CITY OF LOCKPORT

**CORPORATION PROCEEDINGS**

Lockport Municipal Building

Regular Meeting

Official Record

January 4, 2017

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.

**010417.1** **APPROVAL OF MINUTES**

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

**FROM THE MAYOR**

**Resignation:**

11/28/16 Allan W. Jack, – resigned as a member of the City of Lockport Zoning Board of Appeals effective December 31, 2016.

Received and filed.

**Appointments:**

1/3/17 Rick Hamilton, 7068 Akron Road, Lockport, NY – re-appointed as a member of the Plumbing Board. Said term expires December 31, 2019.

Received and filed.

1/3/17 Kathryn Fogle, 35 Bacon Street, Lockport, NY – re-appointed as a member of the Fire Board. Said term expires on December 31, 2020.

Received and filed.

1/3/17 Charlene Seekins-Smith, 77 Coolidge Avenue, Lockport, NY – re-appointed as a member of the Planning and Zoning Board. Said term expires October 14, 2019.

Received and filed

1/3/17 Lynn Harper, 30 Corinthia Street, Lockport, NY – re-appointed as a member of the Zoning Board of Appeals. Said term expires November 15, 2018.

Received and filed

1/3/17 William Kevin Foltz, 94 N. Transit Street, Lockport, NY – re-appointed as a member of the Zoning Board of Appeals. Said term expires November 15, 2018.

Received and filed

1/3/17 Nancy Babis, 138 Grant Street, Lockport, NY – re-appointed as a member of the Zoning Board of Appeals. Said term expires November 15, 2019.

Received and filed

1/3/17 Thomas E. Hull, 313 Willow Street, Lockport, NY – re-appointed as a member of the Zoning Board of Appeals. Said term expires November 15, 2019.

Received and filed

1/3/17 Meghan Lutz, 207 Washington Street, Lockport, NY – re-appointed as a member of the Zoning Board of Appeals. Said term expires November 15, 2019.

Received and filed

1/3/17 John Lombardi III, 329 Chestnut Street, Lockport, NY – re-appointed as the City of Lockport representative for NIACAP effective January 1, 2017.

Received and filed

1/3/17Under 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, 2017:**

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.

**2017 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: Aldermen O’Shaughnessy, Wohleben, Mullane, Abbott, & Devine

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

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

Members: Aldermen O’Shaughnessy, Wohleben, Mullane, Abbott, & Oates

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

**Youth Committee**-Alderman Abbott, Chairman

Members: Alderman Oates

City Engineer

**Personnel Committee**- Alderman Abbott, Chairman

Members: Aldermen O’Shaughnessy, Wohleben, & Oates

City Clerk, Personnel Officer

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

Members: Aldermen Wohleben, & Abbott

**Commissioner of Deeds:** For the term of two years expiring on December 31, 2018

Wendy J. Roberson, PO Box 733, Olcott, NY 14126

Patricia H. Nodine, 255 East Avenue, Lockport, NY

Gerald K. Farnham, Sr., 5460 Hinman Road, Lockport, NY

William McNall, 739 Willow Street, Lockport, NY

Anthony Nemi, 67 South New York Street, Lockport, NY

James Budde, 7665 Highland Avenue, Gasport, NY 14067

Alan F. Brooks, 707 Pletcher Road, Lewiston, NY 14092

Daniel Pluff, 4672 Lockport Road, Lockport, NY

Lisa M. Kessler, 6542 Charlotteville Road, Newfane, NY 14108

Donald Jablonski, 5705 Jennifer Drive West, Lockport, NY

Kevin McDonough, 70 Lakeview Parkway, Lockport, NY

Patricia Dufour, 5937 Wynkoop Rd, Lockport, NY

Kathryn (Kitty) Fogle, 35 Bacon St, Lockport, NY

Francesca Gariano, 1335 94th St, Niagara Falls, NY

David Wohleben, 145 Lincoln Ave, Lockport, NY

Matthew Parish, 732 E Robinson St, N Tonawanda, NY 14120

Joseph Oates, 342 E. Union Street, Lockport, NY

Richard Abbott, 93 Lewis Street, Lockport, NY

Thomas Keough, 5553 Twilight Lane, Lockport, NY

Received and filed.

1/4/17 Robert Turner, Lockport, NY – appointed as Property and Right of Way Maintenance Worker effective January 4, 2017. 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)

10/27/16 Ken Genewick, Co-Race Director, Great Lakes Racing LLC – request permission to conduct the annual Beast of Burden Ultra Marathon Race series on January 28th and August 5th 2017. Referred to the Committee of the Whole

12/7/16 Ed Sandusky, Optimist Club of Lockport – request permission to conduct the annual Arts and Craft Show on June 24th and 25th 2017. Referred to the Committee of the Whole

12/29/16 Neal Turvey, Niagara Jr. Thunder Wolves – request permission to conduct the 2017 Youth Baseball Tournaments. Referred to the Committee of the Whole

1/3/17 Mayor Anne E. McCaffrey – recommendation that Edward E. Sandusky, 43 Woodbury Drive, Lockport, NY be re-appointed as member of the Lockport Community Cable Commission. Referred to the Committee of the Whole

1/3/17 Mayor Anne E. McCaffrey – recommendation that Mary Brennan Taylor, 480 Pine Street, Lockport, NY be appointed to the Lockport Board of Ethics. Referred to the Committee of the Whole

1/3/17 Mayor Anne E. McCaffrey – recommendation that Kathleen Haley, 164 Trowbridge Street, Lockport, NY be appointed to the Lockport Board of Assessment Review. Referred to the Committee of the Whole

**Notice of Defect:**

12/21/16 62 Beattie Avenue - tree

Referred to the Director of Streets and Parks.

**MOTIONS & RESOLUTIONS**

**010417.2**

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 6, 2017 as follows:

General Fund Account #001 $ 111,594.49

Water Fund Account #002 $ 24,695.41

Sewer Fund Account #003 $ 36,385.27

Capital Projects Account #004 $ 1,136.92

Refuse Fund Account #012 $ 242.80

Payroll Pay Date 12/22/16 $ 473,056.49

Seconded by Alderman Oates and adopted. Ayes 6.

**010417.3**

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

Danny Weatherbee 30 Heavy Equipment Operator

Terry Gill 20 Police Lieutenant

Michael Wasik 20 Police Officer

Carol Noon 15 Sr. WWTP Lab Technician

Aaron Belling 10 Police Officer

Julie Rhode 10 Police Officer

Seconded by Alderman Devine and adopted. Ayes 6.

**010417.4**

By Alderman Abbott:

Resolved, that the Mayor and Common Council do hereby extend condolences to the family of Thomas C. Rotondo, Jr, a former City of Lockport Mayor who recently passed away.

Seconded by Alderman Mullane and adopted. Ayes 6.

**010417.5**

By Alderman Wohleben:

Resolved, that pursuant to the recommendation of Mayor McCaffrey, Edward E. Sandusky, 43 Woodbury Drive, Lockport, NY is hereby re-appointed to the Lockport Community Cable Commission for a three-year term expiring on December 31, 2019.

Seconded by Alderman Abbott and adopted. Ayes 6.

**010417.6**

By Alderman Abbott:

Resolved, that pursuant to the recommendation of Mayor McCaffrey, Mary Brennan Taylor, 480 Pine Street, Lockport, NY is hereby appointed to the Lockport Board of Ethics for a three-year term expiring on July 2, 2019.

Seconded by Alderman Wohleben and adopted. Ayes 6.

