appointment of committees. All committees shall be appointed by the presiding officer, unless otherwise specially directed by the Council, in which case they shall be appointed by ballot.

PRIVILEGED QUESTIONS

12. Order of motions. When a question is pending, no motion shall be received, except as hereinafter specified; which motion shall have preference in the order stated, viz:

a. For an adjournment of the Council.

b. A call of the Council.

c. To lay on the table.

d. For the previous question.

e. To postpone indefinitely.

f. To postpone to a day certain.

g. To refer to the Committee of the Whole.

h. To refer to a standing committee.

i. To refer to a special or select committee.

j. To amend.

13. Non-debatable motions. A motion to adjourn, lay on the table, or for the previous question, shall be decided without amendment or debate; and all questions of order, and all questions relating to the order of business, shall be decided without debate. The several motions to postpone or to refer, shall preclude all debate of the main question.

14. Reconsideration. A motion for reconsideration if lost, shall not again be repeated at the same meeting of the Council, nor shall any question be reconsidered more than once.

15. Executive business. Executive business shall be governed by Chapter 511 of the Laws of 1976.

16. Concerning applicant for office. All information, or any remarks by any member concerning the character or qualifications of any person whose name shall be before the council for an appointment to any office, shall be kept secret, and all proceedings and things of the Council, or any member thereof, in secret session, shall be kept secret until the Council shall remove all injunctions to secrecy.

1. Divisions of questions. If any question contains several distinct propositions, it may be divided by the chair.

18. Reading of paper. Any member may have any paper in possession of the council read, upon request, unless the same shall be objected to by some other member; and then the question shall be determined by a vote of a majority of the whole council, without debate.

19. Speaking to question. After the roll-call upon any question has commenced, no member shall speak to the question except to explain his vote, and then not to exceed five minutes; nor shall any motion be made until after the result is declared.

20. Committee's Report. No report shall be received from any committee unless the committee, or a quorum thereof, shall have met and considered the matter in a regular or special meeting of the committee.

21.     Robert's Rule of Order.  Whenever any question not covered by these rules shall arise, this council shall be governed by the parliamentary rules as laid down in Robert's Rule of Order.  The Corporation Counsel shall preside as the Parliamentarian at all meetings. (Amended 4/2/14)

22. Standing Committees The following standing committees shall be appointed by the Mayor at the commencement of the session, or as soon thereafter as may be practicable:

FINANCE COMMITTEE – to consist of Common Council members as appointed by the Mayor, and ex-officio members: City Treasurer and Director of Finance.

PUBLIC HEALTH & SAFETY – to consist of Common Council members as appointed by the Mayor and ex-officio members: Police Chief, Fire Chief, and Chief Building Inspector.

HIGHWAYS & PARKS - to consist of Common Council members as appointed by the Mayor and ex-officio members: Assistant City Engineer, Director of Streets and Parks, Public Works Supervisor

WATER & SEWER - to consist of Common Council members as appointed by the Mayor and ex-officio members: Assistant City Engineer, Sr. Building Inspector, Chief Operator/WWTP, Chief Water Treatment Plant Operator, Water Distribution Maintenance Supervisor

YOUTH – to consist of Common Council members as appointed by the Mayor and ex-officio members: Assistant City Engineer.

PERSONNEL – to consist of Common Council members as appointed by the Mayor and ex-officio member: City Clerk and Personnel Officer.

WASHINGTON HUNT - to consist of three members: Mayor and two aldermen as appointed by the Mayor.

The Common Council President shall be qualified to sit as a member of any standing committee whenever his or her presence will enable such committee to reach a quorum for the transaction of business.

23. Changing of Rules. No standing rule or order of the council shall be amended, repealed, rescinded, changed or superseded, except by a vote of two-thirds of the whole council, nor shall any new rule be added thereto, except by a like vote; but they may be suspended at any time by a two-thirds consent of the whole council.

1. Regular Meetings.
2. The regular meeting of the Council shall be held on the first and third Wednesday of each month, except when otherwise directed by resolution of the Common Council. The hour of meeting shall be 6:30 P.M., and if a quorum shall not be present at 7:00 P.M. the Common Council shall stand adjourned. The Committee of the Whole shall meet one hour prior to the start of the regularly scheduled Common Council meetings.
3. The Committee of the Whole work sessions if scheduled shall be held at 5:30 P.M. every Wednesday of each month or any other day and time if so directed by the President of the Common Council.

25. Business of Special Meeting. It shall not be in order at any special meeting to proceed to any other business than that for which the meeting was convened, unless by unanimous consent of all members present.

26. Regular Committee Meetings. The standing committees shall have regular meetings for the transaction of committee business.

27. Report of Committees. It shall be the duty of the committees to report on every subject referred to them, within two weeks from the time of such reference, unless the time shall have been extended by the council.

28. General rules and regulations for the letting of contracts for materials, supplies, equipment or public works projects (including local public improvements).

l. After any materials, supplies, equipment or public works project shall have been ordered, the Common Council shall, at the time of adopting the ordinance therefor, or at anytime thereafter, give notice, or order and direct the same to be given, that proposals for the doing and completion of said work will be received.

2. All notices shall be given by the City Clerk by publishing same in the official paper of this city.

3. Notices for the receiving of proposals shall be of the following form - the blanks therein to be filled at the time of publication as necessities require:

NOTICE TO BIDDERS

City Clerk's Office, Lockport, New York

Sealed proposals shall be received by the undersigned at his office, Lockport Municipal Building, One Locks Plaza, Lockport, NY until (day) , (date) , at (time) for in accordance with the specifications made therefor and obtainable at the (appropriate City office).

Proposals must be for the amount in gross and include everything connected with the proposed materials, supplies, equipment or public works project being bid.

Each proposal must be accompanied by a certified check or bid bond in an amount equal to ten percent of the bid.

The Common Council hereby reserves the right to reject any or all proposals.

By order of the Common Council of the City of Lockport, N.Y.

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

City Clerk

4. No proposal after time expires. After the time in said notice specified for the reception of proposals shall have expired no further proposals for the work specified therein shall be received; and each and every plan and specification therein published shall be particularly and strictly observed by all concerned.

5. Proposals to be guarded. The City Clerk shall receive all proposals at his office in this City, and shall carefully guard and preserve the same unopened; he shall not permit either or any of them to be taken from his custody until such time and in such manner as the Common Council may order and direct.

6. Clerk to open. The Clerk shall publicly open and read the bids on the date and at the time specified in the Notice to Bidders.

7. Clerk to report to Council. The City Clerk shall submit a summary of those bids received and opened to the Common Council at its first regular meeting thereafter, under the order of "unfinished business."

8. Recess to examine. The Mayor may thereupon declare a recess, stating the duration thereof, in order that the members of the Council may critically examine each proposal.

9. Action on proposals. Upon re-assembling, the Common Council shall consider said proposal, and shall without adjournment take some action in relation thereto, either by accepting the proposal of the lowest responsible bidder, or by rejecting all bids, or by referring the same to some proper committee.

10. To again advertise. In case all bids are rejected, the Common Council shall again direct the publication of a notice to bidders, similar in all respects to that first advertised, and shall so continue to advertise for, receive and consider proposals for said items until by a vote of a majority of the council, a contract is finally awarded, except, however, in cases where the Common Council shall reconsider its action requiring such work to be performed by contract.

11. Certified Check or Bid Bond. Each proposal shall be accompanied by a certified check or bid bond in a sum not less than ten percent of the amount of the proposal. In the event the successful bidder fails to enter into contract within five days after being notified by the City Clerk, the check will be forfeited.

12. The Common Council reserves the right to reject any or all proposals.

29. Two-thirds vote to repeal. No legislative ordinance, act or resolution passed during any previous meeting of the current term of this council, shall be amended, repealed, rescinded, changed or superseded, in whole or in part, except by two-thirds vote of the whole Council.

30. Recess for public input. Following roll call at the Common Council meetings, any speaker desiring to speak at the Common Council meetings that signs up prior to the commencement of the meeting may be heard regarding city business on the Agenda for a period not to exceed 3 minutes with a 1 minute warning to conclude his or her speaking. At the close of the Common Council meeting any speaker that has signed up who desires to speak will be allowed to speak on matters concerning the General Welfare of the City for a period not to exceed 5 minutes with a 1 minute warning to conclude his or her speaking. No speaker shall be permitted to transfer their time to another speaker.

Seconded by Alderman Devine and adopted. Ayes 6.

**010616.9D**

By Alderman Oates:

Resolved, that the Assistant Director of Engineering be and the same is hereby authorized to arrange for the installation of streetlights to be placed on pole 102-70 on 767 Market Street.

Seconded by Alderman Wohleben and adopted. Ayes 6.

**010616.9E**

By Alderman Wohleben:

Resolved, that pursuant to the recommendation of Mayor McCaffrey, the following are hereby appointed to the board of ethics:

As Permanent Member:

Dr. Jennifer Stoll, 16 Kingston Circle, Lockport, NY - term expires on July 2, 2018

As Alternate Member:

Margaret Truax, 29 Spruce Street, Lockport, NY – term expires on Oct. 15, 2017

Seconded by Alderman Devine and adopted. Ayes 6.

**010616.9F**

By Alderman Abbott:

Resolved, that pursuant to the request of Police Chief Michael Niethe, permission is herby granted to Captain Douglas Haak to attend the FBI National Academy at Quantico, Virginia from January 8, 2016 until March 18, 2016, and be it further,

Resolved, that he will be paid his regular salary while away attending the academy and there will be no other reimbursements including but not limited to meals, travel costs, and uniform.

Seconded by Alderman Mullane and adopted. Ayes 6.

**010616.9G**

By Alderman Oates:

Resolved, that pursuant to their request, permission is hereby granted to Lockport Express to park a bus in the city parking lot across from City Hall to promote tournaments and games from now until March 6, 2016. Said permission is subject to Lockport Express filing a certificate of insurance with the City Clerk naming the City of Lockport as additional insured.

Seconded by Alderman Abbott and adopted. Ayes 6.

**010616.9H**

By Alderman Abbott:

Resolved, that the 2016 General Fund Budget, be amended to create the position of Account Clerk in the Treasurer’s Office.

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

**010616.10** **ADJOURNMENT**

At 6:30 P.M. Alderman Wohleben moved the Common Council be adjourned until 6:00 P.M., Wednesday, January 20, 2016.

Seconded by Alderman Devine and adopted. Ayes 6.

RICHELLE J. PASCERI

City Clerk

CITY OF LOCKPORT

**CORPORATION PROCEEDINGS**

Lockport Municipal Building

Regular Meeting

Official Record

January 20, 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.

**012016.1** **APPROVAL OF MINUTES**

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

**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 Defect:**

1/19/16 156 Spalding Street – tree stump

Referred to the Director of Streets and Parks.

## MOTIONS & RESOLUTIONS

**012016.2**

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 January 22, 2016 as follows:

2015 Expenses:

General Fund Account #001 $ 120,151.83

Water Fund Account #002 $ 51,568.62

Sewer Fund Account #003 $ 57,388.62

Capital Projects Account #004 $ 3,792.50

Refuse Fund Account #012 $ 90,841.51

2016 Expenses:

General Fund Account #001 $ 29,231.68

Water Fund Account #002 $ .36

Payroll Pay Date 1/7/16 $ 484,855.61

Seconded by Alderman Devine and adopted. Ayes 6.

**012016.3**

By Alderman Abbott:

WHEREAS, the City applied for and received a LG15-1482-D00 (Purchasing New Firearms – (Guns) for the Lockport Police Department), and

WHEREAS, revenues and activities related to the grant were not budgeted for the year 2016, now therefore be it

RESOLVED, the 2016 budget be amended for the receipt of revenue and appropriation of expenditures made relative to the grant as follows:

INCREASE REVENUES:

001.0001.3389 New Firearms - Guns $7,500.00

INCREASE APPROPRIATIONS:

001.3120.0260 New Firearms-Guns $7,500.00

Seconded by Alderman Mullane and adopted. Ayes 6.

**012016.4**

By Alderman Wohleben:

Resolved, that pursuant to their request, the Exchange Club of Lockport is hereby granted permission to use city bleachers for the Exchange Club Circus to be held February 26th and 27th, 2016. Said permission is subject to the Exchange Club of 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 the bleachers.

Seconded by Alderman Oates and adopted. Ayes 6.

**012016.5**

By Alderman Abbott:

WHEREAS, the City applied for and received a FFY 2015 STOP Violence Against Women (Domestic Violence), and

WHEREAS, revenues and activities related to the grant were not budgeted for the year 2016, now therefore be it

RESOLVED, the 2016 budget be amended for the receipt of revenue and appropriation of expenditures made relative to the grant as follows:

INCREASE REVENUES:

001-0001-4389-0361 Domestic Violence $21,450.23

INCREASE APPROPRIATIONS:

001-3120-0101-0361 Overtime/Domestic Violence $ 9,394.23

Seconded by Alderman Mullane and adopted. Ayes 6.

**012016.6**

By Alderman Abbott:

Resolved, that resolution #121615.5 adopted by the Common Council at their December 16, 2015 meeting, regarding an agreement with Niagara Falls for shared assessment services, be and the same is hereby rescinded.

Seconded by Alderman O’Shaughnessy and adopted. Ayes 4. Noes 1.

Alderman Wohleben voted no. Alderman Mullane abstained.

**012016.7**

By Alderman Oates:

Resolved, that pursuant to their request, the American Cancer Society is hereby granted permission to conduct their annual Mother's Day Breast Cancer Canal Walk on Sunday, May 8, 2016 and to barricade Market Street from North Adam Street to Wide Waters Marina between the hours of 12:30 p.m. – 2:30 p.m. and to erect a tent at Nelson C. Goehle Park for said event, subject to approval of the walk route by the Police Chief and the American Cancer Society 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 make arrangements to deliver barricades, traffic cones, and street closed signs and arrange to have the restroom open at the park on said date.

Seconded by Alderman Wohleben and adopted. Ayes 6.

**012016.8**

By Alderman Abbott:

Resolved, that a full-time City Assessor position is hereby created within the 2016 Budget effective immediately; and be it further

Resolved, that the 2016 Budget is further amended as follows:

INCREASE

Expense:

001.1355.0100 Personal Services – Regular       $43,000

001.1355.0800    Retirement                      $  6,665

001.1355.0802       FICA                                           $  3,290

001.1355.8001      Workers Compensation             $  3,960

001.1355.8004      Health Insurance                    $20,143

DECREASE:

Expense:

001.1420.4200 Counsel Fees (City Attorney) $77,058

Seconded by Alderman O’Shaughnessy and adopted. Ayes 4, Noes 1.

Alderman Wohleben voted no. Alderman Mullane abstained.

**012016.9**

By Alderman Mullane:

Resolved, that Aldermen O’Shaughnessy and Devine are hereby appointed to the City Department Review Committee.

Seconded by Alderman Wohleben and adopted. Ayes 6.

**012016.10**

By Alderman Abbott:

Resolved, that a public hearing be held at the Common Council Meeting of February 3, 2016 starting at 6:30 P.M. in the Common Council Chambers, Lockport Municipal Building, One Locks Plaza, Lockport, NY relative to amending the AGED exemption, 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.

**012016.11**

By Alderman Oates:

Whereas, the City of Lockport declared itself SEQRA Lead Agent for the Zip Line Adventure Project on December 16, 2015 by resolution 121615.12F, now therefore be it

Resolved, that a public hearing be held at the Common Council Meeting of February 3, 2016 starting at approximately 6:30 P.M. in the Common Council Chambers, Lockport Municipal Building, One Locks Plaza, Lockport, NY in relation to an amendment to the special use permit granted June 17, 2015 for the Zip Line Adventure Ride at 5 Gooding Street, and be it further

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

Seconded by Alderman Devine and adopted. Ayes 6.

**012016.11A**

Whereas, on October 23, 2015 and December 14, 2015, accidents involving police cars occurred, and

Whereas, the City received insurance checks in the amount of $31,794.15, now therefore be it

Resolved, that the 2016 budget be amended as follows:

Increase:

001-0001-2690 Other Compensation for Loss $ 31,794.15

Increase:

001-3120-0230 Vehicle Purchase $ 26,461.05

001-5130-4711 Equipment Repair/Vehicles $ 5,333.10

Seconded by Alderman Oates and adopted. Ayes 6.

**012016.12** **ADJOURNMENT**

At 7:07 P.M. Alderman Wohleben moved the Common Council be adjourned until 6:30 P.M., Wednesday, February 3, 2016.

Seconded by Alderman Devine and adopted. Ayes 6.

RICHELLE J. PASCERI

City Clerk

CITY OF LOCKPORT

**CORPORATION PROCEEDINGS**

Lockport Municipal Building

Regular Meeting

Official Record

February 3, 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.

**MAYOR’S UPDATE**

**INVOCATION**

**TREASURER’S REPORT**

**RECESS**

Recess for public input.

**020316.1** **APPROVAL OF MINUTES**

On motion of Alderman Wohleben, seconded by Alderman Devine, the minutes of the Regular Meeting of January 20, 2016 are hereby approved as printed in the Journal of Proceedings. Ayes 6. Carried.

PUBLIC HEARING

AMENDMENT TO § 166, ART III - SENIOR CITIZENS TAX EXEMPTION

The Mayor announced a public hearing on a proposed amendment to § 166, Article III – Senior Citizens Tax Exemption.

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

1/22/16 Cynthia Scheer Landrigan, 33 Priscilla Lane, Lockport, NY – in favor of increasing the income level for the exemption.

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)

1/20/16 Bridgett Borek, Lockport In Bloom Chair – request permission to conduct the 12th Annual Lockport In Bloom Garden Walk, and request permission to install signage to promote the Garden Walk. Referred to the Committee of the Whole

1/21/16 Mayor Anne E. McCaffrey – I, Anne E. McCaffrey, Mayor of the City of Lockport do hereby acknowledge receipt of resolutions 012016.6 and 012016.8 duly certified by the City Clerk on 1/21/16 and in accordance with Sections 65 and 66 of the City of Lockport Charter I hereby veto resolutions 012016.6 and 012016.8. Referred to the Committee of the Whole

1/28/16 Richelle J. Pasceri, City Clerk – notification that the Lockport Municipal Offices will be closed as follows in the month of February in observance of the President's birthdays:

Monday, February 8h

Monday, February 15th

There will be no change in the garbage pickup schedule.

Referred to the Media

1/28/16 Frank Movalli, Principal, Lockport High School – request permission to conduct a 5K road race on Saturday May, 21, 2016. Referred to the Committee of the Whole

2/3/16 Richelle J. Pasceri, City Clerk – notification that bid proposals for Locks District Gateway Signage were received on January 29, 2016 as follows:

Yarussi Construction base $395,000.00

Niagara Falls, NY inlay 8,700.00

Northern Dreams Construction base $450,000.00

Cheektowaga, NY inlay 11,000.00

Scott Lawn Yard base $312,000.00

Sanborn, NY inlay 10,000.00

Gardenville Landscape & Nursery base $329,000.00

West Seneca, NY inlay 7,500.00

Modern Surface Solutions base $327,000.00

Lockport, NY Inlay 6,930.00

Nichols Long & More Construction base $332,442.00

Lancaster, NY inlay 10,800.00

Referred to the Committee of the Whole

**Notice of Defect:**

1/25/16 192 Erie Street, Lockport, NY – tree

Referred to the Director of Streets and Parks.

**Notice of Claim:**

2/1/16 Marissa M. Sheron, 193 Church Street, Lockport, NY

Referred to the Corporation Counsel.

## MOTIONS & RESOLUTIONS

**020316.2**

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 February 5, 2016 as follows:

2015 Expenses:

General Fund Account #001 $ 102,569.52

Water Fund Account #002 $ 30,510.06

Sewer Fund Account #003 $ 29,149.20

Capital Projects Account #004 $ 571.95

2016 Expenses:

General Fund Account #001 $ 86,004.04

Water Fund Account #002 $ 22,104.59

Sewer Fund Account #003 $ 12,475.14

Payroll Pay Date 1/21/16 $ 460,119.52

Seconded by Alderman Devine and adopted. Ayes 6.

**020316.3A**

By Alderman Abbott:

**WHEREAS**, on December 16, 2015, the Common Council passed resolution No. 121615.5 to enter into a shared services agreement with the City of Niagara Falls, and

**WHEREAS**, on January 20, 2016, the Common Council passed resolution No. 012016.6 to rescind resolution No. 121615.5, and

**WHEREAS**, on January 21, 2016, the City Clerk in accordance with Section C-65 of the City Charter presented certified resolution 012016.6 to the Mayor within 24 hours for signature and the Mayor on January 21, 2016 vetoed resolution No. 012016.6 and returned it with her objections to the City Clerk within five days after she received it, and

**WHEREAS**, the City Clerk reported the Mayor’s veto and veto message to the Common Council at the next regular meeting on February 3, 2016, and

**WHEREAS**, the Common Council having reconsidered the same desires to override said veto and pass the same.

**NOW THEREFORE BE IT**

**RESOLVED**, that resolution No. 012016.6 be and the same is hereby readopted and it shall take effect as if it had duly received the Mayor’s signature.

Seconded by Alderman O’Shaughnessy. A roll call vote was taken which resulted as follows:

Alderman Abbott VOTING YES

Alderman Devine VOTING YES

Alderman Mullane VOTING YES

Alderman Oates VOTING YES

Alderman O’Shaughnessy VOTING YES

Alderman Wohleben VOTING NO

The resolution was thereupon declared duly adopted.

**020316.3B**

By Alderman O’Shaughnessy:

**WHEREAS**, on January 20, 2016, the Common Council passed resolution No. 012016.8, to create a full-time City Assessor position within the 2016 Budget effective immediately; and amend the 2016 Budget as follows:

INCREASE

Expense:

001.1355.0100 Personal Services – Regular       $43,000

001.1355.0800    Retirement                      $  6,665

001.1355.0802       FICA                                           $  3,290

001.1355.8001      Workers Compensation             $  3,960

001.1355.8004      Health Insurance                    $20,143

DECREASE:

Expense:

001.1420.4200 Counsel Fees (City Attorney) $77,058

and

**WHEREAS**, on January 21, 2016, the City Clerk in accordance with Section C-65 of the City Charter presented certified resolution 012016.8 to the Mayor within 24 hours for signature and the Mayor on January 21, 2016 vetoed resolution No. 012016.8 and returned it with her objections to the City Clerk within five days after she received it, and

**WHEREAS**, the City Clerk reported the Mayor veto and veto message to the Common Council at the next regular meeting on February 3, 2016, and

**WHEREAS**, the Common Council having reconsidered the same desires to override said veto and pass the same.

**NOW THEREFORE BE IT**

**RESOLVED**, that resolution No. 012016.8 be and the same is hereby readopted and it shall take effect as if it had duly received the Mayor’s signature.

Seconded by Alderman Abbott. A roll call vote was taken which resulted as follows:

Alderman Abbott VOTING YES

Alderman Devine VOTING YES

Alderman Mullane VOTING YES

Alderman Oates VOTING YES

Alderman O’Shaughnessy VOTING YES

Alderman Wohleben VOTING NO

The resolution was thereupon declared duly adopted.

**020316.4**

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:

Employee Years of Service Title

Joseph J. Kane 30 Tree Crew Leader

Michael J. Barnwell 20 Firefighter

Thomas A. Glenn 20 Fire Lieutenant

Todd M. Wheeler 15 WWTP Attendant

David A. Yourdon 15 Municipal Worker

William E. Jones 5 Police Officer

Seconded by Alderman Mullane and adopted. Ayes 6.

**020316.5**

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 April 9, 2016 through October 29, 2016, 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 Wohleben and adopted. Ayes 6.

**020316.6**

By Alderman Abbott:

Resolved, that income eligibility for City tax exemption for qualifying property owners over 65 years of age be increased from the present $25,420 annually to $29,000 for exemption from 50 percentum of assessed valuation for City tax purposes, as provided for in Section 467 of the Real Property Tax Law of the State of New York. Said increased eligibility to be applicable to the 2016 final assessment roll which will produce 2017 General City Tax, and be it further

Resolved, that the any person otherwise qualifying under this section shall not be denied the exemption under this section if he becomes sixty-five years of age after the appropriate taxable status date and on or before December thirty-first of the same year.

Seconded by Alderman Devine and adopted. Ayes 6.

