

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 _____, the minutes of the Regular Meeting of May 18, 2016 are hereby approved as printed in the Journal of Proceedings. Ayes _____. 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 Defect:

Referred to the Director of Streets and Parks.

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	\$
Water Fund	Account #002	\$
Sewer Fund	Account #003	\$
Refuse Fund	Account #012	\$
Payroll	Pay Date 5/26/16	\$442,913.12

Seconded by Alderman _____ and adopted. Ayes _____.

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:

<u>Employee</u>	<u>Years of Service</u>	<u>Title</u>
John W. Haenle IV	30	Sign Maintenance Worker
Joseph M. Prica	20	Fire Captain

Seconded by Alderman _____ and adopted. Ayes _____.

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 _____ and adopted. Ayes _____.

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 _____ and adopted. Ayes _____.

060116.6 - WITHDRAWN

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 _____ and adopted. Ayes _____.

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
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Seconded by Alderman _____ and adopted Ayes _____.

060116.9

By Alderman Wohleben:

WHEREAS, Section 198-8 B of the City of Lockport Code grants the Common Council the power to fix, prescribe and regulate the rates and charges for the use of water in said City, and fix the compensation, prescribe the duties and make rules and regulations for the government, its employees, and from time to time to alter said rates or amend or abolish said rules or any part thereof, and

WHEREAS, Section 150-34 grants the City the power to make and enforce such general rules and regulations as to both public and private water supply for the collection, rebating, refunding or adjustment of such charges for any reason, including diversion of water from the sewer system, as may be reasonably necessary to avoid injustice to the end that all property discharging sewage into the sewer system will bear its equitable proportionate share with other property of the cost of operation, maintenance and repairs of said sewerage system or any extension, enlargement, replacement or additions to such sewer system or any part or parts thereof, and

WHEREAS, the City of Lockport ("City") receives claims from customers challenging high water and or sewer bills regarding the consumption billed, and

WHEREAS, the CITY desires to implement a policy and standard for processing, determining and settling such claims, and

WHEREAS, the CITY is authorized to correct legitimate errors in billing and may waive the imposition of penalties and interest arising from the nonpayment of the water and or sewer rents in the context of compromising a claim pursuant to the City's general authority to compromise and settle claims arising from contracts; and

WHEREAS, it is within the sole discretion of the CITY to charge and collect penalties and interest, and

WHEREAS, claims for overcharge that are supported by sufficient facts may warrant consideration by the CITY to consider and agree to a compromise based upon the claimant's good faith opposing contentions and facts; and

WHEREAS, the consideration the parties receive under this policy is the avoidance of protracted and costly litigation; and

WHEREAS, CITY is not prohibited from settling claims if it acts with competent authority, in good faith, and for sufficient consideration.

NOW THEREFORE BE IT

RESOLVED, that the following Water and Sewer Adjustment Policy be and is hereby adopted:

APPLICATION OF POLICY

This policy is limited to residential properties (owner occupied one or two family homes) and is implemented to offer assistance to properties that experience an unusually high water and or sewer bill due to a limited unforeseen circumstance or event.

It is the responsibility of all property owners who act as Landlord to monitor their rental property and insure that the tenants of the property are not abusing or neglecting the services provided by the City. The water and sewer services are the responsibility of the property owner/landlord and not the tenant unless a separate meter is installed. Therefore, this policy shall not apply to payment disputes between landlords and tenants regarding water and sewer bills.

This policy also does not apply to any other class of customers/users. However, nothing contained within this Policy shall limit/impair or impede the powers and authority granted to the Common Council in sections 150-34 and 198-8 B of the City Code.

PURPOSE

The purpose of the Policy is to afford customers an avenue to have their bill reviewed for a correction of an error, consideration for a payment plan under certain circumstances and or waiver of penalties and or interest.

PROCESS

Claims for adjustment may be submitted for review for:

1. A faulty meter (wrong model number register with on the wrong base). Customers may request that their meter be inspected. If the meter is working correctly the customer will be charged an inspection fee established by the Common Council by resolution;
2. A broken service line caused or related to a broken water main;
3. Frozen water service;
4. Sewer charges where there is proof that the discharge went into a storm sewer (not combined with sanitary) or ground and not into the sanitary sewer.

Adjustments may be considered for:

1. The interest and or penalty portion of the bill and may be reduced or eliminated depending upon the customer's payment history and surrounding circumstances;
2. The sewer portion of the bill may be reduced or eliminated if sufficient proof is submitted that the water that passed through the meter did not enter the sanitary sewer system or combined sanitary and storm sewer system resulting in treatment at the City plant. That the discharge went into the storm sewer or ground;
3. It is illegal to forgive water bills. However, the customer may qualify for a repayment plan depending upon the following:
 - a. The circumstances surrounding the bill;
 - b. The amount of water lost due to the break or leak;
 - c. The payment history of the customer/property owner;
 - d. The property owner's average usage;
 - e. The knowledge and intent of the property owner in discovering, reporting and repairing the problem.

PROCEDURE

1. All claims must be made within 30 days of the date of the bill.
2. All claims shall submitted on a form prescribed by the Water Department.
3. All claims must first be reviewed by the Water Department and/or Sewer Department and a recommendation with the advice of the Corporation Council, if necessary, shall be made by the respective department to the Water and Sewer Review Committee.
4. The Water and Sewer Review Committee shall meet and make a determination as to what, if any, relief or action should be taken or recommended to the Common Council.
5. The adjustment may be based upon an average of the four (4) previous quarters of actual consumption plus at least fifty percent (50%) of the registered sewer consumption and at least fifty percent (50%) of the registered water consumption. One leak adjustment request per property per two year period, measured from the date of application.
6. If payments are required to pay off the leak, a payment agreement must be signed which sets forth the terms. Payments and all future bills must remain current or the agreement will be terminated. In the event interest and or penalties are waived in an agreement the default in an agreement shall result in the reinstatement/reestablishment of said interest and penalties.
7. Proof of a leak and the repair must be presented with the claim. All leaks must be fixed within 1 – 2 days of discovery.
8. The Water and Sewer Review Committee shall be comprised of the Mayor, City Treasurer, Chairman of Water and Sewer Committee, Corporation Counsel and Common Council President.
9. This policy will be reviewed annually. The City of Lockport may discontinue this policy at any time.
10. This policy will be prospective from the date of adoption.

Seconded by Alderman _____ and adopted. Ayes _____.

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 _____ and adopted. Ayes _____.

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 _____ and adopted. Ayes _____.

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, student 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 _____ and adopted. Ayes _____.

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 _____ and adopted. Ayes _____.

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 _____ and adopted. Ayes _____.

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 _____ and adopted. Ayes _____.

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 _____ and adopted. Ayes _____.

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 _____ and adopted. Ayes _____.

060116.14

ADJOURNMENT

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

Seconded by Alderman _____ and adopted. Ayes _____.

RICHELLE J. PASCERI
City Clerk