**010417.7**

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 28, and Saturday, August 5, 2017, 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 Devine and adopted. Ayes 6.

**010417.8**

By Alderman Oates:

Resolved, that permission is hereby granted the Optimist Club of Lockport to conduct their 42nd Annual Lockport Optimists Arts and Craft Festival on June 24th and 25th 2017 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 23rd and 24th subject to the approval of the Chief of Police.

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

**010417.9 WITHDRAWN** (Grant permission to Niagara Jr. Thurnder Wolves for their 2017 Youth Baseball Tournaments)

**010417.10**

By Alderman Devine:

Resolved, that pursuant to the recommendation of Mayor McCaffrey, Kathleen Haley, 164 Trowbridge Street, Lockport, NY is hereby re-appointed to the Lockport Assessment Review Board for a five-year term expiring on September 30, 2021.

Seconded by Alderman Abbott and adopted. Ayes 6.

**010417.11** **ADJOURNMENT**

At 6:53 P.M. Alderman Wohleben moved the Common Council be adjourned until 6:30 P.M., Wednesday, January 18, 2017.

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 18, 2017

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.

**011817.1** **APPROVAL OF MINUTES**

On motion of Alderman Wohleben, seconded by Alderman Devine, the minutes of the Regular Meeting of January 4, 2017 are hereby approved as printed in the Journal of Proceedings. Ayes 6. Carried.

**FROM THE MAYOR**

**Appointments:**

1/17/17 Timothy Walsh, 414 Locust Street, Lockport, NY – appointed as a member of the Police Board. Said term expires December 31, 2020.

Received and filed

1/3/17Under 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 re-appoint the following City of Lockport Police Officers as Commissioners of Deeds for a three-year term expiring on December 31, 2019:

Michael Niethe

Brian Wentland

Todd Chenez

Steven Abbott

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)

1/5/17 Steven Harrington, Erie Canal Fishing Derby – request permission to erect two banners to promote the 2017 Erie Canal Fishing Derby.

Referred to the Committee of the Whole

1/6/17 Richelle J. Pasceri, City Clerk – notification that bid proposal for Raw Water Pumping Station Traveling Water Screen Replacement were received on January 6, 2017 as follows:

Contract No. 1 – General

STC Construction, Inc. $521,790.00

Springville, NY

Hohl Industrial Services, Inc $539,300.00

Tonawanda, NY

Contract No. 2 – Electrical

CIR Electrical Construction Corp. $ 18,900.00

Buffalo, NY

Frey Electrical Construction Co., Inc. $ 28,888.00

Tonawanda, NY

Referred to the Committee of the Whole

1/11/17 Jeff Tracy, Race Director, Lockport Family YMCA – request permission to conduct the 46th Annual Y-10 Open Road Race.

Referred to the Committee of the Whole

**Notice of Defect:**

1/5/17 Market Street at Main Street intersection – pothole

Referred to the Director of Streets and Parks.

**MOTIONS & RESOLUTIONS**

**011817.2**

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 20, 2017 as follows:

2016 Expenses

General Fund Account #001 $ 55,899.07

Water Fund Account #002 $ 13,937.07

Sewer Fund Account #003 $ 17,394.70

Refuse Fund Account #012 $ 89,781.86

Self Insurance Account #015 $ 1,186.80

2017 Expenses

General Fund Account #001 $ 41,025.19

Water Fund Account #002 $ 2,291.14

Sewer Fund Account #003 $ 3,044.11

Payroll Pay Date 1/5/17 $ 466,779.20

Seconded by Alderman Oates and adopted. Ayes 6.

**011817.3**

By Alderman Devine:

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 15th through September 11th, 2017 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 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 O’Shaughnessy and adopted. Ayes 6.

**011817.4**

By Alderman Oates:

Resolved, that the Mayor, subject to Corporation Counsel approval, is hereby authorized to execute the 2017 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 O’Shaughnessy and adopted. Ayes 6.

**011817.5**

By Alderman Abbott:

Resolved, that the 2017 budget be amended to appoint a Lieutenant’s position in the Police Department.

Seconded by Alderman Wohleben and adopted. Ayes 6.

**011817.6**

By Alderman Oates:

Resolved, that pursuant to their request, the Lockport Family Y.M.C.A. is hereby granted permission to conduct their 46th 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 11, 2017, 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.

**011817.7**

By Alderman Wohleben:

Resolved, that a public hearing be held at the Common Council Meeting of February 1, 2017 starting at 6:30 P.M. in the Common Council Chambers, Lockport Municipal Building, One Locks Plaza, Lockport, NY relative to a proposed Local Law to amend Section 158 of the Lockport City Code respecting the cleaning of sidewalks, 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.

**011817.8**

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 5th through July 16th, 2017. 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 Mullane and adopted. Ayes 6.

**011817.9**

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 24 & 25, 2017 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 O’Shaughnessy 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 Oates and adopted. Ayes 6.

**011817.10**

By Alderman Wohleben:

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, they 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.

b. 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**

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

a. They shall preserve order and decorum.

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

c. Appointment of Committees. He/she shall appoint all committees except where the council shall otherwise order.

d. Temporary Chairman. He/she 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/she shall name a chairman to preside therein.

f. Privileges of the floor. He/she shall have the right to invite to the floor of the Council such persons as he/she 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.

1. **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.
2. **Speaking** - Every member, when he/she speaks, shall, from his/her chair, address the presiding officer as Mr. /Madam Mayor, or proper title and shall not proceed until recognized by the presiding officer; 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.
3. **Speaker recognized** - When two or more members request recognition simultaneously, the presiding officer shall name the member he wishes to speak first.
4. **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.
5. **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/her place.
6. **Petitions, etc.** - Petitions and other papers may be presented by the presiding officer or any member, but when presented by a member, he/she shall first endorse on the petition or paper the substance thereof.
7. **Motions or Resolutions** - No motion or resolution shall be debated or put until seconded. No member shall make or second a motion or resolution except he/she request recognition from his/her 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 reviewed by Corporation Council and 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. Resolutions submitted for consideration may go to the appropriate committee prior to submission. 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.
8. **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.
9. **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**

1. **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:

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.

1. **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.
2. **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.
3. **Executive business** - Executive business shall be governed by Chapter 511 of the Laws of 1976.
4. **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.
5. **Divisions of questions** - If any question contains several distinct propositions, it may be divided by the chair.
6. **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.
7. **Speaking to question** - After the roll-call upon any question has commenced, no member shall speak to the question except to explain his/her vote, and then not to exceed five minutes; nor shall any motion be made until after the result is declared.
8. **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.
9. **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)
10. **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/her presence will enable such committee to reach a quorum for the transaction of business.

1. **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.
2. **Regular Meetings**:

a. 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.

b. 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.

1. **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.
2. **Regular Committee Meetings** - The standing committees shall have regular meetings for the transaction of committee business.
3. **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.
4. **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 any time 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.

1. **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.
2. **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 Abbott. Ayes 3 Noes 3

Ald. O’Shaughnessy, Devine and Mullane voted no. The Mayor voted in the affirmative.

Motion Passed

**011817.11 WITHDRAWN** (that § 183-23 Parking Prohibited)

**011817.12**

By Alderman Wohleben:

WHEREAS, the New York State Financial Restructuring Board has awarded the City of Lockport with a grant to, among other things, purchase a second set of turnout gear for its firefighters to better respond to structure fires within the City; and has been utilizing professional consultants for legal arbitration and

WHEREAS, neither the expense nor revenue was budgeted in the 2016 Budget necessitating a budget amendment;

NOW THEREFORE, BE IT

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

Increase:

Revenue 01-0001-3389 Public Safety- State $77,500

Expense 01-3410-0260 Equipment $77,500

Seconded by Alderman Devine and adopted. Ayes 6.