**020316.7**

By Alderman Mullane:

Resolved, that pursuant to their request, the Lockport in Bloom committee is hereby granted permission to conduct their 12th annual Lockport In Bloom "City Garden Tour 2016" event the weekend of Saturday, July 9th and Sunday, July 10th, 2016 from 10:00 a.m. to 4:00 p.m., and from 6:30 – 9:00 pm on Saturday, July 10th , and be it further

Resolved, that permission is also granted to hang signs advertising the event on the four Historic Lockport entrance signs beginning June 22nd to July 10th and to erect 18" X 24" Lockport in Bloom garden signs in Ida Fritz Park, Locust Street Park, Children’s Memorial Park and Veteran’s Memorial Park, 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 to promote Lockport in Bloom weekend. Banners are to be erected for a minimum of two weeks prior to the event based on a schedule approved by the City Clerk, and be it further

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

Seconded by Alderman Oates and adopted. Ayes 6.

**020316.8**

By Alderman Devine:

Resolved, that pursuant to their request, #MSSUCKS is hereby granted permission to conduct a 5K run “Cinco-K” and barricade Vine Street from Walnut Street to Remick Parkway starting at approximately noon on May 1, 2016, subject to #MSSUCKS 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 Abbott and adopted. Ayes 6.

**020316.9**

By Alderman Wohleben:

Whereas, the City Council has authorized the creation of an account clerk position within the City Treasurer’s Office through the adoption of resolution No. 010616.9H, and

Whereas, the 2016 budget must be amended to effectuate that; Now Therefore be it

Resolved, that the 2016 Budget is hereby amended as follows:

Decrease:

001.1900.1990 Contingency $39,058

Increase:

001.1325.0100 Personal Services – Regular $28,500

001.1325.0800 Retirement $   4,418

001.1325.0802 FICA  $   2,180

001.1325.8001 Workers Compensation $   3,960

Seconded by Alderman Abbott and adopted. Ayes 6.

**020316.10 WITHDRAWN** (Amend Budget re: Flag Pole Capital Project)

**020316.11**

By Alderman Oates:

Whereas, the City participated in a New York Power Authority (NYPA) Energy Service program through which NYPA conducted an energy study and funded, in the first instance, energy efficiency measures designed to reduce the City’s energy costs; and

Whereas, the City Council, through adoption of Resolution 021914.4, authorized the City’s participation with repayment to NYPA at an annual cost not to exceed $11,220 until the year 2024; and

Whereas, the actual annual amount totals $20,915 due to changes in scope of service and increased fixture costs; Now Therefore, Be it

Resolved that Resolution 021914.4 is hereby amended to increase the annual cost authorized to $20,915 to be paid from the Utilities line item within the City’s annual budget.

Seconded by Alderman Wohleben and adopted. Ayes 6.

**020316.12**

By Alderman Abbott:

WHEREAS, the City applied for and received a Police Traffic Services -2016 Lockport City PD-00234-(032) (Highway Safety) Grant, and

WHEREAS, activities related to the grant were not budgeted for the year 2016, now therefore be it

RESOLVED, that the 2016 budget be amended for the appropriation of expenditures made relative to the grant as follows:

INCREASE APPROPRIATIONS:

001-3120-0101-3439 Overtime/Highway Safety $7,800.00

Seconded by Alderman Mullane and adopted. Ayes 6.

**020316.13**

By Alderman Abbott:

WHEREAS, the City received a HOLIDAY DWI (DWI Road Checks) Grant for 2016, and

WHEREAS, revenues and activities related to the grant were not budgeted for the year 2016, now therefore be it

RESOLVED, that the 2016 budget be amended for the receipt of revenue and appropriation of expenditures made relative to the grant as follows:

INCREASE REVENUES:

001-0001-4389-3438 STOP D.W.I. $8,751.00

INCREASE APPROPRIATIONS:

001-3120-0101-3438 Overtime/STOP D.W.I. $8,751.00

Seconded by Alderman Devine and adopted. Ayes 6.

**020316.14 WITHDRAWN** (Authorize Mayor to enter into agreement for Engineering Services for the Flight of Five project)

**020316.15**

By Alderman Wohleben:

Resolved, that pursuant to their request, Lockport High School is hereby granted permission to conduct a 5K Road Race on Saturday, May 21, 2016, subject to approval of the race route by the Police Chief and subject to 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 and cones as required, and be it further

Resolved, that the Traffic Captain is hereby directed to arrange for police support for said event.

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

**020316.15A**

By Alderman Oates:

Resolved, that a public hearing be held at the Common Council Meeting of February 17, 2016 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 All Saints RC Parish of Lockport, for approval for to add a 145.6’ x 150’ cemetery expansion on the east side of the property located at 23 Glenwood Avenue, situated in an RA 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 Wohleben and adopted. Ayes 6.

**020316.15B**

By Alderman Abbott:

Resolved, that the Police Chief is hereby authorized and directed to sell via online auction, to the highest bidders, three vehicles that were seized through Asset Forfeiture, and be it further

Resolved, that the City Clerk is authorized and directed to advertise for same.

Seconded by Alderman Mullane and adopted. Ayes 6.

**020316.15C**

By Alderman Wohleben:

WHEREAS, The New York State Office of Community Renewal (the “OCR”) fielded applications for Planning Grants through the Consolidated Funding Application (CFA)  process to fund, among other things, community needs assessments of economic development initiatives, and

WHEREAS, the City applied for funding for a community needs assessment, and

WHEREAS, the City was awarded a $50,000 grant through the OCR for a community needs assessment, now therefore be it

RESOLVED, that the Mayor is hereby authorized to execute the grant agreement and all related documents associated with the OCR grant, subject to review by the City Attorney, and be it further

RESOLVED, that the 2016 budget be amended to reflect the same.

Seconded by Alderman Oates and adopted. Ayes 6.

**020316.16** **ADJOURNMENT**

At 7:20 P.M. Alderman Wohleben moved the Common Council be adjourned until 6:30 P.M., Wednesday, February 17, 2016.

Seconded by Alderman Devine and adopted. Ayes 6.

RICHELLE J. PASCERI

City Clerk

CITY OF LOCKPORT

**CORPORATION PROCEEDINGS**

Lockport Municipal Building

Regular Meeting

Official Record

February 17, 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, and Mullane

Absent: Alderman Wohleben.

**INVOCATION**

**MAYOR’S UPDATE**

**RECESS**

Recess for public input.

**021716.1** **APPROVAL OF MINUTES**

On motion of Alderman Oates, seconded by Alderman Devine, the minutes of the Regular Meeting of February 3, 2016 are hereby approved as printed in the Journal of Proceedings. Ayes 5. Carried.

**PUBLIC HEARING**

The Mayor announced a public hearing on a request for a Special Use Permit made by All Saints RC Parish of Lockport for approval to add a 145.6’ x 150’ cemetery expansion at 23 Glenwood Avenue.

Recess for public input.

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

2/2/16 Charlene Seekins-Smith, Chairman, Lockport Planning and Zoning Board – the Board recommends that the request for a special use permit be approved.

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 Defect:**

2/4/16 310 Church Street – tree

Referred to the Director of Streets and Parks.

## MOTIONS & RESOLUTIONS

**021716.2**

By Alderman Oates:

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 February 19, 2016 as follows:

2015 Expenses:

General Fund Account #001 $ 5,286.53

Sewer Fund Account #003 $ 851.00

Capital Projects Account #004 $ 126,253.00

2016 Expenses:

General Fund Account #001 $ 177,338.95

Water Fund Account #002 $ 30,295.88

Sewer Fund Account #003 $ 19,977.41

Refuse Fund Account #012 $ 86,075.13

Payroll Pay Date 2/4/16 $ 442,426.60

Seconded by Alderman O’Shaughnessy and adopted. Ayes 5.

**021716.3**

By Alderman Devine:

Whereas, on November 17, 2015 a City fire hydrant #687 was struck and damaged by a vehicle, and

Whereas, the City received an insurance check in the amount of $1,958.35, now therefore be it

Resolved, that the 2016 budget be amended as follows:

Increase:

002-0002-2144 Water Misc Billing $ 1,958.35

Increase:

002-8340-0101 Overtime $ 252.27

002-8340-4568 Resurfacing materials $ 102.00

002-8340-4722-0203 Hydrants & Parts $ 184.00

002-0002-2148 Water Billing Fees $1,420.08

Seconded by Alderman O’Shaughnessy and adopted. Ayes 5.

**021716.4**

By Alderman Devine:

Resolved, that in accordance with Chapter 185 Water, the Water Meter Fee Schedule be and the same is hereby amended as follows:

Shop charge and special testing (§185.7R) - $50/hr

Hydrant Permit (§185-16E) - $100.00

Inspection Fee – (§185-3C) - $100.00

Backflow Preventer Fee (§185-19) - $150.00

Restore Water Service (§185-3C) - $60.00

Seasonal Removal/Reinstallation (185.7T) - $60.00

Seconded by Alderman Mullane and adopted. Ayes 5.

**021716.5**

By Alderman O’Shaughnessy:

Whereas, the City of Lockport and Bergmann Associates, Architects, Engineers, Landscape Architects & Surveyors of New York signed a Contract on June 18, 2012 for Engineering Services to design, prepare Construction Documents (Plans, Specifications and Estimates) for the First Phase of Construction for Erie Canal Flight of Five Restoration, City of Lockport, Niagara County, and

Whereas, Bergmann Associates has completed all the said Engineering Services for the First Phase of Construction of the Flight of Five Restoration Project, and

Whereas, Bergmann Associates has proposed the City to provide Engineering Services for Final Design and Construction Documents (Plans, Specifications, and Estimates) for the Second Phase of Construction for Erie Canal Flight of Five Restoration, for a cost of $129,357.00, and

Resolved, amend the contract between the City of Lockport and Bergmann Associates signed on June 18, 2012 and authorize the Mayor, subject to the Corporation Counsel approval, to extend the Agreement with Bergmann Associates, Architects, Engineers, Landscape Architects & Surveyors of New York, 28 East Main Street, Rochester, NY 14224, to provide said Engineering Services for an amount of $129,357.00 to be financed with Capital Funds assigned to the Second Phase of Construction for Erie Canal Flight of Five Restoration.

Seconded by Alderman Devine and adopted. Ayes 5.

**021716.6**

By Alderman Oates:

Resolved, that the request for a special use permit made by All Saints RC Parish to add a 145.6’ x 150’ cemetery expansion on the east side of the property, located at 23 Glenwood Avenue, situated in an RA 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.

Special permits can be indefinite or limited to a specific time.

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 Abbott and adopted. Ayes 5.

**021716.7**

By Alderman Devine:

WHEREAS, on January 21, 2016, Patrick Steiner, WNY Skydiving Demonstration Team, requested permission from the City of Lockport to conduct parachuting jumps onto City property on July 4, 2016, and

WHEREAS, the FAA regulates all aviation activities including skydiving and in order to perform skydiving activities written permission is required from the land owner, and

WHEREAS, the Chief of Police has reviewed and approved Mr. Steiner’s request subject to coordinating a designated landing area within Outwater Park.

NOW THEREFORE BE IT

RESOLVED, that Patrick Steiner and the WNY Skydiving Demonstration Team be and are hereby granted permission to perform a skydiving activity on July 4, 2016, at Outwater Park at a location to be determined/designated through the mutual agreement of the Demonstration Team and the Chief of Police subject to a certificate of insurance naming the City as an additional insured.

Seconded by Alderman Oates and adopted. Ayes 5.

**021716.8**

By Alderman Oates:

Whereas, the bid proposals for the Locks District Gateway Signage Project were received and opened on January 29, 2016, and

Whereas, the Engineering Department has reviewed the bids and verified qualifications and experience of the Scott Lawn Yard, Sanborn NY, and determined that said contractor is the lowest responsible bidder, now therefore be it

Resolved, that the bid proposal of Scott Lawn Yard, 5552 Townline Road, Sanborn NY be accepted in the amount of $322,000.00 to be financed with capital funds assigned to this project, and be it further

Resolved, that the Mayor, subject to the Corporation Counsel approval, be and the same is hereby authorized and directed to enter into contract with Scott Lawn Yard to complete the Locks District Gateway Signage Project.

Seconded by Alderman O’Shaughnessy and adopted. Ayes 5.

**021716.9**

By Alderman Oates:

Resolved, that the Mayor and Common Council do hereby extend condolences to the family of John D. Green, a former City of Lockport Streets Department employee who recently passed away.

Seconded by Alderman Devine and adopted. Ayes 5.

**021716.9A**

By Alderman Devine:

Resolved, that Taren LaGamba be and the same is hereby authorized to submit an application on behalf of the City of Lockport to the 2016 William G. Mayne, Jr. Business/Community Enhancement Program for a grant to be used for re-stoning the pathway in the tree garden.

Seconded by Alderman Abbott and adopted. Ayes 5.

**021716.9B**

By Alderman Mullane:

Resolved, that resolution #010616.9 adopted by the Common Council at their January 6, 2016 meeting, regarding the Y.M.C.A. Y-10 Open Road Race be amended to change the race date to Saturday, February 20, 2016.

Seconded by Alderman Oates and adopted. Ayes 5.

**021716.10** **ADJOURNMENT**

At 7:00 P.M. Alderman Oates moved the Common Council be adjourned until 6:30 P.M., Wednesday, March 2, 2016.

Seconded by Alderman Devine and adopted. Ayes 5.

RICHELLE J. PASCERI

City Clerk

CITY OF LOCKPORT

**CORPORATION PROCEEDINGS**

Lockport Municipal Building

Regular Meeting

Official Record

March 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**

**RECESS**

Recess for public input.

**030216.1** **APPROVAL OF MINUTES**

On motion of Alderman Wohleben, seconded by Alderman Devine, the minutes of the Regular Meeting of February 17, 2016 are hereby approved as printed in the Journal of Proceedings. Ayes 6. Carried.

**FROM THE MAYOR**

**Appointments:**

2/22/16 William M. Thomson, 820 Pasadena Avenue, Niagara Falls, NY – appointed as a Commissioner of Deeds. Said term expires December 31, 2017.

Received and filed

2/24/16 Larry Eggert, 194 Independence Drive, Lockport, NY – appointed as a member of the Lockport Housing Authority to fill the unexpired term of Thomas Rotondo. Said term expires April 26, 2016.

Received and filed

2/24/16 Kristopher Pratt, 67 Adam Street, Lockport, NY – appointed as Senior Water Maintenance Worker effective February 24, 2016. Said appointment is permanent and subject to the City of Lockport municipal Civil Service rules and regulations.

Received and filed

3/1/16Under 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 make the following appointments to the Labor Negotiating Committee for a term expiring December 31, 2016:

David Blackley, Deputy Corporation Counsel

Anne McCaffrey, Mayor

Scott Schrader, Director of Finance

Richard Abbott, Alderman

Joseph Oates, Alderman

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)

2/24/16 Mayor Anne E. McCaffrey - recommendation that Lynn Harper, 30 Corinthia Street, Lockport, NY be re-appointed to the Lockport Community Cable Commission.

Referred to the Committee of the Whole.

2/24/16 Mayor Anne E. McCaffrey - recommendation that Jeffrey Seekins, 37 Harding Avenue, Lockport, NY be re-appointed to Assessment Review Board for another 5-year term.

Referred to the Committee of the Whole.

**NOTICE OF CLAIM:**

3/1/16 Sarah J. Matteson, 339 East Avenue, Lockport, NY

Referred to the Corporation Counsel

## MOTIONS & RESOLUTIONS

**030216.2**

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 March 4, 2016 as follows:

2015 Expenses:

General Fund Account #001 $ 27,740.08

Sewer Fund Account #003 $ 495.00

2016 Expenses:

General Fund Account #001 $ 190,307.04

Water Fund Account #002 $ 39,220.66

Sewer Fund Account #003 $ 27,230.17

Capital Projects Account #004 $ 17,830.81

Refuse Account #012 $ 420.55

Small Cities Account #013 $ 26,001.50

Payroll Pay Date 2/18/16 $ 432,406.79

Seconded by Alderman Oates and adopted. Ayes 6.

**030216.3**

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:

Employee Years of Service Title

Michael B. Seeloff 35 Assistant Fire Chief

Luca C.P. Quagliano 15 Municipal Training Officer

Seconded by Alderman Wohleben and adopted. Ayes 6.

**030216.4**

By Alderman Devine:

**WHEREAS,** the City solicited bids for the purchase of a Correlator for Water Leak Detection and rejected the lowest bid from Matchpoint, Inc. on December 7, 2015, resolution No. 120215.13A, for not meeting specifications, and

**WHEREAS,** the City, on December 7, 2015, accepted the second low bid proposal from Pow-R Mole Sales, LLC, in the amount of $20,869.10 (resolution 120215.13A), and

**WHEREAS,** the City at that time reserved its rights to reject Pow-R Mole Sales, LLC, award if the materials and equipment associated with the Correlator did not meet specifications, and

**WHEREAS,** the City Engineering Department and the City Water Maintenance Department have evaluated the materials and equipment provided by Pow-R Mole, LLC, and have determined that said Correlator for Leak Detection fails to detect water leaks with the tolerable limits of accuracy specified in the Contract Documents – Correlator for Water Leak Detection Purchase, therefore be it

**RESOLVED,** the City of Lockport rejects the Pow-R Mole Sales, LLC, bid previously awarded, and further be it

**RESOLVED,** the bid proposal of the third low bidder Lock City Supply, Inc., [650 West Avenue, Lockport, NY 14094](https://www.bing.com/local?lid=YN658x402164330&id=YN658x402164330&q=Lock+City+Supl+Inc&name=Lock+City+Supl+Inc&cp=43.164608001709%7e-78.721061706543&ppois=43.164608001709_-78.721061706543_Lock+City+Supl+Inc&FORM=SNAPST) for the Correlator for Water Leak Detection Purchase be accepted in the amount of $30,686.25.  The City reserves its rights to reject this award if the materials and equipment associated with the Correlator for Water Leak Detection do not meet specification or such said equipment fails to detect water leaks with tolerable limits of accuracy specified in the Contract Documents – Correlator for Water Leak Detection Purchase.

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

**030216.5**

By Alderman Mullane:

Resolved, that the Corporation Counsel is hereby authorized and directed to prepare a Local Law relative to a proposed amendment to Article III §C-57 President of Common Council; vacancy in office of Mayor, and be it further

Resolved, that a public hearing be held at the Common Council meeting of March 16, 2016 starting at 6:30 P.M. in the Common Council Chambers, Lockport Municipal Building, One Locks Plaza, Lockport, NY relative to said local law, and be it further

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

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

**030216.6**

By Alderman Mullane:

**WHEREAS**, the Staffing for Adequate Fire and Emergency Response Grants (SAFER) was created to provide funding directly to fire departments and volunteer firefighter interest organizations to help them increase or maintain the number of trained, "front line" firefighters available in their communities. The goal of SAFER is to enhance the local fire departments' abilities to comply with staffing, response and operational standards established by the NFPA, and

**WHEREAS**, FEMA (Federal Emergency Management Agency) is accepting SAFER grants from February 22, 2016, through March 25, 2016,

**NOW THEREFORE BE IT**

**RESOLVED**, that the Fire Chief is hereby directed and authorized to prepare and submit an application to hire four (4) new firefighters.

Seconded by Alderman O’Shaughnessy and adopted. Ayes 5. Noes 1 – Ald Wohleben

**030216.7**

By Alderman O’Shaughnessy:

Resolved, that pursuant to the recommendation of Mayor McCaffrey, Lynn Harper, 30 Corinthia Street, Lockport, NY is hereby re-appointed to the Lockport Community Cable Commission for a three-year term expiring on December 31, 2018.

Seconded by Alderman Wohleben and adopted. Ayes 6.

**030216.8**

By Alderman Wohleben:

Resolved, that pursuant to the recommendation of Mayor McCaffrey, Jeffrey Seekins, 37 Harding Avenue, Lockport, NY is hereby re-appointed as a member of the City of Lockport Board of Assessment Review. Said term expires on September 30, 2020.

Seconded by Alderman Mullane and adopted. Ayes 6.

**030216.9**

By Alderman Abbott:

Resolved, that pursuant to their request, Lockport Police Department is hereby granted permission to have a prescription drop off event in the Lockport Municipal Building Parking Lot on April 30, 2016.

Seconded by Alderman Devine and adopted. Ayes 6.

**030216.10**

By Alderman Devine:

Resolved, that the Mayor, subject to Corporation Counsel approval, be and the same is hereby authorized and directed to execute a contract with Little Loop Football for use of Exchange Field for their 2016 season.

Seconded by Alderman Wohleben and adopted. Ayes 6.

**030216.10A**

By Alderman Devine:

Resolved, that the Mayor and Common Council do hereby extend condolences to the family of Timothy C. Philleo, a retired City of Lockport Water Treatment Plant Maintenance Supervisor who recently passed away.

Seconded by Alderman Oates and adopted. Ayes 6.

**030216.11** **ADJOURNMENT**

At 7:15 P.M. Alderman Wohleben moved the Common Council be adjourned until 6:30 P.M., Wednesday, March 16, 2016.

Seconded by Alderman Devine and adopted. Ayes 6.

RICHELLE J. PASCERI

City Clerk

CITY OF LOCKPORT

**CORPORATION PROCEEDINGS**

Lockport Municipal Building

Regular Meeting

Official Record

March 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.

**031616.1** **APPROVAL OF MINUTES**

On motion of Alderman Wohleben, seconded by Alderman Devine, the minutes of the Regular Meeting of March 2, 2016 are hereby approved as printed in the Journal of Proceedings.

Ayes 6. Carried.

PUBLIC HEARING

The Mayor announced a public hearing on A LOCAL LAW to amend Section 57 of the Charter of the City of Lockport respecting vacancy in the office of Mayor.

The Mayor asked the City Clerk if any petitions or communications relative to said Local Law have been received.

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)

3/7/16 David J. Davidson, Lockport Midget League Baseball – request permission to use the baseball diamonds at Outwater Park for their 2016 league. Referred to the Committee of the Whole

3/9/16 Sindee Garlock, B. Leo Dolan Unit 410 – request permission to conduct a Walk-a-thon on Saturday, April 30, 2016. Referred to the Committee of the Whole

3/10/16 Gina Ricotta, National Multiple Sclerosis Society – request permission to conduct the Lockport Walk MS on Sunday, May 1, 2016. Referred to the Committee of the Whole

3/15/16 Richelle J. Pasceri, City Clerk – notification that the Lockport Municipal Offices will be closed on Friday, March 25, 2016 in observance of Good Friday. There will be no change in garbage pick up. Referred to the Media

**Notice of Defect:**

3/8/16 389 N. Transit Street – tree

3/11/16 350 N. Adam Street – tree

3/15/16 38 Cave Street – tree stump

Referred to the Director of Streets and Parks.

**Notice of Claim:**

3/10/16 State Farm Fire and Casualty Company, Subrogation Claim for Jack M. Heinz, 37 Minard Street, Lockport, NY Referred to the Corporation Counsel.

## MOTIONS & RESOLUTIONS

**031616.2**

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 March 18, 2016 as follows:

2015 Expenses:

General Fund Account #001 $ 6,195.47

2016 Expenses:

General Fund Account #001 $ 118,910.60

Water Fund Account #002 $ 20,873.73

Sewer Fund Account #003 $ 22,745.67

Capital Projects Account #004 $ 88,535.42

Refuse Fund Account #012 $ 85,947.20

Self Insurance Account #015 $ 141,155.50

Payroll Pay Date 3/3/16 $ 462,219.47

Seconded by Alderman Oates and adopted. Ayes 6.

**031616.3 WITHDRAWN (Re-establish capital projects)**

By Alderman Wohleben:

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

Seconded by Alderman Devine and adopted. Ayes 6.

**031616.4**

By Alderman Mullane:

City of Lockport

Local Law No. 1 of the year 2016

A LOCAL LAW to amend Section 57 of the Charter of the City of Lockport respecting vacancy in the office of Mayor.