**011817.13**

By Alderman Devine

Whereas, bid proposals for the Raw Water Pumping Station Traveling Screen Replacement project were received and opened on January 6, 2017, and

Whereas, the contractual documents specify that the project is divided in Contract No. 1, General Contract, and Contract No. 2, Electrical Contract, and

Whereas, two bids proposals were submitted for Contract No. 1, General Contract: STC Construction, Inc. $521,790, and Hohl Industrial Service, Inc. $539,300; and two bids proposals were submitted for Contract No.2, Electrical Contract: CIR Electrical Construction Corporation $18,900 and Frey Electric Construction Corporation, Inc. $28,888, and

Whereas, the Engineering Department has reviewed qualifications and experience of STC Construction, Inc. and CIR Electrical Construction Corporation and determined that said contractors are the lowest responsible bidders, now therefore be it

Resolved, authorize the Mayor, subject to the Corporation Counsel approval, to enter in contract with STC Construction, Inc., 63 Zoar Valley Road, Springville, NY 14141 for Contract No. 1, General Contract, to furnish and install traveling screens and associated equipment for an amount of $521,790 plus 20% contingency, to be financed with Capital Project Funds through reimbursement from the State and Municipal Facilities Program (“SAM”), Purchase and Installation of Water Intake Screens, Project ID #6426, and be it further

Resolved, that the Mayor, subject to the Corporation Counsel approval, is hereby authorized to enter in contract with CIR Electrical Construction Corporation., 400 Ingham Avenue, Buffalo, NY 14150 for Contract No. 2, Electrical Contract, to complete electrical work associated with the installation of traveling screens for an amount of $18,900 plus 20% contingency, to be financed with Capital Project Funds through reimbursement from the State and Municipal Facilities Program (“SAM”), Purchase and Installation of Water Intake Screens, Project ID #6426.

Seconded by Alderman Mullane and adopted. Ayes 6.

**011817.14**

By Alderman Wohleben:

Whereas, the City of Lockport has received a grant in the amount of $150,000 from the New York State Housing Stabilization Fund for a Zombie and Vacant Property Remediation and Prevention Initiative; and

Whereas, the 2017 Budget needs to be amended to recognize the revenue and expenses for the first year of the grant; and

Whereas, the City wishes to reserve the revenue generated from the fees and assessments charged against property owners cited through this program; now therefore be it

Resolved that the 2017 Budget is amended to create 2 part-time Housing Inspector positions and as follows:

Increase:

Revenue

001.0001.3989 Home and Community Services $83,243

Expense:

001.3620.0100 Wages- Part Time $62,000

001.3620.0820 FICA $ 4,743

001.3620.0250 Equipment $ 500

001.3620.4428 Professional Services $ 8,000

001.3620.4441 Construction Services $ 8,000

and, be it further

Resolved that there is hereby established a restricted and reserved revenue to fund, in the first instance, property repairs required under this program.

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

**011817.14A**

By Alderman Wohleben:

Resolved, that a public hearing be held at the Common Council Meeting of February 1, 2017 starting at 6:30 P.M. in the Common Council Chambers, Lockport Municipal Building, One Locks Plaza, Lockport, NY relative to a proposed Local Law to add Section 137 to the Lockport City Code titled “Abandoned Property”, 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.

**011817.14B**

By Alderman Oates:

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 14th through Monday 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 Abbott and adopted. Ayes 6.

**011817.14C**

By Alderman Wohleben:

WHEREAS, the City of Lockport City Council approved the structural repair of the Fire Department’s floor on November 2, 2016 through a contract with Surface Solutions; and

WHEREAS, these repairs were not completed as of December 31, 2016 necessitating a roll-over of the project to the 2017 budget through the use of appropriating of unspent funds for the project; NOW THEREFORE, BE IT

RESOLVED, that the 2017 Budget is hereby amended as follows:

Increase:

Expense 01-3410-2665 Building Repair $9,600

01-0599 Use of Fund Balance $9,600

Seconded by Alderman Oates and adopted. Ayes 6.

**011817.14D WITHDRAWN** (Amend 2014 Budget re: Police Traffic Services Grant)

**011817.15** **ADJOURNMENT**

At 7:06 P.M. Alderman Wohleben moved the Common Council be adjourned until 6:30 P.M., Wednesday, February 1, 2017.

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 1, 2017

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.

**Minutes Correction 1/18/17:**

1/3/17Under 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 re-appoint the following City of Lockport Police Officers as Commissioners of Deeds for a **~~three-year~~ two-year** term expiring on **~~December 31, 2019~~ December 31, 2018**:

Michael Niethe

Brian Wentland

Todd Chenez

Steven Abbott

Received and filed.

**020117.1** **APPROVAL OF MINUTES**

On motion of Alderman Wohleben, seconded by Alderman Devine, the minutes of the Regular Meeting of January 18, 2017 are hereby approved as printed in the Journal of Proceedings. Ayes 6. Carried.

PUBLIC HEARING

The Mayor announced a public hearing on a proposed Local Law to amend Section 158 of the Lockport City Code respecting the cleaning of sidewalks.

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.

PUBLIC HEARING

The Mayor announced a public hearing on a proposed Local Law to add Section 137 to the Lockport City Code titled “Abandoned Property”

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:**

1/19/17 Joshua Stadlmeir, 27 Smallwood Terrace, Cheektowaga, NY – appointed as Sewer Maintenance Worker in the Highways and Parks Department as of January 19, 2017. Said appointment is permanent and subject to the City of Lockport Municipal Civil Service Rules and Regulations. Received and filed.

1/19/17 Wade M. Andes, 159 Cottage Street, Apt. 2, Lockport, NY – appointed as Parks Maintainer in the Highways and Parks Department as of January 19, 2017. Said appointment is permanent 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)

1/19/17 David J. Davidson, Secretary Lockport Midget Baseball League – request permission to use the baseball diamond at Outwater Park for the 2017 Lockport Midget Baseball League.

Referred to the Committee of the Whole

1/30/17 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 13th

Monday, February 20th

There will be no change in the garbage pickup schedule.

Referred to the Media

**Notice of Defect:**

1/24/17 Otto Park Place – street flooding

1/25/17 181 Lincoln Avenue – trees

Referred to the Director of Streets and Parks.

## MOTIONS & RESOLUTIONS

**020117.2**

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 3, 2017 as follows:

2016 Expenses

General Fund Account #001 $ 159,743.18

Water Fund Account #002 $ 17,039.49

Sewer Fund Account #003 $ 24,072.08

Capital Projects Account #004 $ 1,789.29

2017 Expenses

General Fund Account #001 $ 65,530.24

Water Fund Account #002 $ 3,531.57

Sewer Fund Account #003 $ 5,526.72

Refuse Fund Account #012 $ 283.05

Worker’s Comp Account #020 $ 90,679.00

Payroll Pay Date 1/19/17 $ 470,261.66

Seconded by Alderman Oates 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 Abbott and adopted. Ayes 6.

**020117.3**

By Alderman Wohleben:

City of Lockport

Local Law No. 1 of the year 2017

A LOCAL LAW to amend Section 158 of the Lockport City Code respecting the cleaning of sidewalks.

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

Section 158-17 the Lockport City Code, as amended, is hereby further amended by deleting the same in its entirety and substituting therefor a new Section 158-17 to read as follows:

§ 158-17. Clean of sidewalks; penalty.