BE IT ENACTED by the Common Council of the City of Lockport, New York as follows:

§ 1. Section 57 of Article III of the Charter of the City of Lockport (Chapter 870 of the Laws of 1911, as amended) is hereby further amended by deleting the same in its entirety and substituting therefor a new Section 57 to read as follows:

[§ C-57. President of Common Council; vacancy in office of Mayor.](http://www.ecode360.com/print/LO0777?guid=14281665#14281665)

The Mayor shall appoint, and at his pleasure remove, a member of the Common Council as President of the Common Council, who shall preside during his absence or inability to attend any meeting of the Common Council and be vested with all the powers of the Mayor, excepting that of appointment. In case of the inability of the Mayor to attend to his duties, either by absence from the city or other cause, the President of the Common Council shall act in his stead and be vested with all the authority, duties and powers of the Mayor, excepting that of appointment. In the case of a vacancy in the office of mayor caused by the mayor's resignation, removal, death or permanent inability to discharge all such powers and duties of the office of mayor, all such powers and duties shall devolve upon the president of the common council who shall fill the vacancy in the office of the mayor on an acting basis until the commencement of the political year next succeeding the first annual election after the happening of the vacancy at which a mayor shall, pursuant to law, be elected for the balance of the term. Upon commencement of the term of office of the mayor so elected, the president of the common council then acting as mayor, shall complete the term of his or her office, if any remains. The Acting Mayor shall not exercise any powers or duties of Alderman during such time of service as Acting Mayor. The Acting Mayor may appoint an Acting Alderman to serve in his or her office as Alderman during such time as he or she serves as Acting Mayor with like powers and duties. In case of the inability of the President to preside and fulfill the duties of his office, the Mayor may make a temporary appointment of another member of the Common Council, with like powers and duties. The appointment of the President of the Common Council shall be made in writing to the City Clerk at the next regular meeting of the Common Council following the enactment of this act and at the first regular meeting in January in each year thereafter.

§ 2. This local law shall be subject to a mandatory referendum and the City Clerk and the Corporation Counsel are hereby directed to submit a separate proposition respecting this local law for inclusion on the ballot in the 2016 General Election.

§ 3. This law shall take effect upon approval by the electors as provided by law following the referendum held as set forth in Section 2 above and filing in the office of the Secretary of State.

Seconded by Alderman O’Shaughnessy. A roll call vote was taken which resolute as follows:

Alderman Abbott VOTING YES

Alderman Devine VOTING YES

Alderman Mullane VOTING YES

Alderman Oates VOTING YES

Alderman O’Shaughnessy VOTING YES

Alderman Wohleben VOTING YES

The local law was thereupon declared duly adopted.

**031616.5**

By Alderman Oates:

Resolved, that pursuant to their request, the Lockport Midget Baseball League is hereby granted permission to use the baseball diamonds at Outwater Park during the 2016 season subject to approval of the schedule by the Highways & Parks Department and subject to filing a certificate of insurance with the City Clerk naming the City of Lockport as additional insured.

Seconded by Alderman Devine and adopted. Ayes 6.

**031616.6**

By Alderman Devine:

Resolved, that a public hearing be held at the Common Council Meeting of April 6, 2016, starting at 6:30 P.M. in the Common Council Chambers, Lockport Municipal Building, One Locks Plaza, Lockport, NY relative to a Bond Ordinance, 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.

**031616.7**

By Alderman Wohleben:

WHEREAS, the City of Lockport City Council authorized Computel Consultants to conduct a utility tax audit on telecommunication companies required to pay a utility tax of 1% of gross income to the City of Lockport pursuant to Resolution #031914.5B; and

WHEREAS, the City is in receipt of a settlement payment from Verizon in the amount of $24,181.23 for the period of the audit ending December 1, 2015 40% of which is due Computel for their services; and

WHEREAS, the 2016 Budget needs to be amended to account for this activity, now therefore be it

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

Increase:

Revenue 001-0001-1130 1% Utility Tax $9,673

Expense 001-3125-4428 Consultants $9,673

Seconded by Alderman Mullane and adopted. Ayes 6.

**031616.8**

By Alderman Wohleben:

Resolved, that pursuant to her request, Ellen Martin be and the same is hereby given permission to use the City’s right-of-way to conduct the following events for “Sweet Sweet Summer 2016”:

● Use of City’s right of way to place “Scrabble” tiles for short intervals.

● Use of City’s right of way to place signage throughout the city.

Seconded by Alderman Mullane and adopted. Ayes 6.

**031616.9**

By Alderman Mullane:

Resolved, that pursuant to their request, the American Cancer Society is hereby granted permission to conduct a 5K Glow Run event on Friday, June 17, 2016 beginning at 8:00 PM, subject to approval of the race route by the Police Chief and subject to 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 and cones as required, and be it further

Resolved, that the Traffic Captain is hereby directed to arrange for police support for said event.

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

**031616.10**

By Alderman Wohleben:

Resolved, that pursuant to their request, permission is hereby granted to the B. Leo Dolan American Legion to conduct a walk-a-thon fundraiser on Saturday, April 30, 2016 beginning at 10:00 a.m. at the American Legion Post, subject to approval of the walk route by the Police chief and 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 and waste receptacles to the area prior to the event.

Seconded by Alderman Abbott and adopted. Ayes 6.

**031616.11**

By Alderman Oates:

Resolved, that pursuant to their communication, the National Multiple Sclerosis Society is hereby granted permission to conduct their annual MS Walk in the City on Sunday, May 1, 2016 subject to approval of the walk route by the Police Chief and the Multiple Sclerosis Society filing a certificate of insurance with the City Clerk naming the City of Lockport as additional insured.

Seconded by Alderman Devine and adopted. Ayes 6.

**031616.12**

By Alderman Abbott:

Resolved, that the Mayor, subject to Corporation Counsel approval, is hereby authorized to execute the 2016 agreement between the City of Lockport and Niagara Community Action Program, Inc. at a cost not to exceed $2,500.00. Cost of same to be charged to account #001-8697-4325.

Seconded by Alderman Oates and adopted. Ayes 6.

**031616.12A**

By Alderman Devine:

**WHEREAS**, the Niagara Wine Trail and Flight of Five Winery purchased four signs to help guide Lockport residents and visitors to Flight of Five Winery and the Niagara Wine Trail,

**WHEREAS**, the Niagara Wine Trail and Flight of Five Winery have agreed to cover the cost of the installation of these sign, and

**WHEREAS**, the Niagara Wine Trail and Flight of Five Winery would like to install them on City property.

**NOW THEREFORE BE IT**

**RESOLVED**, that the Niagara Wine Trail is hereby granted permission to install four signs directing the Niagara Wine Trail within the City right of way subject to the approval of the location by the Traffic Control Committee and the Department of Building Inspection.

Seconded by Alderman Oates and adopted. Ayes 6.

**031616.12B**

By Alderman Wohleben:

Resolved, that the Mayor and Common Council do hereby extend condolences to the family of Arthur E. Sherman, a retired City of Lockport Firefighter who recently passed away.

Seconded by Alderman Abbott and adopted. Ayes 6.

**031616.12C**

By Alderman Oates:

Resolved, that the Director of Streets and Parks is hereby authorized and directed to purchase, via Chautaqua Co. bid price, one 2016 F-350XL Reg. Cab 4x4 SRW 8’ Box Pickup at a cost of $32,942.10 and one 2016 Ford 350 Cab 1 Ton Dump Truck for a cost of $48,379.07, at a total cost of $81,621.17, and be it further

Resolved to amend the 2016 budget as follows:

Increase:

001-5110-0240 Streets Maintenance $82,000.00

Decrease:

001-7110-0230 Vehicle Equipment $20,000.00

001-5142-5460 Salt/Chemical $42,000.00

001-5110-0101 Overtime $20,000.00

Seconded by Alderman Devine and adopted. Ayes 5. Noes 1 – Alderman Abbott.

**031616.13** **ADJOURNMENT**

At 6:55 P.M. Alderman Wohleben moved the Common Council be adjourned until 6:30 P.M., Wednesday, April 6, 2016.

Seconded by Alderman Devine and adopted. Ayes 6.

RICHELLE J. PASCERI

City Clerk

CITY OF LOCKPORT

**CORPORATION PROCEEDINGS**

Lockport Municipal Building

Regular Meeting

Official Record

April 6, 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**

**TREASURER’S REPORT**

**RECESS**

Recess for public input.

**040616.1** **APPROVAL OF MINUTES**

On motion of Alderman Wohleben, seconded by Alderman Oates, the minutes of the Regular Meeting of March 16, 2016 are hereby approved as printed in the Journal of Proceedings. Ayes 6. Carried.

**PUBLIC HEARING**

The Mayor announced a public hearing on a proposed Bond Ordinance for the replacement of approximately 2 miles of a 13 mile 36” raw water line between the Niagara river and the City of Lockport Water Treatment facility.

The Mayor asked the City Clerk if any petitions or communications relative to said Bond Ordinance have been received.

Recess for public input.

The Mayor Closed the Public Hearing.

**FROM THE MAYOR**

**Appointments:**

4/4/16 Rolando Moreno, 71 East Remick Parkway, Lockport, NY – appointed as Director of Engineering effective January 1, 2016. Said appointment is permanent and subject to the City of Lockport Municipal rules and regulations.

Received and filed.

4/4/16 Kristen Bernardi, 165 Park Lane Circle, Lockport, NY – appointed as Account Clerk effective February 16, 2016. Said appointment is permanent and subject to the City of Lockport Municipal rules and regulations.

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)

3/21/16 Todd Sukdolak, Director of Athletics and Wellness, Lockport High School, 250 Lincoln Avenue, Lockport, NY – request permission to use the baseball diamonds at Outwater Park for the 2016 varsity baseball season.

Referred to the Committee of the Whole

## 3/24/16 Kellie Trybalski, Race Director, Score This!!!, Inc. – request permission to conduct a 1-mile road race on September 1, 2016.

Referred to the Committee of the Whole

3/29/16 Joanne Braun, Niagara-Orleans District of the Order of Eastern Star – request permission to conduct a fundraising event on May 18, 2016.

Referred to the Committee of the Whole

4/4/16 Mary F. Murphy, DeSales Catholic School – request permission to conduct the annual DeSales Race for Fitness 5K run and 1 mile fun run on Saturday, May 7, 2016. Referred to the Committee of the Whole

**Notice of Defect:**

3/17/16 51 Locust Street – sidewalk

3/17/16 265 Lock Street – tree

3/21/16 38 Juniper Street – tree

3/28/16 111 Morrow Avenue – tree

3/30/16 110 S. Transit Street – tree

3/30/16 23 Morrow Avenue – tree

4/1/16 145 Washington Street – tree stump

Referred to the Director of Streets and Parks.

**Notice of Claim:**

3/23/16 Jeremy J. Beidle, 157 Olcott Street, Lockport, NY

Referred to the Corporation Counsel.

**Notice of Petition** (for a judgment pursuant to Article 78 of the New York Civil Practice Laws and Rules)

3/24/16 Grace Episcopal Church, Lockport –vs- City of Lockport Zoning Board of Appeals

Referred to the Corporation Counsel

## MOTIONS & RESOLUTIONS

**040616.2**

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 April 8, 2016 as follows:

2015 Expenses:

General Fund Account #001 $ 22,187.86

2016 Expenses:

General Fund Account #001 $ 149,646.18

Water Fund Account #002 $ 23,039.48

Sewer Fund Account #003 $ 43,663.48

Capital Projects Account #004 $ 29,651.13

Refuse Fund Account #012 $ 617.12

Small Cities Account #013 $ 19,000.00

Self Insurance Account #015 $ 143,950.80

Payroll Pay Date 3/17/16 $ 430,224.87

Pay Date 3/31/16 $ 439,923.75

Seconded by Alderman Oates and adopted. Ayes 6.

**040616.3**

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:

Employee Years of Service Title

Kevin W. Pratt 30 Firefighter

Mark J. Seeloff 30 Fire Captain

Molly A. Lawson 15 Administrative Assistant (Water)

Seconded by Alderman Devine and adopted. Ayes 6.

By Alderman Abbott:

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

Seconded by Alderman Devine and adopted. Ayes 6.

**040616.4**

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

BOND ORDINANCE DATED APRIL 6, 2016.

AN ORDINANCE AUTHORIZING THE ISSUANCE OF $6,100,000 BONDS OF THE CITY OF LOCKPORT, NIAGARA COUNTY, NEW YORK, TO PAY for the COST OF THE reconstruction of a water line, FOR SAID CITY.

WHEREAS, the capital project hereinafter described has been determined to be a Type II Action pursuant to 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 the water line running from the Niagara River to the City’s Water Treatment Plant, for the City of Lockport, Niagara County, New York, including original furnishings, equipment, apparatus, appurtenances, and incidental improvements and expenses in connection therewith, is hereby authorized at a maximum estimated cost of $6,100,000.

Section 2. The plan for the financing of the aforesaid maximum estimated cost is as follows:

a) by the issuance of $6,100,000 serial bonds of said City, hereby authorized to be issued therefor pursuant to the provisions of the Local Finance Law; and

Section 3. It is hereby further determined that the period of probable usefulness of the aforesaid specific object or purpose is forty years, pursuant to subdivision 1 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 Health 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 specific object or purpose 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 specific object or purpose 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 YES

Alderman Wohleben VOTING YES

The ordinance was thereupon declared duly adopted.

**040616.5**

By Alderman Devine:

Resolved, that pursuant to their request, Lockport High School is hereby granted permission to use the baseball field at Outwater Park for the 2016 Varsity Baseball subject to approval of the schedule by the Highways & Parks Department and Lockport High School filing a certificate of insurance with the City Clerk naming the City of Lockport as additional insured.

Seconded by Alderman Mullane and adopted. Ayes 6.

**040616.6**

By Alderman Abbott:

Resolved, that the Mayor and Common Council do hereby extend condolences to the family of Richard C. Azzarella, a retired City of Lockport Police Officer who recently passed away.

Seconded by Alderman Devine and adopted. Ayes 6.

**040616.7**

By Alderman Wohleben:

Resolved, that pursuant to their request, Score This!!! is hereby given permission to conduct a running event on Main Street on Thursday, September 1, 2016, starting at approximately 7:00 p.m. subject to filing a certificate of insurance with the City Clerk naming the City of Lockport as additional insured. Said permission includes closing Main Street from North Transit to Washburn Street and Charles and Elm Streets for the duration of the event. Traffic flow on Cottage, Pine and Locust/Market Streets would be allowed to flow north and south after the runners pass those intersections. Also, permission is granted to use the parking lot in front of the Municipal Building and the Municipal Building foyer for race registration in case of rain, and be it further

Resolved, that the Director of Streets and Parks is hereby authorized and directed to arrange for delivery of barricades and street closed signs to the area prior to the event.

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

By Alderman Wohleben:

Resolved, that resolution # 040616.8 be and the same is hereby tabled.

Seconded by Alderman Oates and adopted. Ayes 6.

**040616.8**

By Alderman O’Shaughnessy:

**WHEREAS,** the City of Lockport Common Council adopted Local Law No. 4 (Refuse & Recyclables) on August 17th, 2011 superseding former Chapter 113 (Garbage, Rubbish and Refuse) of the City of Lockport Code adopted May 2nd, 1992, and

**WHEREAS** Local Law No. 4 of 2011 was amended in its entirely on August 1st, 2012 by Local Law No. 2 of 2012 known as “Refuse & Recycling Code”, and

**WHEREAS** the purpose of said local law (Refuse & Recycling Code) is to provide protection of the public health, safety and general welfare of the people of the City of Lockport by establishing rules and regulations governing residential, commercial, institutional and industrial refuse and recycling, licensure, collection and management in the City of Lockport, and

**WHEREAS** said local law (Refuse & Recycling Code) authorized an advance of funds from the city’s 2011 “General Fund” to a “Special Revenue Fund – Recycling and Refuse”for the purposes of funding the costs incurred by the City of Lockport for the collection and disposal of refuse, including recycling, and

**WHEREAS** said local law (Refuse & Recycling Code) required repayment to the City’s General Fund” from the “Special Revenue Fund – Recycling & Refuse” all sums advanced for the collection and disposal of refuse, including recycling, before the end of fiscal year 2011, and

**WHEREAS** upon information and belief said advance sums to the “Special Revenue Fund – Recycling” have not been fully repaid to the City’s “General Fund”, and

**WHEREAS** said local law (Refuse & Recycling Code) states the Director of Refuse and Recycling is the City Clerk or a designee of the Mayor; both potential political appointees, and

**WHEREAS** the City of Lockport entered into an agreement for solid waste collection, hauling, disposal and recycling with Modern Disposal Services, Inc. (with offices at 4746 Model City Road, Model City, NY 14107) commencing on October 10, 2011 and terminating on September 30, 2016, and

**WHEREAS**, Section 3 of the above agreement states that “The term of this Agreement may be extended by written agreement, signed by both parties, for an additional five (5) year period. Notification must be given by the City to Modern in writing on or before ninety (90) days prior to the extension period, and

**WHEREAS**, the City of Lockport must determine not less than ninety days prior to September 30, 2016, (July 1, 2016) whether it desires to extend the present agreement with Modern, and

**WHEREAS** said agreement with Modern Disposal Services Inc. states, among other things, it will summit monthly invoices to the City of Lockport for services performed in the preceding month and that the City shall pay Modern the full amount for each invoice within 30 days, and

**WHEREAS** said agreement has burdened the City with significant administrative costs associated with billing, payment processing, collection and/or re-levy for non-payment from all residential, commercial, institutional and industrial units within the City of Lockport sometimes requiring subsidy by city taxpayers.

**NOW THEREFORE BE IT:**

**RESOLVED,** the Common Council hereby requests the Mayor to request the Director of Finance to provide the Common Council with an audit of all revenues collected or credited on behalf of the “Special Revenue Fund – Recycling & Refuse” and all expenses or transfers from said fund for the years 2011- 2015 no later than May 1st, 2016, and be it further

**RESOLVED**, that in accordance with General Municipal Law, Section 120-w, the City Engineer with the assistance of Corporation Counsel and subject to the approval of the Common Council is hereby directed to prepare a Request for Proposals (RFP) for solid waste collection, hauling and disposal, and recycling materials collection and processing, plus any other specialized services needed by or within the City of Lockport, and be it further

**RESOLVED** that upon receipt of said Request for Proposals (RFP) the City Clerk is authorized and directed to advertise the same no later than May 15th, 2016, and be it further

**RESOLVED,** that said Request for Proposals (RFP) shall include as an alternative the elimination of the City’s billing and collection obligation related to said refuse and recycling, and be it further

**RESOLVED** thatthe Corporation Council be and is hereby directed to prepare a Local Law amending section 155-1 (c) of the City Code designating the Deputy City Treasurer in place of the “City Clerk” as the Director of Refuse and Recycling

**RESOLVED,** the Common Council hereby creates a “Citizen’s Refuse & Recycling Advisory Board” to replace and supersede any prior ad-hoc committee on refuse and recycling. Said Board to be charged with the mission to investigate and advise the Common Council on all matters relating to management of the City’s residential, commercial and institutional refuse and recycling programs including hazardous or infectious waste collection and transportation. Said Advisory Board to consist of the sitting Alderman At Large plus four (4) citizen members with specialized interest, experience or expertise in solid waste and recycling programs. Said Board to meet minimally each quarter and report its deliberations and work to the Common Council and Mayor.

**040616.9**

By Alderman Wohleben:

Resolved, that permission be granted to Niagara-Orleans District of the Order of Eastern Star to use parking spaces in Parking Lot #5 on May 18, 2016 for a fundraising event, and be it further

Resolved, that the Director of Streets and Parks is hereby authorized and directed to arrange for delivery of traffic cones to the area prior to the event.

Seconded by Alderman Oates and adopted. Ayes 6.

**040616.10 WITHDRAWN** (Hickory Club PBA CBA audit)

**040616.10A**

By Alderman Wohleben:

Resolved, that pursuant to their request, the Lockport Fire Department is hereby granted permission to conduct a Community Picnic Day at Altro Park on August 6, 2016, with rain date being August 7, 2016, and be it further

Resolved, that the Director of Streets and Parks is hereby authorized and directed to arrange for delivery of extra trash bins prior to the event.

Seconded by Alderman Devine and adopted. Ayes 6.

**040616.10B**

By Alderman Wohleben:

Resolved, that pursuant to their request, permission is hereby granted to DeSales Catholic School to conduct their Annual DeSales Race for Fitness, a 5K run and a 1 mile fun run, on Saturday, May 7, 2016 beginning at 10:00 a.m. subject to approval of the race route by the Police Chief, and 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 and street closed signs to the area prior to the event.

Seconded by Alderman Mullane and adopted. Ayes 6.

**040616.10C**

By Alderman Devine:

Whereas, The City of Lockport is contemplating replacement of an approximately two mile segment of its Raw Water Supply Main to improve reliability of the Main; 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 NYCRR 617.5 (c)(1) as defined under SEQR; and

Whereas, Although not required for Type II actions, 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, including comments request from and received from The New York State Office of Parks, Recreation and Historic Preservation, now therefore be it

Resolved, that the City of Lockport declares that it will serve as Lead Agency for the Raw Water Supply Main Replacement Project; 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 Abbott and adopted. Ayes 6.

**040616.10D**

By Alderman Devine:

Whereas, the City of Lockport is contemplating replacement of an approximately two mile segment of its Raw Water Supply Main to improve reliability of the Main; and

Whereas, the City of Lockport is seeking opportunities to offset project costs with grants and/or competitive financing; and

Whereas, the City of Lockport has identified the New York State Water Infrastructure Improvement Act as a potential grant source and the New York State Drinking Water State Revolving Fund as a potential source of competitive financing; and

Whereas, the City of Lockport, has caused to be prepared application forms related the New York State Water Infrastructure Improvement Act Grant Program and the New York State Drinking Water State Revolving Fund; and

Whereas, the New York State Water Infrastructure Improvement Act Grant Program and the New York State Drinking Water State Revolving Fund Program are competitive and therefore the City of Lockport may not be awarded a grant and/or competitive financing; and

Whereas, if awarded, the City of Lockport is not obligated to accept a grant or competitive financing from the New York State Water Infrastructure Improvement Act Grant Program and/or the New York State Drinking Water State Revolving Fund Program, now therefore be it

Resolved, that the Mayor of City of Lockport is authorized to sign application forms related to the New York State Water Infrastructure Improvement Act Grant Program and/or the New York State Drinking Water State Revolving Fund Program.

Seconded by Alderman Abbott and adopted. Ayes 6.

**040616.10E**

By Alderman Wohleben:

Resolved, that pursuant to their request, the Lockport Evangelical Minister's Association is hereby granted permission to conduct their annual "Meet at City Hall" prayer gathering in the Common Council Chambers of the Lockport Municipal Building on Thursday, May 5, 2016 starting at 6:00 p.m. until 8:30 p.m. in conjunction with the "National Day of Prayer".

Seconded by Alderman Mullane and adopted. Ayes 6.

**040616.10F**

By Alderman Wohleben:

WHEREAS, it has been determined that several capital projects that have been closed by the City Council have outstanding invoices associated with them; and

WHEREAS, projects #4136-Highway & Parks Radios, #4135 Water Dept. Radios were authorized by Bond Ordinance #032013 in the amount of $9,900 and $7,700 respectively and were approved for closure by Res# 090215.6, and

WHEREAS, these projects had not, in fact, been completed and the City has received invoices in the amounts of $5,158 and $8,853 respectively, and

WHEREAS, project #4122-Parking Ramp Demolition contained a contract with Industrial Power and Light in the original amount of $71,000 plus a 15% contingency and was authorized by Resolution #041013.2, and

WHEREAS, the former Mayor executed a change order in the amount of $21,190 without City Council approval and in excess of the contingency, and

WHEREAS, additional invoices for project #4122 in the amount of $9,116.80 have been identified which require the City Council to authorize the change order and re-established this project to allow for payment, and

WHEREAS, there was an unanticipated expense incurred by the City in concert with a demonstration project to upgrade blowers at the wastewater treatment plant subsidized by a NYSERDA grant that began in 2009 causing an overage of the project by $10,566.04 needing City Council approval; and

WHEREAS, the cash balances of which were transferred and are available in Bond & Debt Reserve, now, therefore be it

RESOLVED, that the following projects are hereby reestablished in the amounts listed, funding of which to be provided from the appropriate Bond & Debt reserves and all change orders and project totals are hereby authorized to complete these projects as identified herein.

Re-establish Projects:

004.0004.0520.4136 Highway & Parks Radios $ 8,853.63

004.0004.0520.4135 Water Department Radios $ 5,158.02

004.0004.0520.4122 Parking Ramp Demolition $ 9,116.80

Increase Project

004.0004.0520.0076 Blower Upgrades – Sewer $10,566.04

Reduce:

Bond & Debt Service Reserve, General $ 17,970.43

Bond & Debt Service Reserve, Water $ 5,158.02

Bond & Debt Service Reserve, Sewer $ 10,566.04

Seconded by Alderman Mullane and adopted. Ayes 6.

**040616.11** **ADJOURNMENT**

At 7:51 P.M. Alderman Wohleben moved the Common Council be adjourned until 6:30 P.M., Wednesday, April 20, 2016.

Seconded by Alderman Abbott and adopted. Ayes 6.

RICHELLE J. PASCERI

City Clerk

CITY OF LOCKPORT

**CORPORATION PROCEEDINGS**

Lockport Municipal Building

Regular Meeting

Official Record

April 20, 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.

**042016.1** **APPROVAL OF MINUTES**

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

**FROM THE MAYOR**

**Appointments:**

4/8/16 Tom Prisaznuk, 327 North Transit Street, Lockport, NY – appointed as a member of the Planning and Zoning Board to fill the unexpired term of David Wohleben, who resigned. Said term expires October 14, 2017.

Received and filed

4/8/16 Jeff Tracy, 5 Cherry Street, Lockport, NY – reappointed as a member of the Planning and Zoning Board. Said term expires October 14, 2018.

Received and filed

4/8/16 Marshall Roth, 110 Locust Street, Lockport, NY – appointed as a member of the Planning and Zoning Board. Said term expires October 14, 2018.

Received and filed

4/8/16 William C. Beshaw, 15 Briarwood Drive, Lockport, NY – reappointed as a member of the Traffic Advisory Committee. Said term expires June 1, 2020.

Received and filed

4/11/16 Terry Harmon, 57 Regent Street, Lockport, NY – appointed as a member of the Planning and Zoning Board. Said term expires October 14, 2018.

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)

4/11/16 Jennifer L. Serrano, Jenny Marketing Group LLC, on behalf of the Lockport Business Association – request permission to conduct the annual Taste of Lockport on Sunday, August 14, 2016 at Ida Fritz Park

Referred to the Committee of the Whole

4/19/16 Niagara County Industrial Development Agency – Notice that a public hearing will be held on the 3rd day of May, 2016, at 3:30 p.m. at the Lockport Municipal Building regarding the acquisition and renovation of 57 Canal Street by ISKALO Development Corp.

Referred to the Committee of the Whole

4/19/16 Rolando Moreno, Director of Engineering – in support of the Special Use Permit for Lafarge. Requesting a pre-expansion meeting with all parties in involved.

Referred to the Committee of the Whole

**Notice of Claim:**

4/5/16 Le Thi Pham, 135 Saxton Street, Lockport, NY

4/5/16 Briana Mullen, 106 Gooding Street, Lockport, NY

Referred to the Corporation Counsel.

## MOTIONS & RESOLUTIONS

**042016.2**

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 April 22, 2016 as follows:

General Fund Account #001 $ 38,745.90

Water Fund Account #002 $ 68,233.81

Sewer Fund Account #003 $ 34,579.09

Refuse Fund Account #012 $ 89,616.64

Self Insurance Account #015 $ 1,376.00

Payroll Pay Date 4/14/16 $445,428.56

Seconded by Alderman Devine and adopted. Ayes 6.

By Alderman O’Shaughnessy:

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

Seconded by Alderman Devine and adopted. Ayes 6.

**042016.3**

By Alderman Devine:

**WHEREAS**, on November 15, 2013, Redland Quarries N.Y. Inc/Continental Placers Inc. (the “Applicant”) applied for a Special Use Permit pursuant to sections 190-118 and 190-119 of the City Code to excavate a 9.1 acre area of mineral reserves located in an I-3 Heavy Industry District on a 15 acre parcel known as the “Murphy Parcel“ located at 400 Hinman Road, and

**WHEREAS**, on January 6, 2014, the Lockport Planning and Zoning Board approved a Special Use Permit with the condition that the City Engineer be satisfied that the blasting proposal presented by the Applicant on April 13, 2016 includes adequate provisions and bonding to mitigate the risk to City Raw Waterline resulting from the proposed mining activity, and

**WHEREAS**, on June 17, 2015, a public hearing was held in the Common Council Chambers at 6:00 PM, and

**WHEREAS**, on April 13, 2016, Redland Quarries N.Y. Inc/Continental Placers Inc. (Lafarge) agreed to post a bond in the amount of $500,000 to be used exclusively for waterline repairs and related expenses should there be damage caused by mining activity, be responsible for waterline damage within an established area of 700 ft north or south of the center point (1,400 ft. total) of the proposed mining site, reimburse the City of Lockport in the event the contractor is called upon to respond to a break, maintain a record of seismic activity while mining the said property and make the records available to the City upon request, reimburse the City for water purchased from the Niagara County Water District during a repair and reimburse the City for the cost of material to replace the City’s control valve, and

**WHEREAS**, on April 13, 2016, the City’s outside engineering consultant, GHD Consulting Services, Inc. made a presentation to the Common Council of its findings from its review of the test blasting data, excavation of test pits, inspection of the exterior condition of the pipe and joints, measurement and recording of pipe thickness by ultrasonic readings, insertion of a bore camera through the existing air relief valve to observe the interior of the pipe, blasting data evaluation methodology and allowable strain evaluation, and

**WHEREAS**, the Common Council having considered all of the above wishes to approve the Special Use Permit subject to the following conditions that will be memorized in a written agreement approved by Corporation Counsel.

**NOW TEHREFORE BE IT**

**RESOLVED**, that the request for a Special Use Permit pursuant to sections 190-118 and 190-119 of the City Code to excavate a 9.1 acre area of mineral reserves located in an I-3 Heavy Industry District on a 15 acre parcel known as the “Murphy Parcel“located at 400 Hinman Road is hereby approved subject to a written agreement with the Applicant with the following conditions including but not limited to:

1. A written letter from the City Engineer stating that he is satisfied that the blasting proposal presented by the Applicant on April 13, 2016 includes adequate provisions and bonding to mitigate the risk to City Raw Waterline resulting from the proposed mining activity.
2. Applicant shall maintain a bond in the amount of $500,000 in a form that is satisfactory to Corporation Counsel which shall be used exclusively for waterline repairs and any related expenses, in the event of any damage caused during mining activity. Applicant will maintain the $500,000 bond until mining activity is complete on the said property to protect the City of Lockport in the event that there are multiple failures.
3. Applicant shall not be liable for the repair of any waterline failure in excess of 700 ft north or south of the center point (1,400 ft. total) of the proposed mining site, unless a subsequent investigation by the City deems the failure was caused by blasting activity. The City of Lockport will mark out these limits prior to blasting.
4. Applicant shall be responsible for waterline damage within the above established area commencing on the first day of the first blast on the subject property and terminating 30 days after the last blast. Applicant shall notify the City prior to the first blast and all subsequent blasting activities so the City can monitor its raw waterline.
5. The City of Lockport shall engage a qualified contractor with an adequate inventory of repair parts available prior to the commencement of such work to immediately repair the waterline in the event of a failure.
6. In the event of a failure of the waterline Applicant shall reimburse the City of Lockport for all labor and material incurred by the City or the City’s contractor in repairing said waterline.
7. Applicant shall maintain a record of seismic activity while mining the said property and will make such records available to the City upon request. Seismic activity will be monitored by Applicant and blast designs will be reviewed with the City’s engineer prior to blasting and modified accordingly to minimize the impact to the raw waterline and as mining activity nears the waterline if needed.
8. In the event of a waterline failure any and all water purchased by the City of Lockport from the Niagara County Water District shall be reimbursed by Applicant. The City of Lockport will bill Applicant for water purchased from the Niagara County Water District until the repair is complete.
9. Applicant agrees to reimburse the City in an amount not to exceed $50,000 for the replacement of the control valve prior to blasting (excluding labor for installation).
10. The Special Use Permit for 2016 shall require blasting to be a distance of 500 feet from City’s raw waterline.
11. The Special Use Permit 2017 shall require blasting to be a distance of 300 feet from the City’s raw waterline.
12. The City of Lockport reserves the right to revoke this Special Use Permit in the event two or more breaks occur in the raw water line due to the blasting.
13. 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
14. Extractive operations shall not be conducted closer than 300 feet to the adjacent property.
15. A location map which shows land to be quarried or mined and the location of adjacent properties, roads and natural features shall be filed with the Building Inspector.
16. A plan for the restoration of the land, including anticipated future use of the restored land, the proposed final topography indicated by contour lines of no greater interval than five feet, steps which will be taken to conserve the topsoil, and the location of future roads, drainage courses or other improvements contemplated shall be submitted to the Planning Board for approval prior to the issuance of the permit.
17. Upon approval of the plan, the Building Inspector shall issue a use permit for a period of two years. Application for renewal of the permit shall be made to the Planning Board. The Building Inspector shall extend the permit from year to year if the Planning Board finds that restoration of the landscape is proceeding at a pace commensurate with the earth-removal operations, and be it further

**RESOLVED**, that the Mayor be and is hereby authorized to enter into a written agreement with the above conditions with Applicant subject to the approval of the Corporation Counsel.

Seconded by Alderman Oates and adopted. Ayes 6.

**042016.4**

By Alderman Mullane:

Whereas, the City of Lockport received nine Statements of Qualification for Engineering Services on February 5, 2016, and

Whereas, after interviewing the engineering firms, the committee recommended that the City of Lockport enter into an agreement Nussbaumer & Clarke, Inc., 3556 Lake Shore Road, Suite 500, Buffalo, NY in accordance with their submitted proposal, now therefore be it

Resolved, that the Mayor, subject to Corporation Counsel approval, is hereby authorized and directed to enter into a contract with Nussbaumer & Clarke, Inc. for a cost not to exceed the budgeted amount of $50,000.00, to be charged to account 001-1440-4427.

            Seconded by Alderman Devine and adopted. Ayes 6.

**042016.5**

By Alderman Devine:

WHEREAS, the City of Lockport has received notice from The New York State Department of Environmental Conservation requiring that the City conduct a hydraulic study and analysis on the City’s sewer system in the area of Water Street by June 1, 2016; and

WHEREAS, the Director of Engineering has received a proposal from Nussbaumer & Clarke, Inc. to perform said study and analysis in the estimated amount of $25,000;

NOW THEREFORE, BE IT

RESOLVED, that the City Council hereby accepts the proposals received from Nussbaumer and Clarke, Inc. and authorizes the Mayor to execute same upon approval by the City Attorney as to form; and BE IT FURTHER

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

Increase:

Expense 03-8125-4428 Engineering Services $25,000

Decrease:

Expense 03-8125-4571 Operational Supplies $25,000

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

**042016.6**

By Alderman O’Shaughnessy:

Resolved, that the Lockport Business Association is hereby granted permission to use Ida Fritz Park and to barricade West Avenue and Park Avenue at Hawley Street to North Transit Street and Hawley Street between Park Avenue and West Avenue to conduct “A Taste of Lockport” on Sunday, August 14, 2016 from noon to 6:00 p.m., and be it further

Resolved, that the Common Council hereby designates the aforesaid event as a temporary event as defined by Section 53-1 of the City Code (alcoholic beverages) which shall terminate/lapse upon completion of said event, and be it further

Resolved, that said permissions are subject to the Taste of 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 and trash receptacles to the area prior to the event.

Seconded by Alderman Mullane and adopted. Ayes 6.

**042016.7**

By Alderman Abbott:

WHEREAS, for the past year the Chief Building Inspector had taken on the duties and responsibilities of the Sr. Building Maintenance Supervisor when that position became vacant; and

WHEREAS, the Chief Building Inspector has requested that these duties be removed from his responsibilities due to the time commitment required;

WHEREAS, the City wishes to create a part-time position of Sr. Building Maintenance Supervisor and needs to amend the 2016 Budget accordingly; NOW THEREFORE, BE IT

RESOLVED, that the 2016 Budget is hereby amended to create and include a part-time Sr. Building Maintenance Supervisor; and be it further

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

Increase:

Expense 01-1620-0100 Personal Services $13,000

Decrease:

Expense 01-1620-0113 Seasonal Help $10,000

Expense 01-3620.0122 Stipend $ 3,000

Seconded by Alderman Wohleben and adopted. Ayes 6.

**042016.8** Authorize Mayor to enter into agreement with LaFarge (Resolution #042016.3)

**042016.9**

By Alderman Wohleben:

WHEREAS, the City of Lockport has received proposals and qualifications from approximately 14 engineering firms in response to a Request for Qualifications the City let soliciting for qualified project engineering; and

WHEREAS, the Director of Engineering and review committee has reviewed these proposals and determined each of the firms qualified in certain areas of expertise; and

WHEREAS, the City wishes to allow the ability to solicit formal proposals and utilize the most qualified firm for specific projects that arise from time to time; NOW THEREFORE, BE IT

RESOLVED, that the City Council hereby pre-qualifies all firms submitting proposals and qualifications and authorizes the City Engineer to request proposals from any and all of the firms based upon the firms’ level of expertise; and BE IT FURTHER

RESOLVED, that the Mayor is authorized to execute an agreement, after review and approval by the City Attorney, with any of these firms for studies and projects that arise from time to time; and BE IT FURTHER

RESOLVED, that said authority is shall be limited to limits imposed by project resolutions or budgetary appropriation.

Seconded by Alderman Oates and adopted. Ayes 6.

**042016.9A**

By Alderman Devine:

Resolved, that pursuant to the recommendation of the Civil Service Commission, the job specifications for Property and Right of Way Maintenance Worker are hereby approved.

Seconded by Alderman Abbott and adopted. Ayes 6.

**042016.10** **ADJOURNMENT**

At 7:03 P.M. Alderman Wohleben moved the Common Council be adjourned until 6:30 P.M., Wednesday, May 4, 2016.

Seconded by Alderman Devine and adopted. Ayes 6.

RICHELLE J. PASCERI

City Clerk

CITY OF LOCKPORT

**CORPORATION PROCEEDINGS**

Lockport Municipal Building

Regular Meeting

Official Record

May 4, 2016

6:30 P.M.

Acting Mayor David Wohleben called the meeting to order.

**ROLL CALL**

The following Common Council members answered the roll call:

Aldermen Devine, Oates, O’Shaughnessy, and Mullane.

Absent Alderman Abbott

**INVOCATION**

**MAYOR’S UPDATE**

**RECESS**

Recess for public input.

By Alderman Mullane:

Resolved, that the Rules and Orders of the Common Council be and the same are hereby waived for this meeting.

Seconded by Alderman O’Shaughnessy and adopted. Ayes 4.

**050416.1** **APPROVAL OF MINUTES**

On motion of Alderman Oates, seconded by Alderman Devine, the minutes of the Regular Meeting of April 20, 2016 are hereby approved as printed in the Journal of Proceedings. Ayes 4. Carried.

**FROM THE MAYOR**

**Appointments:**

4/26/16 Larry Eggert, 194 Independence Drive, Lockport, NY – reappointed as a member of the Housing Authority. Said term expires April 26, 2021.

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)

2/11/16 Richard Clark, Chairman, Navy Marine Club, 37 Park Avenue, Lockport,

NY – request permission to conduct a Memorial Day Parade on Sunday, May 29, 2016.

Referred to the Committee of the Whole

4/21/16 Gia Coone, Executive Director, Cystic Fibrosis Foundation, 1775 Wehrle Drive, Suite 150, Williamsville, NY – request permission to use the pavilion at Nelson C. Goehle park on Saturday, May 21, 2016 for their Annual Great Strides Walk Event.

Referred to the Committee of the Whole

**Notice of Defect:**

4/7/16 279 Green Street – tree

4/15/16 350 Hawley Street – trees

4/25/16 29 Howard Avenue – tree & sidewalk

4/25/16 367 E Union Street - trees

4/29/16 24 Roosevelt Drive – trees

Referred to the Director of Streets and Parks.

## MOTIONS & RESOLUTIONS

**050416.2**

By Alderman Oates:

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 May 6, 2016 as follows:

General Fund Account #001 $ 79,282.98

Water Fund Account #002 $ 26,318.42

Sewer Fund Account #003 $ 26,484.37

Refuse Fund Account #012 $ 109.20

Small Cities Account #013 $ 38,000.00

Self Insurance Account #015 $ 140,766.71

Worker’s Comp Account #020 $ 109,614.00

Payroll Pay Date 4/28/16 $ 429,967.25

Seconded by Alderman O’Shaughnessy and adopted. Ayes 4.

**050416.3**

By Alderman Devine:

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

Employee Years of Service Title

Louis A. Farina 30 Assistant Fire Chief

Seconded by Alderman Mullane and adopted. Ayes 4.

**050416.4**

By Alderman Oates:

Resolved, that pursuant to their request, the Cystic Fibrosis Foundation is hereby granted permission to use the pavilion at Nelson C. Goehle Park for their annual Great Strides Walk Event on Saturday, May 21, 2016.

Seconded by Alderman Devine and adopted. Ayes 4.

**050416.5**

By Alderman Mullane:

Resolved, that pursuant to their request, the Navy Marine Club is hereby granted permission to conduct a Memorial Day Parade in the City of Lockport on Sunday, May 29, 2016 subject to approval of the parade route by the Police Chief. Said parade will form at noon at Veteran’s Park on East Avenue where a brief Memorial Service will be conducted. At approximately 1:00 p.m. the parade units will proceed west on East Avenue/Main Street using the right side of Main Street and terminate at the County Courthouse, and be it further

Resolved, that the Director of Streets and Parks is hereby authorized and directed to arrange for delivery of barricades and no parking signs to keep the right side of Main Street clear where dividers occur, and be it further

Resolved, that the City Clerk is hereby authorized and directed to issue a parade permit for said event, and be it further

Resolved, that the City Clerk is hereby authorized to purchase 12 monument wreaths to be used for Memorial Day ceremonies. Cost of same to be charged to account #001-8510-4379.

Seconded by Alderman Oates and adopted. Ayes 4.

**050416.6**

By Alderman O’Shaughnessy:

WHEREAS, on April 6, 2016, Resolution 040616.8 regarding Refuse and Recycling was tabled by the Common Council, and

WHEREAS, the Common Council desires to remove Resolution 040616.8 from the table for tonights meeting. NOW THEREFORE BE IT

RESOLVED that Resolution 040616.8 be and is hereby removed from the table and restored to the May 4, 2016, agenda/meeting.

Seconded by Alderman Mullane and adopted. Ayes 4.

**050416.6a**

By Alderman O’Shaughnessy:

WHEREAS, Alderman O’Shaughnessy desires to amend Resolution 040616.8 and make the requirement to seek bids for refuse and recycling contingent upon the City having not reached an agreement with Modern Disposal Services by June 1, 2016, to extend the contract for an additional five (5) years. NOW THEREFORE BE IT

RESOLVED, that the second Resolve in Resolution 040616.8 be and is hereby amended to read as follows: “that in the event an agreement is not entered into with Modern Disposal Services, Inc. on or before June 1, 2016, the City Engineer with the assistance of Corporation Counsel and subject to the approval of the Common Council is hereby directed to prepare a Request for Proposals (RFP) in accordance with General Municipal Law, Sections 120-w or 103 for solid waste collection, hauling and disposal, and recycling materials collection and processing, plus any other specialized services needed by or within the City of Lockport.”

Seconded by Alderman Mullane and adopted. Ayes 4.

**050116.6b**

By Alderman Devine:

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

Seconded by Alderman O’Shaughnessy and adopted. Ayes 4.

**050416.6c**

By Alderman O’Shaughnessy:

**WHEREAS,** the City of Lockport Common Council adopted Local Law No. 4 (Refuse & Recyclables) on August 17th, 2011 superseding former Chapter 113 (Garbage, Rubbish and Refuse) of the City of Lockport Code adopted May 2nd, 1992, and

**WHEREAS** Local Law No. 4 of 2011 was amended in its entirely on August 1st, 2012 by Local Law No. 2 of 2012 known as “Refuse & Recycling Code”, and

**WHEREAS** the purpose of said local law (Refuse & Recycling Code) is to provide protection of the public health, safety and general welfare of the people of the City of Lockport by establishing rules and regulations governing residential, commercial, institutional and industrial refuse and recycling, licensure, collection and management in the City of Lockport, and

**WHEREAS** said local law (Refuse & Recycling Code) authorized an advance of funds from the city’s 2011 “General Fund” to a “Special Revenue Fund – Recycling and Refuse”for the purposes of funding the costs incurred by the City of Lockport for the collection and disposal of refuse, including recycling, and

**WHEREAS** said local law (Refuse & Recycling Code) required repayment to the City’s General Fund” from the “Special Revenue Fund – Recycling & Refuse” all sums advanced for the collection and disposal of refuse, including recycling, before the end of fiscal year 2011, and

**WHEREAS** upon information and belief said advance sums to the “Special Revenue Fund – Recycling” have not been fully repaid to the City’s “General Fund”, and

**WHEREAS** said local law (Refuse & Recycling Code) states the Director of Refuse and Recycling is the City Clerk or a designee of the Mayor; both potential political appointees, and

**WHEREAS** the City of Lockport entered into an agreement for solid waste collection, hauling, disposal and recycling with Modern Disposal Services, Inc. (with offices at 4746 Model City Road, Model City, NY 14107) commencing on October 10, 2011 and terminating on September 30, 2016, and

**WHEREAS**, Section 3 of the above agreement states that “The term of this Agreement may be extended by written agreement, signed by both parties, for an additional five (5) year period. Notification must be given by the City to Modern in writing on or before ninety (90) days prior to the extension period, and

**WHEREAS**, the City of Lockport must determine not less than ninety days prior to September 30, 2016, (July 1, 2016) whether it desires to extend the present agreement with Modern, and

**WHEREAS** said agreement with Modern Disposal Services Inc. states, among other things, it will summit monthly invoices to the City of Lockport for services performed in the preceding month and that the City shall pay Modern the full amount for each invoice within 30 days, and

**WHEREAS** said agreement has burdened the City with significant administrative costs associated with billing, payment processing, collection and/or re-levy for non-payment from all residential, commercial, institutional and industrial units within the City of Lockport sometimes requiring subsidy by city taxpayers. **NOW THEREFORE BE IT:**

**RESOLVED,** the Common Council hereby requests the Mayor to request the Director of Finance to provide the Common Council with an audit of all revenues collected or credited on behalf of the “Special Revenue Fund – Recycling & Refuse” and all expenses or transfers from said fund for the years 2011- 2015 no later than June 1st, 2016, and be it further

**RESOLVED**, that in the event an agreement is not entered into with Modern Disposal Services, Inc. on or before June 1, 2016, the City Engineer with the assistance of Corporation Counsel and subject to the approval of the Common Council is hereby directed to prepare a Request for Proposals (RFP) in accordance with General Municipal Law, Sections 120-w or 103 for solid waste collection, hauling and disposal, and recycling materials collection and processing, plus any other specialized services needed by or within the City of Lockport, and be it further

**RESOLVED** that upon receipt of said Request for Proposals (RFP) the City Clerk is authorized and directed to advertise the same no later than June 1, 2016, and be it further

**RESOLVED,** that said Request for Proposals (RFP) shall include as an alternative the elimination of the City’s billing and collection obligation related to said refuse and recycling, and be it further

**RESOLVED** thatthe Corporation Council be and is hereby directed to prepare a Local Law amending section 155-1 (c) of the City Code replacing the words “The “City Clerk or the Mayor’s designee” with the words “ The Deputy Treasurer or the Mayor’s designee” as the Director of Refuse and Recycling

**RESOLVED,** the Common Council hereby creates a “Citizen’s Refuse & Recycling Advisory Board” to replace and supersede any prior ad-hoc committee on refuse and recycling. Said Board to be charged with the mission to investigate and advise the Common Council on all matters relating to management of the City’s residential, commercial and institutional refuse and recycling programs including hazardous or infectious waste collection and transportation. Said Advisory Board to consist of the sitting Alderman At Large plus four (4) citizen members with specialized interest, experience or expertise in solid waste and recycling programs. Said Board to meet minimally each quarter and report its deliberations and work to the Common Council and Mayor.

Seconded by Alderman Mullane and adopted. Ayes 4.

**050416.7**

By Alderman Devine:

Resolved, that pursuant to their request, Lockport Main Street, Inc. is hereby granted permission to have a Community Market on Canal Street each Saturday beginning June 18th and running through October 8th, 2016, and be it further

Resolved, that the Director of Streets and Parks is authorized and directed to arrange to deliver refuse containers to the area prior to the said dates.

Seconded by Alderman O’Shaughnessy and adopted. Ayes 4.

**050416.8**

By Alderman Devine:

Resolved, that resolution # 030216.4 adopted by the Common Council at their March 2, 2016 meeting, regarding the Correlator for Leak Detection bid, be and the same is hereby rescinded.

Seconded by Alderman O’Shaughnessy and adopted. Ayes 4.