[Amended 12-15-2001]

1. Cleaning requirements. 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 remove any snow and/or ice on any public sidewalk adjoining such building or lot of land owned or occupied by such person.
2. 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 remove any snow and/or ice on any public sidewalk from the public sidewalks in front, one either side or in the rear of their 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 clean all snow and/or ice from all public sidewalks on the property owned or occupied by you and to comply with the ordinance of the City of Lockport relative to the removal of said snow and/or ice. In the event of your failure to remove such snow and/or ice, the Code Enforcement Officer/Chief Building Inspector or his duly-designated representative may cause such snow and/or ice to be 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 business 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 remove snow and/or ice or to object in writing to the Building Department within five business days from the date of notice provided for in § 158-17(B) above, the Building Inspector shall authorize and direct the appropriate City office, department, or designee to proceed to remove such snow and/or ice. In the event that the owner, agent, tenant, lessee, or occupant or agent shall object in writing within five business 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. Should the removal be performed by or on behalf of the City after notice has been given pursuant to this section and the owner’s time for compliance has run out, the City shall advise the owner in writing of the cost of such removal, together with an additional $150.00 administrative fee for costs of inspection and other incidental costs associated with the removal and subsequent thereto, the owner shall have the right to request a hearing to the Zoning Board of Appeals to challenge the cost of such removal only within ten business days of said notice. The cost of the removal as finally determined together with the administrative fee and all incidental costs shall be assessed as a lien against the affected property. Notice shall be given to the City Treasurer specifying the property affected by lot and block numbers as the same appear on the Official Tax Assessment Map of the City of Lockport, together with the costs incurred in undertaking such removal of snow and/or ice together with an additional $150.00 administrative fee for costs of inspection and other incidental costs associated with the removal, and from the hour of filing, the amount of the charges specified in said notice to the City Treasurer shall be a line upon the property affected hereby. A copy of this notice shall be served by certified mail upon the owner of the affected property. The costs specified, if not paid by or on behalf of the owner within 30 days of notice, shall be added to and collected with the subsequent city property tax levy, and shall bear interest and be enforced as provided by law for other city taxes.
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.

This law shall be effective upon filing with the Office of the Secretary of State.

Seconded by Alderman Oates. 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 YES

The Local Law was thereupon declared duly adopted.

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.

**020117.4**

By Alderman Wohleben:

City of Lockport

Local Law No. 2 of the year 2017

A LOCAL LAW to add Section 137 to the Lockport City Code title “Abandoned Property.”

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

Section 137 the Lockport City Code, is hereby adopted as follows:

Section 137-1 – Intent

1. Hundreds of abandoned properties are blighting neighborhoods throughout the City of Lockport. The properties are abandoned for various reasons but mainly due to stalled foreclosures or neglectful out-of-town owners. Over time, the abandoned properties decay and become unsecure, which provides the perfect environment for nuisances such as pests and vagrants. The resulting nuisances depress surrounding property values and create safety hazards to community residents. It is the intent of this Council to address the safety risks presented by abandoned properties and preserve neighboring property values.

Section 137-2 – Definitions

1. Abandoned Property. There is a reasonable basis to believe that the property is not occupied. Said reasonable basis, shall at a minimum, be based upon documented, periodic inspections of such property over a forty-five (45) day period at different times of the day where three or more such inspections reveal evidence of abandonment. Evidence of abandonment shall include but not be limited to any of the following conditions: (i) overgrown or dead vegetation; (ii) accumulation of newspapers, circulars, flyers or mail; (iii) past due utility notices, disconnected utilities, or utilities not in use; (iv) accumulation of trash refuse or other debris; (v) absence of window coverings such as curtains, blinds, or shutters; (vi) one or more boarded, missing or broken windows; (vii) the property is open to casual entry or trespass; (viii) notices of foreclosure posted upon the property; or (ix) the property has a building or structure that is or appears structurally unsound or has any other condition that presents a potential hazard or danger to the safety of persons.
2. Owner. Any person, agent, operator, firm or corporation having a legal or equitable interest in the property; or recorded in the official records of the Niagara County Clerk as holding title to the property; or otherwise having control of the property, including the guardian of the estate of any such person, and the executor or administrator of the estate of such person if ordered to take possession of real property by a court.
3. Person. Any individual, corporation, partnership or any other group acting as a unit.

1. Property Maintenance Review Board. A three-member board that shall hear appeals only brought pursuant to sub-sections (b) and (d) of this section. The Board shall consist of the Mayor of the City of Lockport, the City of Lockport Treasurer, and an ad hoc member appointed by the Mayor of the City of Lockport.

Section 137-3 – Duty to Maintain Abandoned Property.

1. In the event that any owner of any abandoned property as defined in Section 137-2(a) within the City of Lockport shall fail to maintain or repair the same as required by the Charter, City Ordinance, and/or New York Property Maintenance Code, such owner may, in addition to or in lieu of other remedies, be served an abatement notice by certified mail to his or her last known address or place of residence, if known, and if not known, then to the address shown upon the records of the City Treasurer for the mailing of tax bills. In the case of a corporate owner, the notice shall be sent to the agent or a principal of the corporation as shown in the records of the City Treasurer for the mailing of tax bills and, if not so shown, then to the Secretary of State designated as agent for the service of process in the State of New York.
2. The abatement notice shall specify the provisions of the Charter, City Ordinance, and/or New York Property Maintenance Code deemed to have been violated, require the owner to correct the condition with fifteen (15) business days and provide that if the owner fails to do so, the City shall cause the required work or repair to be made and assess a lien against the property for the cost of the work or repair together with an additional fee for costs of inspection and other incidental costs associated with abating the condition. The notice shall advise the owner of the right to a hearing, obtained by written request to the city within the time specified for compliance by the notice. The notice shall specify the provisions of the Charter, City Ordinance, and/or New York Property Maintenance Code deemed to have been violated and the right to a hearing before the Property Maintenance Review Board obtained by written request to the city within fifteen (15) business days of the date of the notice. If the City determines that an immediate emergency exists, the city may undertake or cause to be undertaken such work or repair prior to the expiration of the fifteen-day notice period.
3. Should such owner fail to comply with the abatement notice, the city may cause the work or repair to be made by entering contracts therefor and making payment out of available funds, except that, if the city determines that an emergency exists, the Code Enforcement Officer/Chief Building Inspector may order the work or repair to be made by or on behalf of the city. The city shall keep records of the cost of such work.
4. Should the work or repair be performed by or on behalf of the city after notice has been given pursuant to this section and the owner’s time for compliance has run out, the City shall advise the owner in writing of the cost of such work or repair, together with an additional $250.00 administrative fee for costs of inspection and other incidental costs associated with abating the condition and subsequent thereto, the owner shall have the right to request a hearing before the Property Maintenance Review Board to challenge only the cost of such work or repair within 10 business days of said notice. The cost of the work or repair as finally determined together with the administrative fee and all incidental costs shall be assessed as a lien against the affected property. Notice shall be given to the City Treasurer specifying the property affected by lot and block numbers as the same appear on the Official Tax Assessment Map of the City of Lockport, together with the costs incurred in undertaking such work or repair together with an additional $250.00 administrative fee for costs of inspection and other incidental costs associated with abating the condition, and from the hour of filing, the amount of the charges specified in said notice to the City Treasurer shall be a lien upon the property affected thereby. A copy of this notice shall be served by certified mail upon the owner of the affected property, in the manner specified in Subdivision (a) above. The costs specified, if not paid by or on behalf of the owner within 30 business days of notice, shall be added to and collected with the subsequent city property tax levy, and shall bear interest and be enforced as provided by law for other city taxes.
5. The remedies provided in this section shall not be exclusive. Nothing in this section shall be construed to apply to occupied properties within the City of Lockport.