**050416.9**

By Alderman Oates:

Resolved, that pursuant to his request, Pete Robinson DBA Winter Wonderland Project is hereby granted permission to conduct the “Winter Wonderland Project” along Market Street between Exchange Street Bridge and Cold Springs Bridge on daily, from 4:00 pm until 10:00 pm beginning November 30, 2016 through December 31, 2016, and be it further

Resolved that said permission includes the following:

1. Allow on street parking along Market Street during event times.

2. Use of the restroom facilities at Wide Waters Marina,

3. Allow decorative lights to be hung on city owned property along the canal.

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 refuse containers to said area prior to said event, and be it further

Resolved, that said permission is subject to the Winter Wonderland Project filing a certificate of insurance with the City Clerk naming the City of Lockport as additional insured.

Seconded by Alderman Mullane and adopted. Ayes 4.

**050416.10**

By Alderman Oates:

Resolved, that the Corporation Counsel is hereby authorized and directed to prepare a Local Law relative to a proposed amendment to Chapter 158 Streets and Sidewalks, Article I, § 158-21 Removal of brush, grass and weeds; penalty, and be it further

Resolved, that a public hearing be held at the Common Council meeting of May 18, 2016 starting at 6:30 P.M. in the Common Council Chambers, Lockport Municipal Building, One Locks Plaza, Lockport, NY relative to said local law, and be it further

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

Seconded by Alderman Devine and adopted. Ayes 4.

**050416.10A**

By Alderman Devine:

Whereas, the City of Lockport is contemplating separating the existing combined sewer on High St. between State Rd. and Locust St. into distinct sanitary and storm sewers; and

Whereas, the proposed project will include installation of approximately 5,000 linear feet of new sewers and appurtenances within existing City Right-of-Ways; 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 NYCRR 617.5 (c)(1) 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 High St. Sewer Separation Project; and be it further

Resolved, that the City of Lockport declares that, based on the Short Environmental Assessment Form which has been prepared, the project will not result in any significant adverse environmental impacts and, therefore, a Negative Declaration under SEQR is issued for this project.

Seconded by Alderman Mullane and adopted. Ayes 4.

**050416.10B**

By Alderman Mullane:

Resolved, that pursuant to their request, the Kenan Center is hereby granted permission to use the artwork from the Common Council Chambers for their “MetaCorporate: Art from Industry” art exhibit from May 15, 2016 until June 26, 2016, and be it further

Resolved, that said permission is subject to the Kenan Center filing a certificate of insurance with the City Clerk naming the City of Lockport as additional insured, and be it further

Resolved, that the City Clerk is hereby authorized and directed to make arrangements for delivery of said artwork.

Seconded by Alderman Oates and adopted. Ayes 4.

**050416.11** **ADJOURNMENT**

At 7:10 P.M. Alderman Oates moved the Common Council be adjourned until 6:30 P.M., Wednesday, May 18, 2016.

Seconded by Alderman Devine and adopted. Ayes 4.

State of New York

City of Lockport

Office of the City Clerk

I, Richelle J. Pasceri, City Clerk of said City, do hereby certify that I have compared the foregoing copy with the original proceedings of the Common Council of said City of Lockport, New York, now remaining on file and of record in this office; and that the same is a correct transcript therefrom and of the whole of said original.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of said City, this 10th day of May, 2016.

RICHELLE J. PASCERI, City Clerk

City of Lockport

CITY OF LOCKPORT

**CORPORATION PROCEEDINGS**

Lockport Municipal Building

Regular Meeting

Official Record

May 18, 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**

**TREASURER’S REPORT**

**RECESS**

Recess for public input.

**051816.1** **APPROVAL OF MINUTES**

On motion of Alderman Wohleben, seconded by Alderman Devine, the minutes of the Regular Meeting of May 4, 2016 are hereby approved as printed in the Journal of Proceedings. Ayes 6. Carried.

PUBLIC HEARING

The Mayor announced a public hearing on A LOCAL LAW to amend Section 158 of the Lockport City Code respecting the removal of brush, grass and weeds.

The Mayor asked the City Clerk if any petitions or communications relative to said Local Law have been received.

Recess for public input.

The Mayor Closed the Public Hearing.

**FROM THE MAYOR**

**Appointments:**

5/9/16 Aaron E. Schifferle, 1 Woodlawn Avenue, Lockport, NY – appointed as Deputy City Treasurer effective May 9, 2016. Said appointment is provisional and subject to the City of Lockport Municipal Civil Service Rules and Regulations.

Received and filed.

5/11/16 Tracy Farrell, 55 Lakeview Parkway, Lockport, NY – appointed as Assessor effective May 13, 2016. Said appointment is provisional and subject to the City of Lockport Municipal Civil Service Rules and Regulations.

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)

4/25/16 Michael Corso, New York State Department of Public Service, Office of Consumer Services – Notification of informational sessions and public statement hearings regarding a Clean Energy Standard program. Referred to the Committee of the Whole

5/9/16 Kara Donovan, Aging and Disabilities Services Coordinator, Niagara County Office for the Aging – request permission to install signs in the City’s right-of-way to raise awareness of elder abuse. Referred to the Committee of the Whole

5/10/16 All Saints Parish, 76 Church Street, Lockport, NY – request permission to conduct their annual chicken Bar-B-Q on June 30, 2016. Referred to the Committee of the Whole

5/18/16 Richelle J. Pasceri, City Clerk – notification that the Lockport Municipal Offices will be closed on Monday, May 30, 2016 in observance of Memorial Day. For the entire week of May 30th, garbage will be collected on the day following regularly scheduled collection.

Referred to the Media.

**Notice of Defect:**

5/3/16 132 Vine Street – tree

5/3/16 3 McCue Avenue - tree

5/4/16 131 Church Street, 581 Pine Street, 69 Chapel Street, 156 Vine Street – trees

5/5/16 43 Webb Street – tree

5/5/16 198 Ontario Street – tree

5/10/16 360 Hawley Street – tree

5/13/16 60 Grant Street – tree

5/13/16 67 Scovell Street – trees

Referred to the Director of Streets and Parks.

## MOTIONS & RESOLUTIONS

**051816.2**

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 May 20, 2016 as follows:

General Fund Account #001 $ 67,731.20

Water Fund Account #002 $ 37,556.28

Sewer Fund Account #003 $ 23,888.69

Capital Projects Account #004 $ 2,539.34

Refuse Fund Account #012 $ 89,376.55

Small Cities Account #013 $ 19,000.00

Self Insurance Account #015 $ 79,156.00

Payroll Pay Date 5/12/16 $ 444,482.74

Seconded by Alderman Oates and adopted. Ayes 6.

**051816.3**

By Alderman Oates:

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 6.

**051816.4**

By Alderman Oates:

**Whereas**, the Director of Engineering has informed the Mayor that the roofs of the following municipal facilities are in need of repair: North Shelter at Outwater Park, Softball Field Restroom Building at Outwater Park, Gazebo and Restroom Building at Dolan park, Restroom Building at Dudley Square Park, and Restroom Building at Williams Street, and

**Whereas**, the Engineering Department has requested quotes from qualified contractors to bid for the roof repairs at said municipal facilities, and

**Whereas**, the lowest responsible bid was submitted by Granzow Construction, 4542 Main Street, Gasport, NY to replace existing damaged roofs with lifetime standing seam metal roof, including new gutters, installing all trims, and matching appurtenances for a cost of $54,762.81, now therefore be it

**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 $54,762.81 to be charged to Municipal Building Roof Repair account #004.0004.0520.4112.

Seconded by Alderman Devine and adopted. Ayes 6.

**051816.5**

By Alderman Oates:

Resolved, that pursuant to their request, permission is hereby granted All Saints Parish to barricade Church Alley between Church and Lock Streets on Thursday, June 30, 2016, for a fundraising 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 the area prior to the event.

Seconded by Alderman Wohelben and adopted. Ayes 6.

**051816.6**

By Alderman Wohleben:

WHEREAS, on September 8, 2011, the City of Lockport entered into a Municipal Solid Waste Collection, Hauling , Disposal and Recycling Agreement with Modern Disposal Services, Inc., and

WHEREAS, the term of the Agreement was for a period of five (5) years until September 30, 2016, and

WHEREAS, the Agreement provided that the term of the Agreement may be extended by written agreement, signed by both parties, for an additional five (5) year period with notification given by the City to Modern in writing on or before ninety (90) days prior to the extension period, and

WHEREAS, the City and Modern wish to extend the term of the September 8, 2011, Agreement.

NOW THEREFORE BE IT

RESOLVED that the Mayor be and is hereby authorized and directed to enter into an Extension Agreement with Modern Disposal Services, Inc. as follows:

1. The City and Modern shall extend the term of the September 8, 2011 Agreement until September 30, 2021.

2. The costs for services during the extension term are outlined on the “Contract Annual Extension Rates 5-18-16” attached hereto and made a part hereof).

3 The cost outlined on the “Contract Annual Extension Rates 5-18-16” for extension years 6, 7, 8, 9 and 10 shall remain in full force and effect except that certain items of the “Contract Annual Extension Rates 5-18-16” have fixed increases and have been indexed in a manner consistent with the original contract term. Other items will be subject to increase and indexed in a manner consistent with the original contract term as determined by Consumer Price Index (CPI) for all urban consumers (all items) as published by the U.S. Department of Labor, Bureau of Labor Statistics, for the Northeast regional area. The adjustment will be equal to the net percentage of change over the recent twelve (12) months for which the index figures are available as of November 1 of the preceding year.

4. That, except for the terms contained in the Extension Agreement, all other terms and conditions of the Agreement signed and dated September 8, 2011 shall remain in full force and effect.

Seconded by Alderman Oates and adopted. Ayes 6.

**051816.7**

By Alderman Devine:

Resolved, that pursuant to her request, Ellen Martin be and the same is hereby given permission to use the Pine and Main Street Parking Lots on Friday July 15th through Sunday July 17th to conduct the Sweet Chalk Festival, 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 to said event.

Seconded by Alderman Oates and adopted. Ayes 6.

**051816.8**

By Alderman Wohleben:

Resolved, that the Mayor, subject to Corporation Counsel approval, be and the same is hereby authorized and directed to execute a contract with Municipal Solutions, Inc. for bond issuance.

Seconded by Alderman Devine and adopted. Ayes 6.

**051816.9**

By Alderman Oates:

Resolved, that the Mayor, subject to Corporation Counsel approval, be and the same is hereby authorized and directed to execute a contract with Donegal Construction Corporation, 1235 Marguerite Lake Road, Greensburg, PA 15601 for Milling of Roads to be charged to the CHIP’s fund.

Seconded by Alderman Wohleben and adopted. Ayes 6.

By Alderman Devine:

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

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

**051816.10**

By Alderman Devine:

City of Lockport

Local Law No. 2 of the year 2016

.

A LOCAL LAW to amend Section 158 of the Lockport City Code respecting the removal of brush, grass and weeds.

BE IT ENACTED by the Common Council of the City of Lockport, New York as follows:

Section 158-21 the Lockport City Code, as amended, is hereby further amended by deleting the same in its entirety and substituting therefor a new Section 158-21 to read as follows:

§ 158-21. Removal of brush, grass and weeds; penalty.

[Amended 8-3-1989; 6-19-1991]

1. Cutback requirements.
2. Every person in charge or control of any building or lot of land within the City of Lockport, New York, whether as owner, tenant, occupant, lessee or otherwise, shall cut and remove any growth of weeds, grass or other rank vegetation or brush growing on any occupied or unoccupied lot of land or any part thereof located in the City of Lockport, New York, in accordance with Subsection **A(2)** of this section.
3. Any tract or parcel of land containing one acre or less shall be cut in its entirety to a length of six inches or less. Any contiguous tracts or parcels of land having at least one common owner, which contiguous tracts or parcels of land contain more than one acre in combined area, and any tract or parcel of land containing more than one acre shall be cut back a distance of 20 feet from the curb or boundary line of each adjacent public street and/or property lines to a length of six inches or less.
4. Poisonous plants. It shall be unlawful for any such person or persons to cause, suffer or allow poison ivy, ragweed or other poisonous plant or plants detrimental to health to grow on the part of any such lot or land required to be cut in accordance with Subsection **A(2)** of this section or to allow the seed, pollen or other particles or emanations therefrom to be carried throughout the air into any public place.
5. Notice. The Code Enforcement Officer/Chief Building Inspector is hereby authorized and empowered to notify, by regular mail and by affixing to the front door, the owner, agent, tenant, lessee or occupant of any open or vacant private property within the City or the agent of such owner, agent, lessee, tenant or other occupant to properly cut and remove any growth of weeds, grass or other rank vegetation or brush growth located on such owner’s, tenant’s, lessee’s or occupant’s property which is dangerous to public health, safety or welfare or otherwise not in conformity with this Section after making an inspection thereof. Such notice shall be in writing and be in substantially the following form:

“TO THE OWNER AND OCCUPANTS OF PROPERTY IN THE CITY OF LOCKPORT”

“Please take notice that you are hereby required to cut and remove all grass, weeds and other rank, poisonous, harmful vegetation on the property owned or occupied by you and to comply with the ordinance of the City of Lockport relative to the removal of grass, weeds, etc. In the event of your failure to remove such grass, weeds, etc., the Code Enforcement Officer/Chief Building Inspector or his duly-designated representative may cause such weeds and grass and other vegetation on your property to be cut and removed, and the cost thereof shall thereupon become and be a charge and lien upon your property and shall be collected the same as other taxes upon your property. If you wish to object to this determination, such objection must be received in writing to the Code Enforcement Officer/Chief Building Inspector within five days of the date of this notice.”

1. Failure to comply with notice.
2. Upon failure, neglect or refusal of any owner, agent, tenant, lessee or occupant, or agent thereof so notified to properly dispose of litter or remove weeds, grass, or other rank vegetation or brush or to object in writing to the Building Department within five days from the date of notice provided for in § 158-21(C) above, the Building Inspector shall authorize and direct the appropriate City office, department, or designee to proceed to cut and remove such weeds, grass, or other rank vegetation or brush. In the event that the owner, agent, tenant, lessee, or occupant or agent shall object in writing within five days to the Code Enforcement Officer/Building Inspector, the matter shall be referred to the Zoning Board of Appeals, which shall review the determination within 30 days from the date of receipt of any written objection. The determination of the Zoning Board of Appeals shall be final.
3. The actual cost of such cutting and removing, plus $150.00 for inspection and other additional costs in connection therewith, shall be billed to the property owner, a copy of which shall be forward to the City Treasurer, by the Code Enforcement Officer/Chief Building Inspector or his duly-designated representative. Thirty days after the billing date, all unpaid charges will become and be a lien upon the property on which said weeds, grass and other vegetation were located and shall be added to and become and form a part of the taxes next to be assessed and levied upon such lot or land and shall bear interest at the same rate as taxes and shall be collected and enforced by the same officer and in the same manner as taxes levied and assessed against such property, or the same may be collected by suit against the owner or owners in the name of the City.
4. Person. The word “person” as used in this section, shall mean and include one or more natural persons, corporations, partnerships, associations, joint-stock companies, societies and all other entities of any kind capable of being sued.

Seconded by Alderman Oates. A roll call vote was taken which resolute as follows:

Alderman Abbott VOTING YES

Alderman Devine VOTING YES

Alderman Mullane VOTING YES

Alderman Oates VOTING YES

Alderman O’Shaughnessy VOTING YES

Alderman Wohleben VOTING YES

The local law was thereupon declared duly adopted.

**051816.11**

By Alderman O’Shaughnessy:

Resolved, that the Mayor, subject to Corporation Counsel approval, be and the same is hereby authorized and directed to execute a contract with Niagara County Custom Landscaping, 5764 Wilson-Burt Road, Burt, NY for cutting grass on privately owned parcels.

Seconded by Alderman Abbott and adopted. Ayes 6.

**051816.12**

By Alderman Oates:

Resolved, that pursuant to the request of GLDC / Iskalo Development, property owner of 57 Canal Street, permission is hereby granted to install and maintain canopies and exterior lighting in the City’s right-of-way at 57 Canal Street 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 canopies and 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 Mullane and adopted. Ayes 6.

**051816.13**

By Alderman Oates:

Resolved, that the 2016 Marina Slip Rates are as follows:

- No Electric or Water $ 8.00 per foot

- No Electric with Water $10.00 per foot

-Electric and Water $ 15.00 per foot

-Daily (Transient) $ .25 per foot

Seconded by Alderman Devine and adopted. Ayes 6.

**051816.14 Withdrawn** (Authorize Mayor to enter into agreement with Rampage Football for use of Exchange field for their 2016 season.)

**051816.15**

By Alderman O’Shaughnessy:

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 Monday, July 4, 2016, with rain date being Tuesday, July 5, 2016.

Seconded by Alderman Devine and adopted. Ayes 6.

**051816.16**

By Alderman O’Shaughnessy:

Resolved, that the Youth Board is hereby granted permission to conduct an Independence Day Parade on Sunday, July 3, 2016, 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 Mullane and adopted. Ayes 6.

**051816.16A**

By Alderman Oates:

Resolved, that pursuant to their request, Lockport AnJo Summer Baseball is hereby granted permission to use the baseball diamonds at Kibler Park for their 2016 summer season, subject to the approval of the schedule by the Highways & Parks Department, and be it further

Resolved, that said permission is subject to Lockport AnJo Summer Baseball filing a certificate of insurance with the City Clerk naming the City of Lockport as additional insured.

Seconded by Alderman Wohleben and adopted. Ayes 6.

**051816.16B**

By Alderman Devine:

Resolved, that pursuant to their request, Harrington’s Service is hereby granted permission to use the baseball diamonds at Outwater Park for softball games from May 20, 2016 until September 20, 2016, subject to the approval of the schedule by the Highways & Parks Department, and be it further

Resolved, that said permission is subject to Harrington’s Service filing a certificate of insurance with the City Clerk naming the City of Lockport as additional insured.

Seconded by Alderman Oates and adopted. Ayes 6.

**051816.17** **ADJOURNMENT**

At 7:30 P.M. Alderman Wohleben moved the Common Council be adjourned until 6:30 P.M., Wednesday, June 1, 2016.

Seconded by Alderman Devine and adopted. Ayes 6.

RICHELLE J. PASCERI

City Clerk

CITY OF LOCKPORT

**CORPORATION PROCEEDINGS**

Lockport Municipal Building

Regular Meeting

Official Record

June 1, 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**

**TREASURER’S REPORT**

**RECESS**

Recess for public input.

**060116.1** **APPROVAL OF MINUTES**

On motion of Alderman Wohleben, seconded by Alderman Devine, the minutes of the Regular Meeting of May 18, 2016 are hereby approved as printed in the Journal of Proceedings. Ayes 6. Carried.

**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)

5/23/16 Cheryl Krazmien, Assistant Project Manager, Empire State Development – notification of public hearing to be held on Thursday, June 2, 2016 at Common Council Chambers in the Lockport Municipal Building beginning at 3:00 pm regarding Lockport Flight of Five Restoration Capital Project.

5/31/16 Maeda Taylor, Puppet Festival Coordinator, Puppet Festival of Niagara – request permission to conduct a Puppet Festival on July 22nd and July 23rd, 2016 and to barricade a portion of Market Street.

5/31/16 Duane W. Priset, Senior Pastor, Emmanuel United Methodist Church – request permission to conduct their annual block party on July 20, 2016.

6/1/16 Rev. Craig Campbell, Faith Tabernacle Church, 5676 Beattie Avenue– request permission to barricade a portion of Ontario Street for a “Neighborhood Appreciation Picnic” on Wednesday July 13, 2016.

Referred to the Committee of the Whole

**Notice of Claim:**

5/17/16 Renee Rice, 227 Genesee Street, Apartment 1, Lockport, NY

Referred to the Corporation Counsel.

## MOTIONS & RESOLUTIONS

**060116.2**

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 3, 2016 as follows:

General Fund Account #001 $ 134,764.77

Water Fund Account #002 $ 52,509.06

Sewer Fund Account #003 $ 9,258.41

Capital Projects Account #004 $ 44,100.16

Refuse Fund Account #012 $ 336.80

Small Cities Account #013 $ 36,808.00

Self Insurance Account #015 $ 63,158.51

Payroll Pay Date 5/26/16 $ 442,913.12

Seconded by Alderman Oates and adopted. Ayes 6.

**060116.3**

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:

Employee Years of Service Title

John W. Haenle IV 30 Sign Maintenance Worker

Joseph M. Prica 20 Fire Captain

Seconded by Alderman Devine and adopted. Ayes 6.

**060116.4**

By Alderman Abbott:

Resolved, that the Mayor and Common Council do hereby extend condolences to the family of John L. Sobieraski, a retired City of Lockport Police Detective who recently passed away.

Seconded by Alderman Wohleben and adopted. Ayes 6.

**060116.5**

By Alderman Abbott:

Resolved, that the Mayor and Common Council do hereby extend condolences to the family of Shirley C. Tolli, a retired City of Lockport Crossing Guard who recently passed away.

Seconded by Alderman Wohleben and adopted. Ayes 6.

**060116.6**

By Alderman Oates:

Whereas, the Director of Engineering has informed the Mayor that the roof of the Restroom Building at Grossi Memorial Park is in need of repair, and

Whereas, the Engineering Department has requested quotes from qualified contractors to bid for the roof repair at said municipal facility, and

Whereas, the lowest responsible bid was submitted by Granzow Construction, 4542 Main Street, Gasport, NY to replace existing damaged roof with lifetime standing seam metal roof, including new gutters, installing all trims, and matching appurtenances for a cost of $5,019.32, 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 $5,019.32 to be charged to Municipal Building Roof Repair account # 004.0004.0520.4112.

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

**060116.7**

By Alderman Oates:

Resolved, that pursuant to their request, the Lockport Family YMCA, is hereby granted permission to conduct “Fitness in the Parks” at Nelson C Goehle Marina Park on Wednesdays and Saturdays for a period of ten weeks beginning June 19, 2016 subject to filing a certificate of insurance with the City Clerk naming the City of Lockport as additional insured.

Seconded by Alderman Mullane and adopted. Ayes 6.

**060116.8**

By Alderman Wohleben:

**WHEREAS**, the City of Lockport pays school taxes on properties that it owns within the City that have no municipal purpose; and

**WHEREAS**, these taxes were being attributed to properties in foreclosure when, in fact, they are not in the foreclosure proceedings; and

**WHEREAS**, it is a better accounting practice to show these obligations in the General Fund; and

**WHEREAS**, additional funding is needed for pre-employment physicals due to vacancies within the Police and seasonal labor within the Building Maintenance Department;

**WHEREAS**, these expenses were not anticipated necessitating the use of contingency funds; Now therefore, be it

**RESOLVED**, that the 2016 Budget is hereby amended as follows:

Increase:

Expense 001.1620.0113 Seasonal Labor $3,000

Expense 001.4015.4430 Physical Exams $3,500

Expense 001.1900.4257 Property Taxes $30,000

Decrease:

Expense 001.1900.1990 Contingency $36,500

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

**060116.9 WITHDRAWN** (Water Adjustment Policy)

**060116.10**

By Alderman Oates:

Resolved, that pursuant to their request, AnJo Baseball League is hereby granted permission to use the baseball diamonds at Outwater Park on June 2, 2016, subject to filing a certificate of insurance with the City Clerk naming the City of Lockport as additional insured.

Seconded by Alderman Devine and adopted. Ayes 6.

**060116.11**

By Alderman Devine:

Resolved, that the Mayor, subject to Corporation Counsel approval, be and the same is hereby authorized and directed to execute a contract with Rampage Football for use of Exchange Field for their 2016 season.

Seconded by Alderman Mullane and adopted. Ayes 6.

**060116.12**

By Alderman Wohleben:

**Whereas**, smoking is responsible for the premature deaths of over 430,000 Americans each year from lung cancer, heart disease, respiratory illness and other diseases, and

**Whereas**, secondhand smoke is responsible for over 50,000 deaths among nonsmokers each year, and

**Whereas**, 80% of smokers started smoking before age 18, and the average age of initiation is 12 years old, and

**Whereas**, every day an estimated 3,900 young people under the age of 18 try their first cigarette and one-third of these will die prematurely from tobacco-related illnesses, and

**Whereas**, tobacco product use in the proximity of children, youth and adults engaging in or watching recreational activities is unhealthy and detrimental to the health of both the participants and observers, and

**Whereas**, tobacco products, once consumed in public spaces, are often discarded on the ground causing a litter problem, and

**Whereas**, students at North Park Junior High School have obtained nearly 300 signatures on a petition in support of a City of Lockport policy designating parks tobacco-free,

**NOW THEREFORE BE IT RESOLVED**, that the City of Lockport is committed to providing a high quality of living to all residents; and,

**RESOLVED** that the City of Lockport hereby declares that the City parks, playgrounds, community pool and recreation areas are designated as tobacco-free, and that signs will be posted in such areas, to be provided by the Erie Niagara Tobacco-Free Coalition; and

**RESOLVED** that the enforcement of which will be through voluntary compliance and this resolution shall take effect immediately.

Seconded by Alderman Abbott and adopted. Ayes6.

**060116.13**

By Alderman Oates:

Resolved, that pursuant to their request, permission is hereby granted to Old City Hall to barricade a portion of the street and sidewalk on Pine Street for a period of one week during roof and gutter repairs at a date that is yet to be determined, and be it further

Resolved, that permission is subject to filing a certificate of insurance with the City Clerk naming the City of Lockport as additional insured.

Seconded by Alderman Devine and adopted. Ayes 6.

**060116.13A**

By Alderman Wohleben:

Resolved, that the Mayor, subject to Corporation Counsel approval, be and the same is hereby authorized and directed to execute a contract with Hearst Media/Local Edge, 1945 Sheridan Drive, Buffalo, NY 14223 for website hosting and maintenance at a cost of $150.00 per month.

Seconded by Alderman Oates and adopted. Ayes 6.

**060116.13B**

By Alderman Oates:

Resolved, that pursuant to their request, Maeda Taylor is hereby granted permission to conduct the “Puppet Festival of Niagara” on July 22nd and July 23rd, 2016 on Market Street between Exchange Street and Vine Street. Said permission is subject to the Puppet Festival of Niagara filing a certificate of insurance with the City Clerk 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 and street closed signs to the area prior to the event.

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

**060116.13C**

By Alderman Oates:

Resolved, that pursuant to their request, permission is hereby granted to Emmanuel United Methodist Church to barricade Wakeman Alley on Wednesday July 20, 2016, 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 traffic cones to said area prior to said event.

Seconded by Alderman Wohleben and adopted. Ayes 6.

**060116.13D**

By Alderman Devine:

Resolved, that pursuant to their request, permission is hereby granted to Faith Tabernacle Church to barricade a portion of Ontario Street in front of the Community Garden on Wednesday July 13, 2016, for a Neighborhood Appreciation 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 6.

**060116.14** **ADJOURNMENT**

At 7:04 P.M. Alderman Wohleben moved the Common Council be adjourned until 6:30 P.M., Wednesday, June 15, 2016.

Seconded by Alderman Devine and adopted. Ayes 6.

RICHELLE J. PASCERI

City Clerk

CITY OF LOCKPORT

**CORPORATION PROCEEDINGS**

Lockport Municipal Building

Regular Meeting

Official Record

June 15, 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**

**TREASURER’S REPORT**

**RECESS**

Recess for public input.

**061516.1** **APPROVAL OF MINUTES**

On motion of Alderman Wohleben, seconded by Alderman Devine, the minutes of the Regular Meeting of June 1, 2016 are hereby approved as printed in the Journal of Proceedings. Ayes 6. Carried.

**FROM THE MAYOR**

**Appointments:**

6/8/16 James Lincoln, 3259 Jerauld Avenue, Niagara Falls, NY – appointed as a Commissioner of Deeds. Said term expires December 31, 2017.

Received and filed

6/8/16 Adam Van DeMark, 387 Pine 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)

2/3/16 Charles J. Mongrante, Jr., P.E. Regional Director of Operations –Region 5, New York State Department of Transportation – Re: Shared Service Agreement for Emergency Assistance.

Referred to the Committee of the Whole

6/3/16 Cathy L. Maloney, J.D., Executive Director, Cornell University Cooperative Extension – request permission to erect an banner across East Avenue to promote the 2016 Niagara County Fair.

Referred to the Committee of the Whole

6/9/16 Jennifer L. Serrano, Jenny Marketing Group LLC – request permission to erect a banner across East Avenue to promote the 2016 Taste of Lockport.

Referred to the Committee of the Whole

6/15/16 Richelle J. Pasceri, City Clerk – Notification that the Lockport Municipal Offices will be closed on Monday, July 4, 2016 in observance of Independence Day. For the entire week of July 4th, garbage will be collected on the day following the regularly scheduled collection day.

Referred to the Media.

6/15/16 Sid Parish, Chairman, Board of Directors, Navy-Marine Club, Inc. – request permission to close a portion of Park Avenue for their annual picnic.

Referred to the Committee of the Whole

**Notice of Defect:**

5/24/16 265 Lock Street – tree

5/26/16 237 Church Street – tree

5/31/16 Cold Spring Alley between Chapel and Adam Streets – potholes

5/31/16 68 Regent Street – tree stump

6/7/16 117 Price Street – tree

6/7/16 95 Maple Street – tree

6/13/16 64 Rochester Street – tree

Referred to the Director of Streets and Parks.

**Notice of Claim:**

6/13/16 Michael Brewer, Allstate Brewer Agency, 21 Main Street, Lockport, NY – claim submitted on behalf of Rodney Peters

Referred to the Corporation Counsel.

**MOTIONS & RESOLUTIONS**

**061516.2**

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 17, 2016 as follows:

General Fund Account #001 $ 207,476.44

Water Fund Account #002 $ 15,398.41

Sewer Fund Account #003 $ 8,519.15

Capital Projects Account #004 $ 46,084.14

Refuse Fund Account #012 $ 93,388.25

Small Cities Account #013 $ 19,000.00

Self Insurance Account #015 $ 143,023.18

Worker’s Comp Account #020 $ 5,650.00

Payroll Pay Date 6/9/16 $ 459,306.48

Seconded by Alderman Oates and adopted. Ayes 6.

**061516.3**

By Alderman Abbott:

Resolved, that pursuant to their request, Cornell University is hereby granted permission to erect a banner at least 17' from the ground across East Avenue at Davison Road to promote the 2016 Niagara County Fair which will be held from August 3rd to August 7th, 2016. Banner is to be erected for a minimum of two weeks prior to the event dates based on a schedule approved by the City Clerk, and be it further

Resolved, that said permission is subject to Cornell University 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 Wohleben and adopted. Ayes 6.

**061516.4**

By Alderman Abbott:

Resolved, that pursuant to their request, the Taste of Lockport is hereby granted permission to erect a banner at least 17' from the ground across East Avenue at Davison Road to promote the 2016 Taste of Lockport which will be held August 14, 2016. Banner is to be erected for a minimum of two weeks prior to the event dates based on a schedule approved by the City Clerk, and be it further

Resolved, that said permission is subject to the Taste 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 Oates and adopted. Ayes 6.

**061516.5**

By Alderman Wohleben:

Resolved, that pursuant to their request, permission is hereby granted to the Navy-Marine Club to barricade Park Avenue from the Navy-Marine Club to Hawley Street on Saturday, July 23, 2016 for their annual 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 Devine and adopted. Ayes 6.

**061516.6**

By Alderman Oates:

Resolved, that the Mayor, subject to Corporation Counsel approval, is hereby authorized and directed to enter into a Shared Service Agreement with the New York State Department of Transportation for Emergency Assistance.

Seconded by Alderman Wohleben and adopted. Ayes 6.

**061516.7**

By Alderman Devine:

Whereas, the City of Lockport Common Council adopted resolution #090314.9 on September 3, 2014, and

Whereas, said resolution authorized the Mayor to enter into an agreement with Twin City Ambulance Service and

Whereas, the Common Council believes it is in the best interest of the residents of the City to provide LFD firefighters the certification and authorization to provide pre-hospital Advanced Life Saving services to the sick and injured, now therefore be it

Resolved, that the City of Lockport Common Council requests the Lockport Fire Board to approve application of an Advanced Life Saving Certificate of Need for the LFD, and be it further

Resolved, that the City of Lockport Common Council requests the Fire Board to direct Chief Brady to make said application for an ALS Certificate of Need at his earliest convenience.

Seconded by Alderman Mullane and adopted. Ayes 5. Ald. Wohleben Abstained.

**061516.8 (WITHDRAWN –** Amend salary of the Director of Finance**)**

**061516.9**

By Alderman Abbott:

WHEREAS, the City received a Grant from the Drug Enforcement Administration for the Game Changers Program in the amount of $15,000.00, and

WHEREAS, the revenues and activities related to the grant were not budgeted for the year 2016, now therefore be it

RESOLVED, that the 2016 budget needs to be amended as follows:

INCREASE REVENUES:

001-0001-4389 Game Changers Program $15,000.00

INCREASE APPROPRIATIONS:

001-3120-4428 Game Changers Program Expenses/ $10,000.00

Consultants

001-3120-4552 Equipment, T-Shirts $ 5,000.00

Seconded by Alderman Wohleben and adopted. Ayes 6.

**061516.10 (WITHDRAWN –** Amend budget re: outside counsel**)**

**061516.10A (WITHDRAWN –** Amend Budget Modification Policy**)**

**061516.10B**

By Alderman Abbott:

Resolved, that pursuant to their request, Lockport Fire Department is hereby granted permission to close Church Street from Main Street to Niagara Street for an open house on June 26, 2016, and be it further

Resolved, that the Lockport Fire Department is hereby granted permission to erect a banner above the garage doors of the Fire Department prior to the event to promote the Operation Warm Project, and be it further

Resolved, that the Director of Streets and Parks is hereby directed to make arrangements for delivery of barricades prior to said event.

Seconded by Alderman Devine and adopted. Ayes 6.

**061516.10C**

By Alderman Devine:

Resolved, that Chief Water Treatment Plant Operator and the Chief Operator of the Wastewater Treatment Plant are hereby authorized and directed to sell excess materials for scrap.

Seconded by Alderman Wohleben and adopted. Ayes 6.

**061516.11** **ADJOURNMENT**

At 7:14 P.M. Alderman Wohleben moved the Common Council be adjourned until 6:30 P.M., Wednesday, July 6, 2016.

Seconded by Alderman Devine and adopted. Ayes 6.

RICHELLE J. PASCERI

City Clerk

CITY OF LOCKPORT

**CORPORATION PROCEEDINGS**

Lockport Municipal Building

Regular Meeting

Official Record

July 6, 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.

**070616.1** **APPROVAL OF MINUTES**

On motion of Alderman Wohleben, seconded by Alderman Devine, the minutes of the Regular Meeting of June 15, 2016 are hereby approved as printed in the Journal of Proceedings. Ayes 6. Carried.

**FROM THE MAYOR**

**Appointments:**

6/22/16 William Agronin, 11 Berkley Drive, Lockport, NY – re-appointed as a member of the Civil Service Commission for a 6-year term. Said term expires May 31, 2022.

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)

6/21/16 Felicia Patterson, Event Coordinator, Lockport New Beginnings – request permission to conduct the Stepping Up Project of 2016 on August 27, 2016.

Referred to the Committee of the Whole

6/29/16 Ellen Martin, Coordinator, Sweet Sweet Summer – request permission to conduct a “Sweet Roll Lockport” bicycle riding event on July 29, 2016.

Referred to the Committee of the Whole

**Notice of Defect:**

6/21/16 639 Locust Street – tree

6/23/16 51 Cleveland Place – tree

6/24/16 137 Irving Street – tree

6/28/16 122 West Avenue – tree

Referred to the Director of Streets and Parks.

## MOTIONS & RESOLUTIONS

**070616.2**

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 July 8, 2016 as follows:

General Fund Account #001 $ 166,544.05

Water Fund Account #002 $ 34,216.10

Sewer Fund Account #003 $ 26,851.04

Capital Projects Account #004 $ 54,711.41

Refuse Fund Account #012 $ 318.90

Small Cities Account #013 $ 38,000.00

Self Insurance Account #015 $ 62,923.72

Worker’s Comp Account #020 $ 7,500.00

Payroll Pay Date 6/23/16 $ 457,823.33

Seconded by Alderman Oates and adopted. Ayes 6.

**070616.3**

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:

Employee Years of Service Title

John W. Haenle IV 30 Sign Maintenance Worker

Joseph M. Prica 20 Fire Captain

Seconded by Alderman Devine and adopted. Ayes 6.

**070616.4**

By Alderman Wohleben

Resolved, that a public hearing be held at the Common Council Meeting of Wednesday, July 20, 2016, starting at 5:30 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 Molinaro’s Restaurant, for approval for a banner to be placed on the building at 90 Walnut Street, situated in a B-2 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 Mullane and adopted. Ayes 6.

**070616.5**

By Alderman Abbott:

Resolved, that pursuant to their request, permission is hereby granted to Lockport New Beginnings, Inc. to barricade city parking lot #5 on Saturday, August 27, 2016 for the Stepping Up Project of 2016, 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 Wohleben and adopted. Ayes 6.

**070616.6**

By Alderman Devine:

Whereas, the City of Lockport is pursuing a Wastewater Engineering Planning Study Grant opportunity available through the New York State Consolidated Funding Application Process; and

Whereas, funds from the Grant, if awarded, will be used to complete an engineering study to identify locations of excessive infiltration and inflow and to prioritize rehabilitation activities for the City’s wastewater collection system; 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 NYCRR 617.5 (c)(1) 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 Wastewater Engineering Planning Study Grant Project; 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 O’Shaughnessy and adopted. Ayes 6.

**070616.7**

By Alderman Devine:

Whereas, the City has entered into an agreement with LaFarge in association with a special use permit for the protection of the City’s raw water line during quarrying activities within its vicinity; and

Whereas, a part of this agreement, LaFarge has agreed to cover the cost of the purchase of a valve servicing the City’s alternate water source, namely the Niagara County Water Authority; and

Whereas, the associated revenue and expense for the this agreement and the related purchase were not contemplated at the time the 2016 Water Fund budget was developed necessitating a budget amendment; and

Whereas, SAR Sales, electronic control valves manufacturer, and its sales representative Lock City Supply Inc. have proposed to provide a 16-inch Cla-Val Anti-Cavitation Hytrol Valve including hardware, fittings, and materials associated with the installation of the valve for a cost of $56,890.00; now Therefore Be it

Resolved that the 2016 Water Fund Budget is amended as follows:

Increase:

Expense

002.8330.0250 Other Equipment $63,000

                Revenue

002.0002.2148  Water Billing Fees  $50,000

Decrease:

002.8345.0426 Pro-active line replacement    $13,000

And be it further

Resolved, that the Mayor, subject to Corporation Counsel approval, is hereby authorized and directed enter into contract with Lock City Supply Inc., 650 West Avenue, Lockport, NY, for an amount of $56,890.00 to be charged to account 002.8330.0250 Other Equipment.

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

**070616.8**

By Alderman Wohleben:

Resolved, that pursuant to her request, permission is hereby granted to Ellen Martin to conduct a “Sweet Roll Lockport” bicycle riding event on Friday, July 29, 2016 beginning at 6:30 p.m., 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 as needed to said area prior to said event, and be it further

Resolved, that said permission is subject to Ellen Martin filing a certificate of insurance with the City Clerk naming the City of Lockport as additional insured.

Seconded by Alderman Mullane and adopted. Ayes 6.

**070616.8A**

By Alderman Oates:

RESOLVED, that the Mayor be and is hereby authorized to enter into a cooperation agreement with the YMCA of Lockport to co-sponsor a summer youth activity program event that includes but is not limited to group games, arts and crafts at Dudley Square Park on Tuesdays and Thursdays from 9:30 AM to 12:00 PM from July 12, 2016 through August 12, 2016, and be it further

RESOLVED, that the cost to the City shall be $100 a week for five weeks for a total cost of $500.00, and be it further

Resolved, that the 2016 General Fund budget be amended as follows:

Decrease:

001-1900-1990 Contingency $500.00

Increase:

001-7140-4571 $500.00

Resolved, permission is subject to the YMCA of Lockport filing a certificate of insurance with the City Clerk naming the City as additional insured.

Seconded by Alderman Abbott and adopted. Ayes 6.

**070616.8B**

By Alderman Wohleben:

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 remainder of July and August through August 17th

Common Council to be held at 5:30 pm for the 3rd Wednesday in July and the 1st and 3rd meeting in August

Summer Recess – no work session August 24th and August 31st

Seconded by Alderman Oates and adopted. Ayes 6.

**070616.9** **ADJOURNMENT**

At 6:51 P.M. Alderman Wohleben moved the Common Council be adjourned until 5:30 P.M., Wednesday, July 20, 2016.

Seconded by Alderman Oates and adopted. Ayes 6.

RICHELLE J. PASCERI

City Clerk

CITY OF LOCKPORT

**CORPORATION PROCEEDINGS**

Lockport Municipal Building

Regular Meeting

Official Record

July 20, 2016

5:30 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**

**TREASURER'S REPORT**

**RECESS**

Recess for public input.

**072016.1** **APPROVAL OF MINUTES**

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

PUBLIC HEARING

The Mayor announced a public hearing on a request for a Special Use Permit to erect a 60” x 360” temporary banner sign on the front of the building located at 90 Walnut Street.

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

7/13/16 Charlene Seekins-Smith, Lockport Planning and Zoning Board – The Planning and Zoning Board recommends approval of said Special Use Permit.

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)

7/7/16 Melissa L. Dunlap, Executive Director, The History Center, Niagara County Historical Society, 215 Niagara Street, Lockport, NY – request permission to erect a tent in the parking lot of the Erie Canal Discovery Center on August 20, 2016 for their Discovery Gala.

Referred to the Committee of the Whole

**Notice of Petition to Review Tax Assessments for the Year 2016:**

7/12/16 LaFarge North America, Inc., Redland Quarries NY Inc. –vs- Assessor for the City of Lockport, NY, Board of Assessment Review for the City of Lockport, NY and the City of Lockport, NY

7/14/16 Walgreen Eastern Co.,Inc. -vs- The Assessor and The Board of Assessment Review of the City of Lockport

Referred to the City Assessor

**Notice of Defect:**

7/7/16 5 Bright Street - tree

7/11/16 4 Park Lane Circle - trees

7/12/16 150 Washington Street - tree

Referred to the Director of Streets and Parks.

## MOTIONS & RESOLUTIONS

**072016.2**

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 July 22, 2016 as follows:

General Fund Account #001 $ 151,591.70

Water Fund Account #002 $ 21,111.97

Sewer Fund Account #003 $ 45,526.07

Capital Projects Account #004 $ 101,935.47

Refuse Fund Account #012 $ 93,027.69

Self Insurance Account #015 $ 78,281.70

Payroll Pay Date 7/7/16 $ 501,646.81

Seconded by Alderman Oates and adopted. Ayes 6.

**072013.3**

By Alderman Wohleben:

Resolved, that the request for a special use permit made by Molinaro's Ristorante to erect a 60” x 360” temporary banner sign until December 31, 2016 on the front of the building located at 90 Walnut Street, situated in a B-2 Zone, be and the same is hereby approved.

The special use 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 Mullane and adopted. Ayes 6.

**072016.4**

By Alderman Wohleben:

Resolved, that pursuant to their request, permission is hereby granted to the Niagara County Historical Society to erect a tent in the parking lot of the Erie Canal Discovery Center on beginning on Friday, August 19, 2016 until Sunday, August 21, 2016 for their annual Gala, 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 Oates and adopted. Ayes 6.

**072016.5**

By Alderman Devine:

Whereas, resolution 041515.10D authorized the Engineering Department to take the necessary steps to implement corrective actions to repair the thickener tank at the Waste Water Treatment Plant, and

Whereas, the drive unit of the thickener tank is no longer operational and the New York State Department of Environmental Conservation (NYSDEC) has required that issues with the drive unit be corrected, and

Whereas, in coordination with STC Construction Inc., City’s engineering consultant firm Nussbaumer and Clarke Inc., has evaluated options, including drive replacement and drive unit refurbishment, to correct the thickener tank issues, and

Whereas, STC Construction Inc. submitted proposals to replace the unit drive considering two different equipment manufacturers as follows: first option is for a drive replacement with an FLSmidth Unit for a cost of $142,790.00; second option is for a drive replacement with a Walker Process Unit for a cost of $124,992.00; both proposals include the cost of labor and the purchase of new equipment, and

Whereas, the drive units in other equipment at the Waste Water Treatment Plant are Walker Process units and plant operators are satisfied with the support and service they receive for these units, and

Whereas, the Engineering Department is recommending to replace the 45-year-old existing drive unit with a new Walker Process equipment drive unit for cost of $124,992.00 plus 20% of contingency, and be it further

Resolved, that the Mayor, subject to Corporation Counsel approval, is hereby authorized and directed enter into contract with STC Construction Inc., 63 Zoar Valley Road, Springville, NY 14141, for an amount of $124,992.00 plus 20% of contingency to be charged to Capital Projects.

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

**072016.6**

By Alderman Oates:

Whereas, the Director of Engineering has informed the Mayor that the roof of the Stone Shelter Building at Outwater Park is severely deteriorated and in urgent need of repair, and

Whereas, the Engineering Department has requested quotes from the following qualified contractors to bid for the roof repair at said municipal facility: M. H. White Siding and Roofing Co., Superior Roofing and Siding, U-Who Crew LLC, ABC Advanced Building Contractors LLC, DMP Home Improvements Metal Roofing & Siding, and Granzow Construction LLC, and

Whereas, the contractors, with exception of Granzow Construction LLC, declined their right to bid for said roof repair within the given time to estimate the cost of repair and to send their proposals to the Engineering Department, and

Whereas, Granzow Construction LLC, 4542 Main Street, Gasport, NY submitted its bid to repair the existing damaged roof and replace with lifetime Standing Seam Hi-Lock Metal Panels, installing all matching appurtenances including drip edge, Hip Cap, trims, and snow retention, for a cost of $32,158.59, 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 $32,158.49 to be charged to Municipal Building Roof Repair account # 004.0004.0520.4112.

Seconded by Alderman Wohleben and adopted. Ayes 6.

**072016.7**

By Alderman Abbott:

Resolved, that the Mayor and Common Council do hereby extend condolences to the family of Robert Ramer, a retired City of Lockport Assistant Director of Engineering who recently passed away.

Seconded by Alderman Devine and adopted. Ayes 6.

**072016.8**

By Alderman Abbott:

WHEREAS, Pursuant to Section 61 of the City of Lockport Charter the Common Council has management and control of all real and personal property belonging to the City, and may make such orders concerning same and leases thereof, not to exceed 99 years, as it may deem best for the interest of the City. When the Common Council has determined and so declared that real or personal property owned by the City of Lockport, New York, should be sold or conveyed for the interest of the City, the City of Lockport may sell and/or convey such personal or real property, for a valuable consideration, at public sale or by a negotiated private sale, and

WHEREAS, the City acquired title by Referee’s Deed pursuant to In Rem Tax Foreclosure Proceeding. The site consists of four (4) separate lots consisting of a total of 7.37 acres (1.28, 1.96, 1.77 and 2.36) with a total assessed value of $199,400 ($178,500, $14,700, $27,00 and $3,500), and

WHEREAS, on October 11, 2013, the City of Lockport requested proposals for the former Victorian Village Condominium Project (Phases I, II, III and IV) located at 501, 503, 505 and 507 Park Lane Circle and did not receive any offers for any of the properties, and

WHEREAS, the above properties have sat vacant and abandoned for the past three (3) years, and

WHEREAS, there have been several cursory inquiries about the above properties over the past three (3) years no one has come forth with a formal written purchase offer, and

WHEREAS, the basement at 501 Park Lane Circle is now full of water and is home is infested with mold, and

WHEREAS, the Mayor and Real Property Management Committee received a Purchase Offer dated May 25, 2016, from William Hurley and Christine Hurley, 461 Willow Street, Lockport, New York 14094 to acquire 501 Park Lane Circle for the sum of $10,000, and

WHEREAS, the Real Property Management Committee met on June 23, 2016, with the Mr. & Mrs. Hurley and the adjoining neighbors to discuss and review the offer, and

WHEREAS, the Real Property Management Committee determined that the sum of $10,000 was valuable consideration for the property in its present state and that it was in the best interest of the City to sell one of the four parcels to Mr. & Mrs. Hurley because they demonstrated that they possessed the requisite knowledge and ability to remediate the mold at subject property and restore the property to the tax rolls, and

NOW THEREFORE BE IT

RESOLVED, that pursuant to Section C-61 of the City Charter the Mayor be and is hereby authorized to enter into a Contract of Sale and execute a quit claim deed and related title documents necessary for the sale of 501 Park Lane Circle to William H. Hurley and Christine Hurley, 461 Willow Street, Lockport, New York 14094 for the sum of $10,000.

Seconded by Alderman Oates and adopted. Ayes 6.