This law shall be effective upon filing with the Office of the Secretary of State.

Seconded by Alderman Oates. 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 YES

The Local Law was thereupon declared duly adopted.

By Alderman Devine:

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

Seconded by Alderman Oates and adopted. Ayes 6.

**020117.5**

By Alderman Wohleben:

Resolved, that § 183-23 Parking Prohibited be amended by deleting it in its entirety and replaced as follows:

§ 183-23 Parking Prohibited

No vehicle shall be left parked or standing on any public highway in the City of Lockport between the hours of 2:00 a.m. and 6:00 a.m.

1. Overnight On-Street Parking
2. Effective November 30, 2016, no vehicle shall remain parked upon any street in the City between the hours of 2:00 a.m. and 6:00 a.m. unless the owner has applied to the Traffic Advisory Board, and received from the City Clerk upon recommendation of the Traffic Advisory Board, an authorized parking permit; provided, however, that this section shall not apply to physicians while making professional calls to or any ambulance or vehicle of a funeral director while such vehicle is engaged in professional calls.
3. Annual Permits. Annual permits shall be effective from January 1 through December 31 of each year and available for passenger vehicles only. Annual permits shall be issued by the City Clerk upon recommendation of the Traffic Advisory Board, upon verification that suitable off-street parking is not available and that it is impractical for the owner to provide off-street parking. The annual fee for such permit shall be $120.00. Payment shall be in cash, check or money order drawn on United States funds made payable to the “City Clerk.” The fee is nonrefundable. In the event a check is returned for insufficient funds, the permit shall automatically be revoked without further notice to the permit holder, and a penalty of $35.00 shall be charged. A replacement fee of $10.00 shall be charged for lost or stolen permits.
4. Seasonal Permits. Seasonal permits shall be effective from April 15 through October 15, 2017, and available for passenger vehicles only. Seasonal permits shall be issued by the City Clerk upon submission of a completed application prescribed by the City Clerk. The fee for such permit shall be $30.00 to be paid in cash, check, or money order drawn on United States funds payable to the “City Clerk.” The fee is nonrefundable. In the event a check is returned for insufficient funds, the permit shall automatically be revoked without further notice to the permit holder, and a penalty of $35.00 shall be charged. A replacement fee of $10.00 shall be charged for lost or stolen permits. No more than two permits shall be issued per building.
5. Permits must be displayed in the driver’s windshield of the vehicle and may not be transferred from vehicle to vehicle. Failure to properly display said permit shall result in the issuance of a parking ticket.
6. Vehicles must be parked in front or within the immediate area of the respective property for which the vehicle is registered or the permit was issued.
7. Funeral directors may receive temporary permits allowing them to mark off reasonable spaces in front of or paralleling their funeral homes or residences where remains of deceased persons are awaiting burial, to be used by them and mourners of the deceased. All parking by others in such areas during such period is prohibited.
8. Omnibuses or buses; exceptions.
9. No vehicle capable of carrying more than one-ton or an omnibus or bus having a carrying capacity of seven or more passengers shall be parked on any public highway in the City of Lockport.
10. Exceptions. Subject to any other limitations, vehicles capable of carrying more than one ton or omnibuses or buses having a carrying capacity of seven or more passengers may be parked on public highways that are located in business and industrial zones as classified by the City’s Zoning Ordinance. Additionally, during the course of deliveries, vehicles capable of carrying more than one ton and omnibuses or buses having a carrying capacity of seven or more passengers may be parked on public highways of the City of Lockport.

Seconded by Alderman Oates. Ayes 3. Nos 3.

Aldermen Mullane, O’Shaughnessy and Devine voted no.

The Mayor voted in the affirmative. Motion Passed

**020117.6**

By Alderman Mullane:

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 14, 2017 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 O’Shaughnessy and adopted. Ayes 6.

**020117.7**

By Alderman Abbott:

Whereas, Section C-45 of the city charter requires employees to become a resident of the City of Lockport within six months of the commencement of service, and

Whereas, Section C-45 (8) (a) permits a waiver of the residency requirement in instances where the City of Lockport has difficulty hiring the most qualified person because of its residency requirements, and

Whereas, the Mayor and Common Council have determined that it is in the best interest of the city waive the residency requirement for the position of Tax Enforcement Clerk for the City of Lockport Treasury Department, now therefore be it

Resolved, that the Mayor and Common Council having considered all of the aspects of the residency requirement and for the reason of lack of qualified candidates within the City limits hereby determines that the Tax Enforcement Clerk position shall be exempt from said residency requirement for the City of Lockport Treasury Department.

Seconded by Alderman Wohleben and adopted. Ayes 6.

**020117.8**

By Alderman Abbott:

WHEREAS, the City applied for and received a Police Traffic Services -2017 Lockport City PD-00351-(032) (Highway Safety) Grant, and

WHEREAS, activities related to the grant were not budgeted for the year 2017, now therefore be it

RESOLVED, the budget needs to be amended for the appropriation of expenditures made relative to the grant.

INCREASE REVENUES:

001-0001-4389-3439 Police Traffic Services $3,720.00

INCREASE APPROPRIATIONS:

001-3120-0101-3439 Overtime/Highway Safety $3,720.00

Seconded by Alderman Mullane and adopted. Ayes 6.

**020117.9**

By Alderman Oates:

Whereas, the City of Lockport and GHD Consulting Services Inc. signed a contract on May 30,2012 to provide long term monitoring and site inspections in the City’s Landfill to comply with NYSDEC requirements and environmental regulations, and

Whereas, said contract expired on December 31, 2016, and annual groundwater monitoring and site inspections should be continued until the year 2027, and

Whereas, per Engineering Department request, GHD Consulting Services Inc. has submitted a proposal to complete groundwater sampling, testing, and reporting findings in annual inspections of the City Landfill, from 2017 to 2021, and

Whereas, GHD Consulting Services Inc. has proposed annual fees to perform said professional engineering services, as follows: year 2017, $3,600; year 2018, $3,700; year 2019, $3,800; year 2020, $3,900; and year 2021, $4,000, now therefore be it

Resolved, that the Mayor, subject to Corporation Counsel approval, be in the same is hereby authorized and directed to sign an amendment of the contract between the City of Lockport and GHD Consulting Services Inc., 285 Delaware Avenue, Suite 500, Buffalo, New York 14202, for an amount of $19,000.

Seconded by Alderman Abbott and adopted. Ayes 6.

By Alderman Oates:

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

Seconded by Alderman Wohleben and adopted. Ayes 6.

**020117.10**

By Alderman Devine:

RESOLVED, that the City of Lockport Common Council will hold a meeting and a public hearing in the Common Council Chambers in the Lockport Municipal Building, One Locks Plaza, Lockport, NY on the 15th day of February, 2017, at 6:30 PM on the proposition that said City grant to NYSEG, its successors and assigns, the right and privilege to lay, construct, install, maintain and operate conductors, fixtures, pipes and structures for carrying, transmitting, distributing and delivering gas (natural, manufactured or mixed), other fluids, telecommunications equipment and signals, and electricity with the necessary pipes, conduits, ducts, valves, valve pits, regulators, compressors and other conductors, fixtures and structures in, under, along, across, through and to extend its facilities beyond all streets, highways, alleys, squares, lanes, parks and public places within the said City and to distribute gas for lighting, heat and power purposes, in the public and private buildings and places within the said City; also, the right and privilege to use the streets, highways and public places of said City to erect and maintain poles, wires, conduits, cables and other fixtures and appurtenances for the transmission of electricity for lighting, heat and power purposes, in the public and private buildings and places within the said City, upon such terms and conditions as may be deemed proper and as may be permitted by law; and that due notice of said public hearing shall be given by publication thereof in the Lockport Union Sun & Journal, the official newspaper of the City of Lockport, at least ten days before said meeting.

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

**020117.11**

By Alderman Wohleben:

WHEREAS, the City of Lockport held its annual in rem tax foreclosure auction on December 13, 2016; and

WHEREAS, by public auction, the City of Lockport accepted bids on several parcels which were foreclosed upon by a Court ordered Judgement; and

WHEREAS, pursuant to paragraph 3 of the Terms of the Sale approval of the governing body of the tax district is required; and

NOW THEREFORE BE IT

RESOLVED, the City of Lockport does hereby approve and confirm by ratification the sale of the properties in the attached schedule.

|  |  |  |
| --- | --- | --- |
| 62 HILLCREST DRIVE | David Allen | $16,000.00 |
| 332 MICHIGAN ST. | Susan & Michael Stromberg | $ 7,500.00 |
| 117 OAKHURST ST. | Brian Cornelius | $18,500.00 |
| 291 CALEDONIA ST. | Gordon Fizette | $30,000.00 |
| 2 BRISTOL AVENUE | Todd R. Winkley | $ 100.00 |
| 20 WINDSOR ST. | Joseph & Karen Castle | $28,000.00 |
| 210 JACKSON ST. | 21 South Development, LLC. | $ 100.00 |
| 214 JACKSON ST. | 21 South Development, LLC. | $ 100.00 |
| 263 GREEN ST. | Lisa Poole | $11,000.00 |
| 287 GREEN ST. | 287 Green Street, Inc. | $19,000.00 |
| 34 JUNIPER ST. | Pabon Holding, LLC. | $14,000.00 |
| 186 HAWLEY COURT | Caleb Canazzi | $15,500.00 |
| 96 MINARD ST. | Matthew Karlack | $17,000.00 |
| 371 NO TRANSIT ST. | Kellie Anne Brown | $13,500.00 |
| 129 GOODING ST. | Caleb Canazzi | $12,000.00 |
| 237 NO TRANSIT ST | Creekside Development, LLC. | $ 7,750.00 |
| 334 HAWLEY ST. | Daniel Clark | $ 8,000.00 |
| 177 NO TRANSIT ST. | Rico Freeman | $ 8,000.00 |
| 249 GENESEE ST. | Timkey Management LLC | $23,000.00 |
| 7 ELMWOOD AVENUE | 21 South Development, LLC. | $ 2,500.00 |
| 15 BLACKLEY CT | Saundra Zysek | $ 4,000.00 |
| 8 SPALDING ST. | Charles Johnson Jr. | $ 4,200.00 |
| 36 ASHLEY PLACE | Latosha Hinson | $ 2,000.00 |
| 87 SPALDING ST. | Paul Burdukov | $ 5,250.00 |
| 215 ERIE ST. | Vladimir Panasiuk | $ 8,500.00 |
| 18 RUSSELL ST. | Paul Burdukov | $14,500.00 |

Total **$290,000.00**

Seconded by Alderman Oates and adopted. Ayes 6.

**020117.11A**

By Alderman Wohleben:

Resolved, that a public hearing be held at the Common Council Meeting of February 15, 2017 starting at approximately 6:30 P.M. in the Common Council Chambers, Lockport Municipal Building, One Locks Plaza, Lockport, NY relative to Microenterprise Business Grant Programs 663CRF- ME830-14 and 663CRF-ME828-14 and a 2014 First-time Home Buyer Program 663HO359-14, 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.

**020117.11B**

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

Thomas A. Cinelli 20 Firefighter

James B. Keleher 20 Fire Lieutenant

Samuel G. Oakes 20 Firefighter

Robert E. Spencer 20 Municipal Worker

Joshua Stadlmeir 10 Laborer

Christopher J. Walker 10 Motor Equipment Operator

Seconded by Alderman Oates and adopted. Ayes 6.

**020117.11C**

By Alderman Abbott:

WHEREAS, the City received a STOP DWI & HOLIDAY DWI (DWI Road Checks)

Grant for 2017, and

WHEREAS, revenues and activities related to the grant were not budgeted for the year 2017, now therefore be it

RESOLVED, that the budget needs to be amended for the receipt of revenue and appropriation of expenditures made relative to the grant.

INCREASE REVENUES:

001-0001-2300-3438 STOP D.W.I. $34,948.00

INCREASE APPROPRIATIONS:

001-3120-0101-3438 Overtime/STOP D.W.I. $34,948.00

Seconded by Alderman Wohleben and adopted. Ayes 6.

**020117.12** **ADJOURNMENT**

At 7:23 P.M. Alderman Wohleben moved the Common Council be adjourned until 6:30 P.M., Wednesday, February 15, 2017.

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 15, 2017

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.

**021517.1** **APPROVAL OF MINUTES**

On motion of Alderman Wohleben, seconded by Alderman Devine, the minutes of the Regular Meeting of February 1, 2017 are hereby approved as printed in the Journal of Proceedings. Ayes 6. Carried.

PUBLIC HEARING

The Mayor announced a public hearing on a proposed franchise agreement with NYSEG.

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

Recess for public input.

The Mayor closed the public hearing.

PUBLIC HEARING

The Mayor announced a public hearing relative to Microenterprise Business Grant Programs 663CRF- ME830-14 and 663CRF-ME828-14 and a 2014 First-time Home Buyer Program 663HO359-14

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

Recess for public input.

The Mayor closed the public hearing.

**FROM THE MAYOR**

**Resignation:**

2/8/17 Lisa M. Kessler – resigned as a Commissioner of Deeds.

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)

2/1/17 Gina Ricotta, Campaign Manager, National Multiple Sclerosis Society, Upstate New York Chapter – request permission to conduct the Lockport Walk MS on Sunday, May 21, 2017.

Referred to the Committee of the Whole

2/3/17 Danielle Hagen, Race and Fitness Fair Coordinators, North Park Junior High School – request permission to conduct a 5K Color Run/Walk on Thursday, April 20, 2017.

Referred to the Committee of the Whole

2/6/17 Cookie Butcher, Foundation Board Member, Lockport High School – request permission to conduct a 5K Road Race on Saturday, May 20, 2017.

Referred to the Committee of the Whole

2/6/17 Taren J. LaGamba, Director, MCF – request permission to apply of the 2017 Wm. G. Mayne Grant Program.

Referred to the Committee of the Whole

## MOTIONS & RESOLUTIONS

**021517.2**

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 3, 2017 as follows:

2016 Funds:

General Fund Account #001 $ 28,991.37

Water Fund Account #002 $ 9,518.91

Sewer Fund Account #003 $ 12,291.71

Capital Projects Account #004 $ 1,692.42

2017 Funds:

General Fund Account #001 $ 81,429.91

Water Fund Account #002 $ 10,329.56

Sewer Fund Account #003 $ 8,046.71

Capital Projects Account #004 $ 3,307.58

Refuse Fund Account #012 $ 89,181.47

Self Insurance Account #015 $ 143,695.91

Payroll Pay Date 2/2/17 $ 434,169.88

Seconded by Alderman Oates and adopted. Ayes 6.