**072016.9**

By Alderman Wohleben:

WHEREAS, legislation to address the Zombie Property crisis was passed by both houses of the State Legislature (S.8159 / A.10741, Part Q), and

WHEREAS, among other provisions, this legislation will:

       Require the majority of banks that are first lien mortgage holders to maintain vacant and abandoned one- to four-family residential properties or be subject to fines of up to $500 per day;

       Provide for an expedited foreclosure process in certain circumstances involving bank foreclosures of vacant and abandoned property;

       Establish a vacant and abandoned property registry which will be maintained by the NYS Department of Financial Services and to which local officials will have access; and

       Create a toll free hotline for people to report potentially vacant and abandoned properties, and

WHEREAS, we believe this bill will go a long way toward helping local officials statewide deal with these properties and in turn, revitalize their communities, and

WHEREAS, addressing the issue of zombie properties has been a priority for NYCOM and its members for the last several years, and

WHEREAS, key members in both the Senate and Assembly, along with the Governor and the Attorney General, recognized that local governments need the ability to combat the blighting influence these properties have on their communities.

NOW THEREFORE, BE IT

RESOLVED that the Mayor be and is hereby authorized and directed to send a letter with this resolution to the Governor encouraging and requesting that he sign the above legislation into law.

Seconded by Alderman Devine and adopted. Ayes 6.

**072016.10**

By Alderman Wohleben:

WHEREAS, the Historic Lockport Mill Race, Inc. (“HLMR”) is in the process of applying for funding to assist with planning and development of the Lockport Mill Race as well as the Lockport Gas & Electric Building, and

WHEREAS, The HLMR has an opportunity to obtain funding from the NYS Canal way Grant Program, which will help them obtain more exposure beyond local and regional organizations, and

WHEREAS, a portion of the grant application seeks letters of support from private and public sources, and

WHEREAS the primary goal of HLMR is to obtain the engineering studies and other information that is necessary to "unlock" the $300,000 in funds currently earmarked for the LG&E Building so that money may be invested into badly needed renovation and repair work at the LG&E site, and

WHEREAS, this application will help further that specific goal, and

WHEREAS, the HLMR proved a "sample" letter of support of the HLMR efforts and goals and it is not indicative of any formal obligation to provide specific assistance - either financial or otherwise - with our project.

NOW THEREFORE BE IT

RESOLVED that the Mayor be and is hereby directed and authorized to send a letter of support to the HLMR for a NYS Canal way Grant.

Seconded by Alderman Mullane and adopted. Ayes 6.

**072016.11**

By Alderman Abbott:

WHEREAS, on June 19, 2015, the City of Lockport (“City” ) leased the Lockport Gas & Electric Building to Historic Lockport Mill Race, Inc. (“HLMR”) for a term of one (1) year commencing on July 1, 2015, and ending June 30, 2016, and

WHEREAS HLMR has a proposed to renew its lease with the City for a term of 5 years, with a 5 year renewal option, and with the following changes:

1. HLMR, Inc. will have a non-exclusive right of way to ensure access by use of the driveway and land that sits to the West of the LG&E building to ensure the driveway is open for access to the building.  The lease prohibits any alteration to the right of way by HLMR without City approval, nor can HLMR prohibit access by third parties (including the public).
   1. Paragraph 17(d) is intended to provide the City with the ability to evict if HLMR does not meaningful pursue repair and restoration of the LG&E building.  The language is broad, but implied in the provision is the City's ability to exercise some additional general oversight to ensure that HLMR is progressing as intended toward its goals.

NOW THEREFORE BE IT

RESOLVED that the Mayor be and is hereby authorized and directed to renew the lease the City has with HLMR for an additional five (5) years with an option to renew for an additional 5 more years, with the above additions.

Seconded by Alderman Oates and adopted. Ayes 6.

**072016.12**

By Alderman Wohleben:

Resolved, that pursuant to their request, permission is hereby granted to Presidential City Barber Shop to barricade a portion of Saxton Street on September 17, 2016, for an 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 Oates and adopted. Ayes 6.

**072016.13**

By Alderman Devine:

Resolved, that the Director of Engineering be and same is hereby authorized to arrange for the installation of streetlights to be placed on pole 15K NYSEG 1784-1 located at the South East corner of the Old City Hall Building on 2 Pine Street.

Seconded by Alderman O'Shaughnessy and adopted. Ayes6.

**072016.14**

By Alderman Wohleben:

Whereas, the City of Lockport placed a number of vehicles in an online auction, and

Whereas, a portion of the proceeds from the sale of this equipment is needed within the Parks and Streets budgets, not therefore be it

Resolved, that 2016 Budget be amended as follows:

Increase:

Revenue

001.0001.2665 Sale of Equipment $14,200

Expense

001.5130.4725 Repair of Equipment $7,000

001.7110.4703 Janitorial $1,200

001.5142.4560 Snow Removal Chemicals $6,000

Seconded by Alderman Oates and adopted. Ayes 6.

**072016.15**

By Alderman Devine:

WHEREAS, the City of Lockport proposes to conduct a Wastewater Engineering Planning Study to identify locations of excessive infiltration and inflow and to prioritize rehabilitation activities for the City’s wastewater collection system; and

WHEREAS, the City of Lockport has caused an application to be prepared for the NYS Environmental Facilities Corporation Engineering Planning Competitive Grant Program which if awarded, will fund a maximum of 80% of the proposed Planning Study costs up to $30,000, now therefore be it

RESOLVED that the City of Lockport authorizes and appropriates a minimum 20% local match as required by the Engineering Planning Grant for the Wastewater Planning Study. Under the Engineering Planning Grant Program, this local match must be at least 20% of the total project cost. The maximum local share appropriated subject to any changes agreed to by the Mayor shall not exceed $6,000 based upon a total estimated maximum project cost of $36,000. The Mayor may increase this local match through the use of in kind services without further approval from the City of Lockport, and be it further

RESOLVED that the Mayor is authorized 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 Engineering Planning Grant Agreement.

Seconded by Alderman Mullane and adopted. Ayes 6.

**072016.15A**

By Alderman Abbott:

Resolved, that pursuant to their request, permission is hereby granted the residents of

Grant Street to barricade Grant Street from Beattie Avenue to Washburn on August 13, 2016, 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 to said area prior to said event.

Seconded by Alderman Mullane and adopted. Ayes 6.

**072016.15B**

By Alderman Abbott:

Resolved, that the Mayor and Common Council do hereby extend condolences to the family of Gerald F. Landrigan a retired City of Lockport Police Captain who recently passed away.

Seconded by Alderman Devine and adopted. Ayes 6.

**072016.15C**

By Alderman Wohleben:

Resolved, that pursuant to their request, Molinaro’s Ristorante is hereby granted permission to close Pine Street from South Street to Walnut Street and to use City parking lot #5 on Sunday, August 7, 2016 from 9:00 a.m. to 9:00 p.m. to conduct an Italian Festival, and be it further

Resolved, that the Common Council hereby designates the aforesaid event as a temporary event as defined by Section 53-1 of the City Code (alcoholic beverages) which shall terminate/lapse upon completion of said event, and be it further

Resolved, that said permission is subject to Molinaro’s 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 "street closed" signs, barricades, and traffic cones to the area prior to the event.

Seconded by Alderman Mullane and adopted. Ayes 6.

**072016.16** **ADJOURNMENT**

At 6:07 P.M. Alderman Wohleben moved the Common Council be adjourned until 5:30 P.M., Wednesday, August 3, 2016.

Seconded by Alderman Devine and adopted. Ayes 6.

RICHELLE J. PASCERI

City Clerk

CITY OF LOCKPORT

**CORPORATION PROCEEDINGS**

Lockport Municipal Building

Regular Meeting

Official Record

August 3, 2016

5:30 P.M.

Mayor Anne E. McCaffrey called the meeting to order.

**ROLL CALL**

The following Common Council members answered the roll call:

Aldermen Devine, Oates, O’Shaughnessy, Mullane, and Wohleben.

Absent: Alderman Abbott

**INVOCATION**

**MAYOR’S UPDATE**

**RECESS**

Recess for public input.

**080316.1** **APPROVAL OF MINUTES**

On motion of Alderman Wohleben, seconded by Alderman Devine, the minutes of the Regular Meeting of July 20, 2016 are hereby approved as printed in the Journal of Proceedings. Ayes 5. Carried.

**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)

7/25/16 Charles A. Walker, Niagara Falls Memorial Medical Center Heatlh Home, 621 Tenth Street, Niagara Falls, NY – request use of the city owned parking lot on Heritage way to conduct a Community Health Innovation of Niagara celebration on August 26, 2016.

Referred to the Committee of the Whole

7/26/16 Amy Creamer, 15 Lakeview Parkway, Lockport, NY – request permission to conduct a block party on August 13, 2016.

Referred to the Committee of the Whole

**Notice of Defect:**

7/18/16 77 Prospect Street - trees

7/20/16 171 North Adam Street – trees

7/22/16 77 Price Street – tree

7/27/16 233 Waterman 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)

7/22/16 Thomas H. Brandt, Robert S. Roberson, and Albert R. Brandt, Jr. -vs- Board of Assessment Review for City of Lockport, Niagara County, New York, and Assessor, City of Lockport, New York

7/25/16 AAG Enterprises, Inc. -vs- The Board of Assessment Review for the City of Lockport; The Assessor of the City of Lockport and the City of Lockport, New York

7/26/16 Lockport Professional Park, LLC -vs- City of Lockport

7/29/16 Metal Cladding, Inc., -vs- The City of Lockport, New York, and Its Assessor and Board of Assessment Review

8/1/16 DCS Real Estate, LLC, 390 Locust Street, Lockport, NY -vs- Assessor of the City of Lockport, Board of Assessment Review of the City of Lockport, Niagara County, NY and the City of Lockport, NY

## Referred to the City Assessor

**Petition:** (Small Claims Assessment Review)

7/21/16 Lindsey Brown -vs- City of Lockport

## Referred to the City Assessor

## MOTIONS & RESOLUTIONS

**080316.2**

By Alderman Wohleben:

Resolved, that the Mayor and City Clerk be authorized to issue orders in favor of the claimants for payrolls in the amount of $498,120.72, which was paid on July 21, 2016.

Seconded by Alderman Mullane and adopted. Ayes 5.

**080316.3**

By Alderman Devine:

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

Employee Years of Service Title

Aric J. Morgan 10 Police Officer

Seconded by Alderman Wohleben and adopted. Ayes 5.

**080316.4**

By Alderman Wohleben:

Whereas, the City of Lockport Police Department sponsors a number of  
community policing programs such as the Game Changers and Police Academy for  
Kids programs; and

Whereas, the Department receives private and corporate donations to support  
a number of these programs; and

Whereas, the City wishes to recognize these donations and utilize them for  
the purposes of which they have been received and amend the budget  
accordingly, now therefore be it

Resolved that the 2016 budget is hereby amended as follows:

Increase:

Revenue

001.0001.2705 Gifts and Donations $1,300

Expense

001.3120.4160 Programs $1,300

Seconded by Alderman Mullane and adopted. Ayes 5.

**080316.5**

By Alderman Oates:

Resolved, that pursuant to their request, permission is hereby granted to Niagara Falls Memorial Medical Center Health Home to barricade a portion of the city owned parking lot on Heritage Way on August 26, 2016 for a Community Health Innovation of Niagara celebration, 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 Oates and adopted. Ayes 5.

**080316.6**

By Alderman Oates:

Resolved, that pursuant to their request, permission is hereby granted to the residents of Lakeview Parkway to barricade Lakeview Parkway on August 13, 2016, 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 Wohleben and adopted. Ayes 5.

**080316.6A**

By Alderman Wohleben:

Whereas, the City of Lockport received a check in the amount of $1,200.00 as a credit for a vehicle repair, now therefore be it

Resolved that the 2016 budget is hereby amended as follows:

Increase:

Revenue

001.0001.2770 Misc. Revenues $1,200.00

Expense

001.5130.4711 Equip. Repair/Vehicles $1,200.00

Seconded by Alderman Oates and adopted. Ayes 5.

**080316.6B**

By Alderman Wohleben:

Whereas, the City approved the Lockport Locks District Gateway Signage project to be financed with grant funds approved by the Greenway Commission and by the Dormitory Authority State of New York, and

Whereas, a change order in the amount of $3,338.85 is needed to complete the project, now therefore be it

Resolved, that the Mayor, subject to Corporation Counsel approval be and the same is hereby authorized and directed to sign a change order in the amount of $3,338.85.

Seconded by Alderman Oates and adopted. Ayes 5.

**080316.7** **ADJOURNMENT**

At 5:44 P.M. Alderman Wohleben moved the Common Council be adjourned until a Special Meeting to be held at 4:30 P.M., Wednesday, August 10, 2016.

Seconded by Alderman Devine and adopted. Ayes 5.

RICHELLE J. PASCERI

City Clerk

CITY OF LOCKPORT

**CORPORATION PROCEEDINGS**

Lockport Municipal Building

**Special Meeting**

Official Record

August 10, 2016

4:30PM

A Special Meeting was called by Mayor Anne E. McCaffrey to authorize payment of bills and services.

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.

**081016.1**

By Alderman Wohleben:

Resolved, that the Rules and Orders of the Common Council be and the same are hereby waived for this meeting.

Seconded by Alderman Abbott. Ayes 6.

**081016.2**

By Alderman Wohleben:

Resolved, that the Mayor and City Clerk be authorized to issue orders in favor of the claimants for bills and services to be paid on August 12, 2016 as follows:

General Fund Account #001 $ 105,956.42

Water Fund Account #002 $ 8,704.32

Sewer Fund Account #003 $ 16,603.73

Capital Projects Account #004 $ 281,799.68

Self Insurance Account #015 $ 143,586.32

Seconded by Alderman Devine and adopted. Ayes 6.

**081016.3** **ADJOURNMENT**

At 4:36 P.M. Alderman Wohleben moved the Common Council be adjourned until 5:30 P.M., Wednesday, August 17, 2016.

Seconded by Alderman Devine and adopted. Ayes 6.

SHIRLEY M. BROWNING

Deputy City Clerk

CITY OF LOCKPORT

**CORPORATION PROCEEDINGS**

Lockport Municipal Building

Regular Meeting

Official Record

August 17, 2016

5:30 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**

**TREASURER’S REPORT**

**RECESS**

Recess for public input.

**081716.1** **APPROVAL OF MINUTES**

On motion of Alderman Wohleben, seconded by Alderman Devine, the minutes of the Regular Meeting of August 3, 2016 and the Special Meeting of August 10, 2016 are hereby approved as printed in the Journal of Proceedings. Ayes 6. Carried.

**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 Defect:**

7/29/16 302 N. Transit Street – trees

8/8/16 397 Walnut 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)

8/9/16 Dana Karlson Barish -vs- The Assessor, The Board of Assessment Review of the City of Lockport and The City of Lockport

## Referred to the City Assessor

**Petition:** (Small Claims Assessment Review)

8/4/16 Aaron Schifferle, 1 Woodlawn Avenue, Lockport, NY

8/8/16 Jeffrey Harmon & Sandra Harmon, 550 Pine Street, Lockport, NY

## Referred to the City Assessor

8/3/16 Jill Herrington, Vice President, Niagara County Deputy Sheriff’s Police Benevolent Association – request permission to conduct the 4th annual 5K road race and walk on October 16, 2016.

Referred to the Committee of the Whole

8/17/16 Richelle J. Pasceri, City Clerk – Notification that the Lockport Municipal Offices will be closed on Monday, September 5, 2016 in observance of Labor Day. For the entire week of September 5th, garbage will be collected on the day following regularly scheduled collection day.

Referred to the Media

## MOTIONS & RESOLUTIONS

**081716.2**

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 August 19, 2016 as follows:

General Fund Account #001 $ 159,694.14

Water Fund Account #002 $ 22,602.81

Sewer Fund Account #003 $ 14,243.37

Capital Projects Account #004 $ 249,319.55

Refuse Fund Account #012 $ 90,134.57

Self Insurance Account #015 $ 1,538.90

Payroll Pay Date 8/4/16 $ 491,055.71

Seconded by Alderman Oates and adopted. Ayes 6.

**081716.3**

By Alderman Devine:

Resolved, that pursuant to their request, permission is hereby granted the residents of Grosvenor Street to barricade Grosvenor Street from Church Street to North Transit Street on September 10, 2016 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 to said area prior to said event.

Seconded by Alderman Mullane and adopted. Ayes 6.

**081716.4**

By Alderman Wohleben:

Resolved, that a public hearing be held at the Common Council Meeting of September 7, 2016 starting at 6:30 P.M. in the Common Council Chambers, Lockport Municipal Building, One Locks Plaza, Lockport, NY relative to a request to rezone the parcel located at 15 LaGrange Street, and be it further

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

Seconded by Alderman Abbott and adopted. Ayes 6.

**081716.5**

By Alderman Wohleben:

WHEREAS, the City of Lockport is planning to make repairs to the Veterans Memorial located on East Avenue to ensure its continued structural integrity; 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 NYCRR 617.5 (c)(1) 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 repair of the Veterans Monument located on East Avenue; 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 Abbott and adopted. Ayes 6.

**081716.6**

By Alderman Abbott:

Resolved, that the Mayor and Common Council do hereby extend condolences to the family of Paul Sharkey a retired City of Lockport Waste Water Treatment Plant Maintenance Supervisor who recently passed away.

Seconded by Alderman Devine and adopted. Ayes 6.

**081716.7**

By Alderman Wohleben:

Whereas, the Fire Department Chief and the Director of Engineering have informed the Mayor that the floor at the entrance to the Fire Department Building and the floor drains in the fire truck garage are in need of repair, and

Whereas, the Engineering Department has requested proposals from qualified firms and has received three quotes to perform said repairs, as follows: Pinto Construction Services, Inc. $22,191.00, Surface Solutions $16,420.00, and RB Mac Construction, which declined its right to submit a quote, now therefore be it

Resolved, that the Mayor, subject to Corporation Counsel approval, is hereby authorized and directed enter into contract with Surface Solutions, 7292 Akron Road Lockport, NY for an amount of $16,420.00 plus 20% of contingency, and be it further

Resolved, that the 2016 budget be amended as follows:

Decrease Revenue:

001-0001-2665 Sale of Equipment $19,700

Increase Expense:

001-3410-4706 Building Repair/Structural $19,700

Seconded by Alderman Abbott and adopted. Ayes 6.

**081716.8**

By Alderman Oates:

Resolved, that pursuant to their request, the Niagara County Deputy Sheriffs PBA is hereby granted permission to conduct their 4th annual 5-K Road Race and Fun Run on Sunday, October 16, 2016, and to barricade Market Street from Mill Street to Cold Springs Road beginning at 10:00 a.m. and to erect a tent at Nelson C. Goehle Park for said event, subject to approval of the race route by the Police Chief and the Niagara County Deputy Sheriffs PBA 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 make arrangements to deliver barricades, traffic cones, and street closed signs and arrange to have the restroom open and electricity available at the park on said date.

Seconded by Alderman Abbott and adopted. Ayes 6.

**081716.9**

By Alderman Oates:

Resolved, that the Director of Streets and Parks is hereby authorized and directed to sell via online auction, to the highest bidders, a 1999 Ford Reg. Cab pickup Truck with 6’ box and a 2003 Chevy Reg. Cab 1 Ton Dump, and be it further

Resolved, that the City Clerk is authorized and directed to advertise for same.

Seconded by Alderman Mullane and adopted. Ayes 6.

**081716.10**

By Alderman Abbott:

Resolved, that pursuant to their request, permission is hereby granted the residents of Franklin Avenue to barricade Franklin Avenue from Walnut Street to South Street on August 27, 2016 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 to said area prior to said event.

Seconded by Alderman Devine and adopted. Ayes 6.

**081716.11**

By Alderman Wohleben:

Resolved, that pursuant to the request of the Chief Building Inspector, the 2016 budget be amended to create a part time seasonal clerical employee.

Seconded by Alderman Oates and adopted. Ayes 6.

**081716.11A**

By Alderman Devine:

Resolved, that the Mayor and Common Council do hereby extend condolences to the family of Raymond Peracciny, Jr., a retired City of Lockport Water Treatment Plant Operator who recently passed away.

Seconded by Alderman Mullane and adopted. Ayes 6.

**081716.11B**

By Alderman Mullane:

Resolved, that pursuant to their request, permission is hereby granted to Lockport Emergency Services Chaplaincy Corps to barricade the Municipal Building parking lot to conduct a unified “LOCKPORT UNITED 9/11 Memorial Ceremony” on September 11, 2016, 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 said event.

Seconded by Alderman Oates and adopted. Ayes 6.

**081716.11C**

By Alderman Wohleben:

Resolved, that pursuant to the request of the Fire Chief, the firefighters that were involved in extinguishing the recent Steven’s Street fire be subject to a physical examination at an estimated cost of $12,000 to be charged to account 015-9060-8800.

Seconded by Alderman Mullane and adopted. Ayes 6.

**081716.11D**

By Alderman Wohleben:

Whereas, during the recent construction on Canal Street, there was damage to the city’s landscaping, and

Whereas, the city billed and received a check in the amount of $175.00 to repair and replaced said landscaping, now therefore be it

Resolved, that the 2016 budget amended as follows:

Increase revenue:

001-0001-2770 Misc. Revenue $175.00

Increase expense:

001-8510-4380 Parks & Flowers $175.00

Seconded by Alderman Oates and adopted. Ayes 6.

**081716.11E**

By Alderman Devine:

Resolved, that pursuant to their request, permission is hereby granted to Windsor Village to barricade Windsor Street from Prospect Street to Webb Street on Thursday, August 18, 2016, for a First Responder Appreciation 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 and refuse receptacles to the area prior to said event.

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

**081716.11F**

By Alderman Devine:

WHEREAS, the City of Lockport owns and operates a combined sewer system in which sanitary waste water and storm water are collected and directed to the City Wastewater Treatment Plant (WWTP) for treatment; and

WHEREAS, the City of Lockport sewer system includes combined sewer overflow (CSO) outfalls which periodically discharge to surface waterbodies during significant wet weather events in order to protect the sewer system from surcharging; and

WHEREAS, the New York State Department of Environmental Conservation (DEC) has recently promulgated new regulations for the Sewage Pollution Right to Know (SPRTK) Law which require certain public notifications upon discovery of CSO discharges; and

WHEREAS, the DEC has announced a competitive grant opportunity to assist communities comply with the SPRTK Law by providing funding for various CSO activation detecting and reporting technologies; and

WHEREAS, the DEC is requiring CSO permittees use the NY-Alert notification system to provide notifications to the public; and

WHEREAS, the City of Lockport has caused an application to be prepared for the DEC SPRTK Competitive Grant Program which if awarded, will fund a maximum of 90% of the implementation of CSO activation detection equipment costs up to $50,000, now therefore be it

RESOLVED, that the City of Lockport authorizes and appropriates the minimum 10% local match as required by the DEC SPRTK. The maximum local share appropriated subject to any changes agreed to by the Mayor shall not exceed $5,000 based upon a total estimated maximum project cost of $55,000, and be it further

RESOLVED that the Mayor, subject to Corporation Counsel approval be and the same is hereby authorized and directed to execute a SPRTK Grant Agreement with the NYS DEC 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 Grant Agreement, and be it

RESOLVED, that the Mayor, subject to Corporation Counsel approval be and the same is hereby authorized and directed to execute an application to use NY-Alert for the Sewage Right to Know Act.

Seconded by Alderman Abbott and adopted. Ayes 6.

**081716.11G**

By Alderman Wohleben:

Whereas, the City has experienced a water main break as a result of the large volume of water pumped through the water lines along Summit Street due to the fire at High Tread International; and

Whereas, the City needed to exact immediate repairs to this water line to insure continued water service to that the neighborhood; and

Whereas, the City Engineer contacted Tri-C, Incorporated, Buffalo, New York to repair the water line; and

Whereas, the 2016 Water Budget needs to be amended to fund the repairs; Now Therefore, Be it

Resolved, that the City Council hereby authorizes the Mayor and City Engineer to engage Tri-C, Incorporated, Buffalo, New York for the repairs of the water line along Summit Street in the estimated amount not to exceed $25,000 pursuant to Section 103, paragraph 4 of NYS General Municipal Law which allows for the forgoing of the City’s regular procurement process due to a public emergency caused by an unforeseen occurrence that jeopardizes the publics’ health and safety; and Be It Further

Resolved that the 2016 Water Fund Budget is hereby amended as follows:

Decrease

Expense:

002.1900.1990 Contingency $25,000

Increase

Expense:

002.8340.4504 Water Repairs $25,000

Seconded by Alderman Devine and adopted. Ayes 6.

**081716.12** **ADJOURNMENT**

At 6:20 P.M. Alderman Wohleben moved the Common Council be adjourned until 6:30 P.M., Wednesday, September 7, 2016.