**021517.3**

By Alderman O’Shaughnessy:

Resolved, that pursuant to their request, the National Multiple Sclerosis Society is hereby granted permission to conduct their annual MS Walk in the City on Sunday, May 21, 2017 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 Mullane and adopted. Ayes 6.

**021517.4**

By Alderman Abbott:

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

Seconded by Alderman Devine and adopted. Ayes 6.

**021517.5**

By Alderman Devine:

**WHEREAS**, Section 44-4 of Chapter A192 of the City of Lockport Plumbing Rules and Regulations Authorizes the Plumbing Board to charge and collect the sum of $100.00 for each examination made by such board, and

**WHEREAS**, the Plumbing Board has recommended to the Common Council that the above fee be increased to $150.00 for each examination made by such board and

**WHEREAS**, the Plumbing Board has also recommended that Common Council be authorized to amend this section of the Plumbing Code by resolution.

**NOW THEREFORE BE IT**

**RESOLVED**, that the Corporation Counsel is hereby authorized and directed to prepare a local law increasing the fee and allowing the Common Council to amend such fee by resolution, and be it further

**RESOLVED**, that a public hearing be held at the Common Council meeting of March 1, 2017, starting at 6:30 P.M. in the Common Council Chambers, Lockport Municipal Building, One Locks Plaza, Lockport, New York 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 Oates and adopted. Ayes 6.

**021517.6**

By Alderman Devine:

Resolved, that pursuant to their request, North Park Junior High School is hereby granted permission to conduct a 5K Color Run/Walk on Thursday, April 20, 2017 subject to approval of the walk route by the Police Chief and North Park Junior 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.

**021517.7**

By Alderman Oates:

Resolved, that pursuant to their request, Lockport High School is hereby granted permission to conduct a 5K Road Race on Saturday, May 20, 2017 subject to approval of the race route by the Police Chief 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.

**021517.8**

By Alderman Wohleben:

Resolved, that the Mayor, subject to Corporation Counsel approval, be and the same is hereby authorized and directed to sign a Franchise Agreement with NYSEG.

Seconded by Alderman Mullane 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.

**021517.9**

By Alderman Oates:

**WHEREAS,** buildings are the single largest user of energy in the State of New York; the poorest performing buildings typically use several times the energy of the highest performing buildings—for the exact same building use; and

**WHEREAS,** collecting, reporting, and sharing building energy data on a regular basis allows municipal officials and the public to understand the energy performance of municipal buildings relative to similar buildings nationwide, and equipped with this information the City of Lockport is able to make smarter, more cost-effective operational and capital investment decisions, reward efficiency, and drive widespread, continuous improvement; and

**WHEREAS,** the City of Lockport Common Council desires to use Building Energy Benchmarking, a process of measuring a building’s energy use, tracking that use over time, and comparing performance to similar buildings, to promote the public health, safety, and welfare by making available good, actionable information on municipal building energy use to help identify opportunities to cut costs and reduce pollution in the City of Lockport; and

**WHEREAS**, as such the City of Lockport Common Council desires to establish procedure or guideline for City of Lockport staff to conduct such Building Energy Benchmarking; and

**NOW THEREFORE,** **IT IS HEREBY RESOLVED AND DETERMINED,** that the following specific policies and procedures are hereby adopted and imposed as active and affirmative financial internal control procedures of the City of Lockport;

**Building Energy Benchmarking POLICY/procedures**

**§1. DEFINITIONS**

(A) “Benchmarking Information” shall mean information generated by Portfolio Manager, as herein defined including descriptive information about the physical building and its operational characteristics.

(B) “Building Energy Benchmarking” shall mean the process of measuring a building’s Energy use, tracking that use over time, and comparing performance to similar buildings.

(C) “Commissioner” shall mean the head of the Department.

(4) “Covered Municipal Building” shall mean a building or facility that is owned or occupied by the City of Lockport that is 1,000 square feet or larger in size.

(5) “Department” shall mean the City of Lockport Clerk’s Office.

(6) “Energy” shall mean electricity, natural gas, steam, hot or chilled water, fuel oil, or other product for use in a building, or renewable on-site electricity generation, for purposes of providing heating, cooling, lighting, water heating, or for powering or fueling other end-uses in the building and related facilities, as reflected in Utility bills or other documentation of actual Energy use.

(7) “Energy Performance Score” shall mean the numeric rating generated by Portfolio Manager that compares the Energy usage of the building to that of similar buildings.

(8) “Energy Use Intensity (EUI)” shall mean the kBTUs (1,000 British Thermal Units) used per square foot of gross floor area.

(9) “Gross Floor Area” shall mean the total number of enclosed square feet measured between the exterior surfaces of the fixed walls within any structure used or intended for supporting or sheltering any use or occupancy.

(11) “Portfolio Manager” shall mean ENERGY STAR Portfolio Manager, the internet-based tool developed and maintained by the United States Environmental Protection Agency to track and assess the relative Energy performance of buildings nationwide, or successor.

(12) “Utility” shall mean an entity that distributes and sells Energy to Covered Municipal Buildings.

(13) “Weather Normalized Site EUI” shall mean the amount of Energy that would have been used by a property under 30-year average temperatures, accounting for the difference between average temperatures and yearly fluctuations.

**§2. APPLICABILITY**

(1) This policy is applicable to all Covered Municipal Buildings as defined in Section 2 of this policy.

(2) The Commissioner may exempt a particular Covered Municipal Building from the benchmarking requirement if the Commissioner determines that it has characteristics that make benchmarking impractical.

**§3. BENCHMARKING REQUIRED FOR COVERED MUNICIPAL BUILDINGS**

(1) No later than May 1 every year, the Commissioner or his or her designee from the Department shall enter into Portfolio Manager the total Energy consumed by each Covered Municipal Building, along with all other descriptive information required by Portfolio Manager for the previous calendar year.

(2) For new Covered Municipal Buildings that have not accumulated 12 months of Energy use data by the first applicable date following occupancy for inputting Energy use into Portfolio Manager, the Commissioner or his or her designee from the Department shall begin inputting data in the following year.

**§4. DISCLOSURE AND PUBLICATION OF BENCHMARKING INFORMATION**

(1) The Department shall make available to the public on the internet Benchmarking Information for the previous calendar year:

(a) no later than September 1 each year for Covered Municipal Buildings; and

(2) The Department shall make available to the public on the internet and update at least annually, the following Benchmarking Information:

(a) Summary statistics on Energy consumption for Covered Municipal Buildings derived from aggregation of Benchmarking Information; and

(b) For each Covered Municipal Building individually:

(i) The status of compliance with the requirements of this Policy; and

(ii) The building address, primary use type, and gross floor area; and

(iii) Annual summary statistics, including site EUI, Weather Normalized Source EUI, annual GHG emissions, and an Energy Performance Score where available; and

(iv) A comparison of the annual summary statistics (as required by Section 5(2)(b)(iii) of this Policy) across calendar years for all years since annual reporting under this Policy has been required for said building.

**§5. MAINTENANCE OF RECORDS**

The Department shall maintain records as necessary for carrying out the purposes of this Policy, including but not limited to Energy bills and other documents received from tenants and/or Utilities. Such records shall be preserved by the Department for a period of three (3) years.

**§6. ENFORCEMENT AND ADMINISTRATION**

(1) The Commissioner or his or her designee from the Department shall be the Chief Enforcement Officer of this Policy.

(2) The Chief Enforcement Officer of this Policy may promulgate regulations necessary for the administration of the requirements of this Policy.