Seconded by Alderman Abbott and adopted. Ayes 6.

RICHELLE J. PASCERI

City Clerk

CITY OF LOCKPORT

**CORPORATION PROCEEDINGS**

Lockport Municipal Building

Regular Meeting

Official Record

September 7, 2016

5:30 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.

**090716.1** **APPROVAL OF MINUTES**

On motion of Alderman Wohleben, seconded by Alderman Oates, the minutes of the Regular Meeting of August 17, 2016 are hereby approved as printed in the Journal of Proceedings. Ayes 6. Carried.

**FROM THE MAYOR**

**Appointments:**

8/17/16 Joanie Demchik-Black, Ransomville, NY – appointed as Dog Control Officer. Said appointment is provisional and subject to the City of Lockport Municipal Civil Service rules and regulations.

Received and filed.

8/31/16 Michael Tracy, 10 Cherry Street, Lockport, NY – appointed as a member of the Traffic Advisory Committee. Said term expires June 1, 2021.

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)

8/29/16 Heather Peck, Locktoberfest Planning Committee – request permission to conduct the 3rd annual Locktoberfest on Saturday, October 1, 2016.

Referred to the Committee of the Whole

**Notice of Defect:**

8/16/16 43 Elmwood Avenue – tree

8/17/16 246 Clinton Street – tree

8/17/16 265 Lock Street – tree

8/22/16 308 Washburn Street – tree

8/24/16 117 Locust Street – trees

8/25/16 287 Clinton Street – tree and tree stump

8/25/16 276 Caledonia Street – trees

8/29/16 695 Walnut Street – tree stumps

8/29/16 59 Jesson Parkway – street condition

8/30/16 51 Cleveland Place – tree

Referred to the Director of Streets and Parks.

**Notice of Claim:**

8/15/16 Progressive Insurance Company subrogation claim for Acqueline Colbert

8/19/16 Jill Austin, 279 Washburn Street, Lockport, NY

8/25/16 Carol Cassie, 135 Bridlewood Drive, Lockport, NY

8/31/16 Melissa L. Dunlap, 215 Niagara Street, Lockport, NY

9/1/16 Jenna Albone, 295 South Street, Lockport, NY

9/7/16 Kevin L. Schrader, Lockport, NY

Referred to the Corporation Counsel.

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

8/22/16 P. Andrew Vona, A. Angelo DiMillo, George V.C. Muscato, 107 East Avenue, Lockport, NY -vs- Assessor of the City of Lockport, Board of Assessment Review of the city of Lockport, Niagara county, NY, and the City of Lockport, NY

## Referred to the City Assessor

## MOTIONS & RESOLUTIONS

**090716.2**

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 September 9, 2016 as follows:

General Fund Account #001 $ 182,204.48

Water Fund Account #002 $ 20,031.07

Sewer Fund Account #003 $ 28,982.21

Capital Projects Account #004 $ 38,997.92

Refuse Fund Account #012 $ 502.10

Small Cities Account #013 $ 19,000.00

Self Insurance Account #015 $ 283,394.63

Payroll Pay Date 8/18/16 $ 488,392.66

Pay Date 9/1/16 $ 532,066.99

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

**090716.3**

By Alderman Abbott:

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

Employee Years of Service Title

Kevin S. Lucinski 10 Police Officer

Seconded by Alderman Devine and adopted. Ayes 6.

**090716.4**

By Alderman Oates:

Whereas, the Railroad platform has sustained damage, and

Whereas, the City has received a check from Medina Railroad in the amount of $11,350.00 for said damage, now therefore be it

Resolved, that the Mayor, subject to Corporation Counsel approval is hereby authorized to enter into contract with HP Construction for repairs for an amount not to exceed $11,350.00 to repair the platform, and be it further

Resolved that the 2016 budget be amended as follows:

Increase Revenue:

001-0001-2690 Other Comp for Loss $11,350.00

Increase Expense:

001-1440-4326-0000 Engineering Services $11,350.00

Seconded by Alderman Wohleben and adopted. Ayes 6.

**090716.5**

By Alderman Mullane:

Whereas, the City of Lockport Common Council adopted resolution #030216.6 on March 2, 2016, and

Whereas, said resolution authorized and directed Fire Chief Brady to prepare and submit an application to the Federal Emergency Management Agency (FEMA) for a SAFER grant (Staffing for Adequate Fire and Emergency Response) to hire four (4) new firefighters, and

Whereas, the City of Lockport has been selected to receive a FY 2017-2018 SAFER grant award, and

Whereas, the City is required to officially accept or reject this grant within 30 days from the date of notification or said grant will be retracted, now therefore be it

Resolved, that the City hereby accepts this grant and hereby authorizes and directs Fire Chief Brady to so notify the FEMA Assistance to Firefighters Grant program.

Seconded by Alderman Devine and adopted. Ayes 6.

**090716.6**

By Alderman Oates:

Resolved, the Mayor and Common Council do hereby extend appreciation to Doug DeVoogle for his generous donation of two basketball poles and two backboards for use at Dolan Park, and be it further

Resolved, that the Director of Streets and parks is hereby authorized and directed to install the poles and backboards.

Seconded by Alderman Abbott and adopted. Ayes 6.

**090716.7**

By Alderman Wohleben:

Resolved, that pursuant to their request, permission is hereby granted to barricade the parking lot on Canal Street for Locktoberfest on Saturday, October 1, 2016, 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 totes to said area prior to said event.

Seconded by Alderman Mullane and adopted. Ayes 6.

**090716.8**

By Alderman Mullane:

Resolved, that pursuant to their request, permission is hereby granted the YMCA to conduct a Punt, Pass, & Kick competition at Altro Park on September 24, 2016. Said permission is subject to the YMCA filing a certificate of insurance with the City Clerk naming the City as additional insured.

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

**090716.9**

By Alderman O’Shaughnessy:

**WHEREAS** the City of Lockport Common Council adopted resolution # 071515.8c on July 15, 2015 establishing a “Policy and Procedure for Budget Modifications”, and

**WHEREAS** said Policy and Procedure gave the Director of Finance authorization to approved requests for transfer of funds, not to exceed $25,000, within and between certain budget lines, and

**WHEREAS** said Policy and Procedure gave the Director of Finance, with the concurrence of the Mayor, authorization to approved requests for transfer of funds, which exceed $25,000 but are less than $50,000 within and between certain budget lines, and

**WHEREAS** the current procedure for processing accounts payable is antiquated and inefficient, and

**WHEREAS** the current procedure for processing accounts payable fails to give council proper oversight as many bills/invoices lack sufficient detail and/or must be paid regardless as goods or services have already been rendered, and

**WHEREAS** it is desirable to give Council advance notification of certain budget transactions to allow time for proper review and oversight, and

**NOW THEREFORE BE IT RESOLVED** the City of Lockport Common Council shall be notified in writing at least 10 days in advance of any budget modification, transfer or encumbrance, with or without the concurrence of the Mayor, exceeding $10,000,

**AND BE IT FURTHER RESOLVED** that advance notification of any budget modification, transfer or encumbrance (including purchase orders) for ongoing goods or services, where price have been set by bid or contract, need only be referred to council once.

**AND BE IT FURTHER RESOLVED** that the Policy and Procedures for Budget Modifications adopted July 15, 2015 is hereby amended as attached.

Seconded by Alderman Mullane. Ayes 3. Noes 3. Aldermen Wohleben, Abbott and Oates voted no. Pursuant to Article III, Chapter C-53 of the City Charter, Mayor McCaffrey voted in the negative. The resolution having failed to receive the required majority affirmative votes; the resolution was declared duly defeated.

**Changes to “Policy and Procedures – Budget Modifications”**

**(As adopted 7-15-15 council minutes Pg. 90 – Pg. 93)**

1. Same 2. Same 3. Procedure: 1. Same 2. Same 3. Same 4. Same 5. Same 5. A. Up to ~~$25,000~~ :[*$10,000*] The Director of Finance and Administration shall have the authorization: 1) To approve requests for the [*modification*], transfer [*or encumbrance*} of funds, not to exceed ~~$25,000~~ *[$10,000*], within and between the contractual, capital and benefit expense items for a department budget, including the creation of new line items, provided said administrative [*modifications*], transfers [*or encumbrances*] do not exceed total appropriations for the department as adopted or amended by the City Council. 2) To approve requests for the [*modification*], transfer [*or encumbrance*} of funds, not to exceed ~~$25,000~~ [*$10,000*], within the Personal Services account or from Personal Services to Equipment and Contractual, provided said authority is further limited to modifications [or encumbrances] for temporary overtime and/or shift differential appropriations, which shall not result in the creation of permanent full time or part-time positions.

5. B. Deleted

5. C. Other – ~~Finance Committee~~ ~~and~~ City Council [*notification and/or*] approval needed:

City Council [*notification and/or*} approval shall be required for all ~~other~~ budget amendments to include the following:

1) Requests which provide for the [*modification*], transfer [*or encumbrance*] between funds or departments shall be subject to a Resolution approved by Finance Committee and City Council.

*2) New [Requests which provide for the modification, transfer or encumbrance of funds, in excess of $10,000, between funds, departments or budget lines shall be subject to prior Common Council notification, as least 10 calendar days in advance; unless request is part of an open Purchase Order where price of goods or service has been set by contract or competitive bid.]*

In all instances, there shall be no splitting of [*modification*], transfer [*or encumbrance*] amounts to avoid ~~the next level of~~ authorization.

Remainder of Budget Modification Policy & Procedures Unchanged

**090716.10**

By Alderman Wohleben:

Whereas, the City of Lockport receives Community Development Block Grant

(CDBG) program income through repayments of housing rehabilitation and homeownership loans originated through the U.S. Department of Housing and Urban Development and New York State Office of Community Renewal programs related to housing, and;

Whereas, use of CDBG program income is restricted to the support of housing programs, projects, and organizations with housing related missions that will benefit low to moderately-low income individuals, now therefore be it

Resolved, that the proposed City of Lockport Program Income Plan be adopted and certified by the Mayor.

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

**090716.10A**

By Alderman Mullane:

Resolved, that pursuant to their request, permission is hereby granted to All Saint’s Parish to barricade a portion of Saxton Street to make repairs to St. Mary’s Church on September 16, 2016, subject the All Saint’s Parish 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 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 Wohleben and adopted. Ayes 6.

**090716.10B**

By Alderman Wohleben:

Resolved, that in accordance with Section 11-C of the New York Domestic Relations Law, the Common Council of the City of Lockport appoints Richelle J. Pasceri, City Clerk as a Marriage Officer for the City of Lockport for a term of one year.

Seconded by Alderman Devine and adopted. Ayes 6.

**090716.10C**

By Alderman Devine:

Resolved, that the Mayor and Common Council do hereby extend condolences to the family of Jozef Skakuj, a retired City of Lockport Waste Water Treatment Plant Mechanic who recently passed away.

Seconded by Alderman Wohleben and adopted. Ayes 6.

**090716.10D**

By Alderman Oates:

Resolved, that for the remainder of this meeting, the Rules and Orders are hereby waived.

Seconded by Alderman Devine and adopted. Ayes 6.

**090716.11** **ADJOURNMENT**

At 6:11 P.M. Alderman Wohleben moved the Common Council be adjourned until 6:30 P.M., Wednesday, September 21, 2016.

Seconded by Alderman Abbott and adopted. Ayes 6.

RICHELLE J. PASCERI

City Clerk

PUBLIC HEARING

At 6:30 P.M. Corporation Counsel Ottaviano announced a public hearing on a request to rezone the parcel located at 15 LaGrange Street.

The Corporation Counsel asked the City Clerk if any petitions or communications relative to said request have been received.

8/8/16 Charlene Seekins-Smith, Lockport Planning and Zoning Board – The Planning and Zoning Board recommends approval of said rezoning.

Recess for public input.

At 6:35 P.M. the Corporation Counsel Closed the Public Hearing.

CITY OF LOCKPORT

**CORPORATION PROCEEDINGS**

Lockport Municipal Building

Regular Meeting

Official Record

September 21, 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**

**TREASURER’S REPORT**

**RECESS**

Recess for public input.

**092116.1** **APPROVAL OF MINUTES**

On motion of Alderman Wohleben, seconded by Alderman Devine, the minutes of the Regular Meeting of September 7, 2016 are hereby approved as printed in the Journal of Proceedings. Ayes 6. Carried.

**FROM THE MAYOR**

**Appointments:**

9/7/16Under 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 Citizen’s Committee for Refuse and Recycling, effective today September 7, 2016, and make the following appointments:

Sue Mawhiney, 499 Hawley Street

Richelle Pasceri, 39 Lindhurst Drive

Jeff Tracy, 5 Cherry Street

Dawn Timm, 59 Park Avenue

Joe O’Shaughnessy, 8 Berkley Drive

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)

**Notice of Defect:**

9/7/16 36 Lakeview Parkway – trees

9/8/16 76 Morrow Avenue – trees

9/9/16 76 N. Adam Street – trees

9/13/16 402 Prospect Street – tree

Referred to the Director of Streets and Parks.

**Notice of Claim:**

9/20/16 Civil Service Employees Association, Inc., Local 1000 AFSCME, AFL-CIO, Niagara County Local 832, City of Lockport Unit 7651, PO Box 7125, Capitol Station, 143 Washington Avenue, Albany, NY

Referred to the Corporation Counsel.

## MOTIONS & RESOLUTIONS

**092116.2**

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 September 23, 2016 as follows:

General Fund Account #001 $ 120,659.39

Water Fund Account #002 $ 181,713.38

Sewer Fund Account #003 $ 15,833.42

Capital Projects Account #004 $ 171,846.54

Refuse Fund Account #012 $ 92,133.83

Small Cities Account #013 $ 67,136.00

Self Insurance Account #015 $ 1,388.90

Worker’s Comp. Account #020 $ 5,650.00

Payroll Pay Date 9/15/16 $ 488,638.81

Seconded by Alderman Oates and adopted. Ayes 5. No 1 – Ald. Mullane.

**092116.3 WITHDRAWN** (Rezone 15 LaGrange Street)

**092116.4**

By Alderman Wohleben:

Whereas, Empire State Development is administering a Restore NY program that grants up to $500,000 for the rehabilitation of vacant properties consistent with municipalities' local revitalization or urban development plan; and facilitates effective and efficient use of existing and future public resources so as to promote both economic development and preservation of community resources; and where applicable, develops and enhances infrastructure and/or other facilities in a manner that will attract, create and sustain employment opportunities; and

Whereas, the Tuscarora Club is an architecturally significant, yet vacant property located in downtown Lockport; and

Whereas, the Tuscarora Club is identified as a Master Plan project in the City of Lockport's Brownfield Opportunity Area; and

Whereas, the Greater Lockport Development Corporation has determined the property is viable as a mixed-use property; and

Whereas, the Greater Lockport Development Corporation is committed to funding the required $100,000 match if the Tuscarora Club is awarded funding; let it therefore be

Resolved, that the Common Council does find that the revitalization of the Tuscarora Club is consistent with the City of Lockport's revitalization plan; that the Greater Lockport Development Corporation's commitment to funding the required $100,000 match is appropriate for this project; and that the project facilitates effective and efficient use of existing and future public resources so as to promote both economic development and preservation of community resource; and develops and enhances a blighted property that may attract or create employment opportunities.

Seconded by Alderman Abbott and adopted. Ayes 5. No 1 – Ald. O’Shaughnessy.

**092116.5**

By Alderman Oates:

Resolved, that pursuant to their request, permission is hereby granted the residents of Charles Street to barricade Charles Street from East Avenue to Chestnut Street on September 30, 2016, 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 to said area prior to said event.

Seconded by Alderman Wohleben and adopted. Ayes 6.

**092116.6**

By Alderman Wohleben:

Resolved, that pursuant to the request of Earl P. Garlock, property owner of 133 Waterman Street, permission is hereby granted to install and maintain a fence in the City’s right-of-way at 133 Waterman Street 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,

payment of the revocable permit fee of $100.00 renewable annually.

Seconded by Alderman Devine and adopted. Ayes 6.

By Alderman Abbott:

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

Seconded by Alderman Wohleben and adopted. Ayes 6.

**092116.7**

By Alderman Abbott:

WHEREAS, the Aero Apartments Housing Development Company, Inc. (“HDFC”) holds fee simple title to 294 and 415 Elmwood Avenue, being tax map parcel number 109.15-1-34.111 and a portion of 109.15-1-33, in the City of Lockport, County of Niagara and State of New York (the “Property”) and Aero Apartments, L.P. (“Taxpayer”) will be the beneficial owner of a to-be constructed residential building consisting of sixty (60) units of affordable housing for rent to low-income individuals and/or families located at the property upon which it being anticipated that twenty-one (21) units will be targeted towards special needs tenants; and

WHEREAS, the development of these units located on the Property (a/k/a the "Packet Boat Landing Project") is of vital public interest to the City, and

WHEREAS, Section 581-a of the New York State Real Property Tax Law provides for the assessment of Taxpayer based upon the actual net operating income versus fair market value, and

WHEREAS, under the above tax law provision Taxpayer would be paying approximately $8,000.00 in real property taxes to the City, County and School District, and

WHEREAS, Section 577 of the New York State Private Housing Law permits housing development fund companies and local legislative bodies of a municipality to enter into PILOT agreements, and

WHEREAS, Taxpayer and Aero have agreed to pay under a PILOT agreement the amount of $12,000.00, with a two percent (2%) annual rental escalation in satisfaction of all property taxes.

NOW THEREFORE, BE IT

RESOLVED, that the Mayor be and is hereby directed and authorized to enter into a PILOT agreement with Aero and Taxpayer as follows:

(1) The development will be carried forward and completed in accord with the provisions of Article XI of the New York Private Housing Finance Law.

(2) The development will be carried out in compliance with the reasonable requirements of the Planning and/or Common Council of the City of Lockport including but not limited to any special requirements which the Planning and/or Common Council of the City of Lockport may impose regarding drainage, landscaping, utilities, traffic flow, and compliance with environmental and related laws and regulations.

(3) The payments in lieu of taxes (“PILOT”) period is to commence on the Commencement Date and be concurrent with the Project’s use as affordable housing for special needs tenants, but shall not exceed thirty (30) years.

(4) that upon the commencement of the City’s next taxable status date following completion of the Packet Boat Landing Project described herein as evidenced by the issuance of the certificate of occupancy/compliance (the "Commencement Date"), the Taxpayer shall make full payment in lieu of taxes to the City, the County and the School District.

(5) that commencing with the first fiscal year following the Commencement Date and continuing through the thirtieth tax fiscal year following the Commencement Date the Taxpayer shall make annual payments in lieu of general real estate taxes on the land and buildings constituting the Packet Boat Landing Project in the amount of $12,000.00, with a two percent (2%) annual rental escalation in satisfaction of all property taxes.

(6) The Taxpayer shall pay the PILOT payment to be paid to the City on or before February 15th of each year and the PILOT payment shall be allocated and distributed proportionately by the Common Council of the City of Lockport among the City, the County and the School District based upon the applicable tax rates for the year prior to the receipt of the PILOT payment within thirty (30) days following receipt of the PILOT payment. The Taxpayer will be responsible for paying all special district assessments and other assessments applicable to the Packet Boat Landing Project as required by law.

Seconded by Alderman Wohleben and adopted. Ayes 5. No 1 – Ald. O’Shaughnessy.

**092116.7A**

By Alderman Oates:

            Whereas, the City approved the Lockport Locks District Gateway Signage project to be financed with grant funds approved by the Greenway Commission and by the Dormitory Authority State of New York, and

            Whereas, a change order in the amount of $3,000.00 is needed to complete the project, now therefore be it

            Resolved, that the Mayor, subject to Corporation Counsel approval be and the same is hereby authorized and directed to sign a change order in the amount of $3,000.00.

            Seconded by Alderman Devine and adopted. Ayes 6.

**092116.8** **ADJOURNMENT**

At 6:50 P.M. Alderman Wohleben moved the Common Council be adjourned until 6:30 P.M., Wednesday, October 5, 2016.

Seconded by Alderman Devine and adopted. Ayes 6.

RICHELLE J. PASCERI

City Clerk

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:**

10/4/16Under 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 re-zoned 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

Increase:

Expense:

001.5110.4721                     Emergency Repairs             $4,950

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

Increase:

Expense:

001.7110.4571 Operating Supplies $10,000.00

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

CITY OF LOCKPORT

**CORPORATION PROCEEDINGS**

Lockport Municipal Building

Regular Meeting

Official Record

October 19, 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.

**101916.1** **APPROVAL OF MINUTES**

On motion of Alderman Wohleben, seconded by Alderman Devine, the minutes of the Regular Meeting of October 5, 2016 are hereby approved as printed in the Journal of Proceedings. Ayes 6. Carried.

**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 Claim:**

10/3/16 Alan Cobb, 4175 N. Ridge Rd, Lockport, NY

10/12/16 Kathleen Lange, 111 Autumnvale Dr., Lockport, NY

10/17/16 Simon Chavers, 37 Carolina Ave., Lockport, NY

Referred to the Corporation Counsel.

## MOTIONS & RESOLUTIONS

**101916.2**

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 21, 2016 as follows:

General Fund Account #001 $ 68,250.06

Water Fund Account #002 $ 19,741.85

Sewer Fund Account #003 $ 10,273.20

Capital Projects Account #004 $136,019.57

Refuse Fund Account #012 $ 91,898.41

Self Insurance Account #015 $153,561.65

Payroll Pay Date 10/13/16 $462,717.78

Seconded by Alderman Oates and adopted. Ayes 6.

**101916.3**

By Alderman Wohleben:

Whereas, the City of Lockport experienced the largest fire in its history resulting in unanticipated costs in reimbursing outside agencies assisting the City through mutual aid in fighting the fire, fuel costs, heavy equipment contractors and equipment repairs and supplies; and

Whereas, these costs, totaling $166,000 were, for the most part, unbudgeted necessitating a budget amendment and use of contingency; now therefore be it

Resolved that the 2016 budget is hereby amended as follows:

Decrease:

Expense:

001.1900.1990 Contingency $116,500

Increase:

Expense:

001.3410.4325 Contractual Expenses $116,500

Seconded by Alderman Mullane and adopted. Ayes 6.

**101916.4**

By Alderman Devine:

Resolved, that the Director of Streets and Parks is hereby authorized and directed to sell via online auction, to the highest bidders, used vehicles and surplus equipment supplies, including 2012 Western Plow 7’6”, 2012 Chevrolet Caprice, (4) 2010 Ford Crown Victoria, 2003 Holiday Rambler, 1999 Chevrolet Cavalier, 2003 Dodge Dakota, Miscellaneous Old Pumps, Hydraulic Valve Turner and other outdated or replacement parts; and be it further

Resolved, that the City Clerk is authorized and directed to advertise for same.

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

**101916.4A**

By Alderman Devine:

Whereas, the City of Lockport Fire Department currently operates as a BLS-FR EMS agency in conjunction with and support from Twin City Ambulance, and

Whereas, this Fire Department has offered ALS care in the past and also since the Fire Department currently is staffed with 24 personnel who are qualified by the NYS Department of Health to provide this level of care in an emergency setting, and

Whereas, the Fire Department will be hiring (4) more employees with this same referenced qualification and with the continued loss of this level of care being available to citizens across Niagara County, the City of Lockport Fire Department would like to again provide ALS care within the boundaries of the City of Lockport; now therefore be it

Resolved, the City of Lockport Fire Department would like to provide ALS-FR beginning no earlier than the date of approval of an application for a Municipal Certificate of Need as granted by the State Emergency Medical Services Council and no later than three months after this approval is made official.

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

**101916.4B**

By Alderman Devine:

Resolved, that pursuant to Corporation Counsel approval, the Chief Operator- Water Filtration Plant is authorized to enter into a cooperative purchasing group with the Niagara Falls Water Board for the purchase of chemicals.

Seconded by Alderman Oates and adopted. Ayes 6.

**101916.5 ADJOURNMENT**

At 6:44 P.M. Alderman Wohleben moved the Common Council be adjourned until 6:30 P.M., Wednesday, November 2, 2016.

Seconded by Alderman Devine and adopted. Ayes 6.

RICHELLE J. PASCERI

City Clerk

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 8th Election Day

Friday, November 11th Veteran’s Day

Thursday & Friday, November 24th & 25th Thanksgiving Holiday

The garbage collection schedule will remain the same for November 8th and 11th.

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

Normal Pick Up Day Holiday Pick Up Day

Thursday, November 24th Friday, November 25th

Friday, November 25th Saturday, November 26th

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

Decrease:

Expense

001.1900.1990 Contingency $12,000

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