(3) Within thirty days after each anniversary date of the effective date of this Policy, the Chief Enforcement Officer shall submit a report to the City of Lockport including but not limited to summary statistics on Energy consumption for Covered Municipal Buildings derived from aggregation of Benchmarking Information, a list of all Covered Municipal Buildings identifying each Covered Municipal Building that the Commissioner determined to be exempt from the benchmarking requirement and the reason for the exemption, and the status of compliance with the requirements of this Policy.

**FURTHER RESOLVED**, the City of Lockport Common Council in regular session duly convened, does hereby authorize and direct the Mayor of the City of Lockport to execute such other and additional documents as may be required for to perfect the resolutions herein;

Seconded by Alderman Wohleben and adopted. Ayes 6.

**021517.11**

By Alderman Oates:

Resolved, that pursuant to their request, Lockport Midget League is hereby granted permission to use the baseball field at Outwater Park for their 2017 Baseball season subject to approval of the schedule by Highways & Parks Department and Lockport Midget League 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.

**021517.12**

By Alderman Devine:

Resolved, that pursuant to their request, Niagara Jr. Thunder Wolves is hereby granted permission to use the baseball filed at Outwater Park for their 2017 Youth Baseball Tournaments subject to approval of the schedule by 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 Abbott and adopted. Ayes 6.

**021517.13** **ADJOURNMENT**

At 6:53 P.M. Alderman Wohleben moved the Common Council be adjourned until 6:30 P.M., Wednesday, March 1, 2017.

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

March 1, 2017

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.

**030117.1** **APPROVAL OF MINUTES**

On motion of Alderman Oates, seconded by Alderman Devine, the minutes of the Regular Meeting of February 15, 2017 are hereby approved as printed in the Journal of Proceedings. Ayes 5. Carried.

PUBLIC HEARING

The Mayor announced a public hearing on a proposed Local Law to amend Chapter A192 Plumbing Rules and Regulations of the Lockport City Code.

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**

**Appointment:**

2/27/17 Lisa Burruano, 7038 Akron Road, Lockport, NY – appointed as Tax Enforcement Clerk for the Treasurer’s Department effective February 27, 2017. 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)

1/13/17 Luke Hider, Soccer Shots Buffalo – request permission to use Altro Park for a Summer Soccer program.

Referred to the Committee of the Whole

1/24/17 Taren La Gamba, Director, MCF – request permission to apply for the American Conifer Society Grant Award for 2017.

Referred to the Committee of the Whole

2/24/17 Shawn Decareaux, BIKEternity, LLC – request permission to use Ida Fritz park as a water stop for the Empire State Ride on August 5, 2017.

Referred to the Committee of the Whole

2/28/17 Mike Hanley, Chairman, B. Leo Dolan Post No. 410 – request permission to conduct a Memorial Day Parade on May 28, 2017.

Referred to the Committee of the Whole

**Notice of Defect:**

2/17/17 212 South Street – tree

2/22/17 Michigan Street & Park Avenue – potholes

2/24/17 41 Allen Street – tree

2/24/17 181 Lincoln Avenue – road condition

Referred to the Director of Streets and Parks.

**Notice of Claim:**

2/15/17 Beverly Lambert, 220 Erie Street, Lockport, NY

Referred to the Corporation Counsel.

## MOTIONS & RESOLUTIONS

**030117.2**

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 March 3, 2017 as follows:

2016 Expenses

General Fund Account #001 $ 9,285.85

Self Insurance Account #015 $ 179.75

2017 Expenses

General Fund Account #001 $ 113,137.14

Water Fund Account #002 $ 14,238.97

Sewer Fund Account #003 $ 8,416.79

Self Insurance Account #015 $ 144,160.65

Payroll Pay Date 2/16/17 $ 462,210.92

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

**030117.3**

By Alderman Abbott:

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

Derrick J. Starks 10 Laborer

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

**030117.4**

By Alderman Oates:

WHEREAS, the Dog Control Officer for the City of Lockport is in need of a vehicle, and

WHEREAS, the Water Department has a vehicle that is no longer needed in the Water Department for Water Department purposes. NOW, THEREFORE, BE IT

RESOLVED, that the aforesaid vehicle in the Water Fund Budget be transferred to the General Fund.

Seconded by Alderman Devine and adopted. Ayes 5.

**030117.5**

By Alderman Devine:

City of Lockport

Local Law No. 3 of the year 2017

A LOCAL LAW to amend Chapter A192 Plumbing Rules and Regulations of the Lockport City Code.

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

Section 44-4 of Chapter A192 of the City of Lockport Plumbing Rules and Regulations as amended, is hereby further amended by deleting the same in its entirety and substituting therefor a new Section 44-4 to read as follows:

4. To charge and collect from each person applying for examination the sum of $150.00 or such other fee as shall be established by the Common Council by resolution for each examination made by such Board, and all monies so collected shall be paid over by the Board monthly to the Chamberlain or Treasurer of such city in which such Board shall be appointed.

This law shall be effective upon filing with the office of the Secretary of State.

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 Absent

The Local Law was thereupon declared duly adopted.

**030117.6**

By Alderman Devine:

Resolved, that Taren La Gamba be and the same is hereby authorized to submit an application on behalf of the City of Lockport to the 2017 William G. Mayne, Jr. Business/Community Enhancement Program for a grant to be used for repairs and landscaping for John Henry Park.

Seconded by Alderman Mullane and adopted. Ayes 5.

**030117.7 WITHDRAWN** (Water, Sewer, Refuse uncollected – in rem)

**030117.8**

By Alderman Oates:

WHEREAS, the NYS Canal Corporation plans to remove sediment from the Lockport Canal at West Genesee Street known as “parcel #33” located between State Road and the Canal for the following purposes: (1) Canal Access; (2) equipment lay-down; (3) water treatment operations and (4) soil handling, and

WHEREAS, the work will be conducted over a two month period during non-navigational conditions in 2018 at locations set forth in the Sediment Removal PDI Work Plan/Canal Sediment Excavation Proposed Layout Plan last plotted February 2, 2017. NOW, THEREFORE, BE IT

RESOLVED, that Mayor be and is hereby authorized to execute an access agreement with the NYS Canal Corporation to accomplish the above project.

Seconded by Alderman Abbott and adopted. Ayes 5.

**030117.9 WITHDRAWN** (Police Chief Compensation Package)

**030117.10 WITHDRAWN** (Fire Chief Compensation Package)

**030117.11**

By Alderman Devine:

WHEREAS, clean water infrastructure is vital to improving the well-being of our citizens, protecting public health, the environment and fostering community growth all across New York State, especially Western New York, and

WHEREAS, most communities have aging and crumbling water and sewer infrastructure causing damage to our roads, streets, schools, homes and businesses, and

WHEREAS, investing in infrastructure projects creates good jobs, a solid foundation for businesses to build on, and protects public health, and

WHEREAS, key members in both the Senate and Assembly, along with the Governor and the Attorney General, recognized that local governments need support and passed the Water Infrastructure Act of 2015. 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 continue to fund water infrastructure projects and include a dedicated line for drinking and wastewater infrastructure that invests $800 million annually.

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

**030117.12**

By Alderman Abbott:

Resolved, that a public hearing be held at the Common Council Meeting of March 15, 2017 starting at 6:30 P.M. in the Common Council Chambers, Lockport Municipal Building, One Locks Plaza, Lockport, NY relative to PACE financing, 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 5.

**030117.13**

By Alderman Oates:

Resolved, that the 2017 General Fund Budget be amended to delete one Highways and Parks Municipal Worker position and add one Highways and Parks Department Tree Trimmer position.

Seconded by Alderman Abbott and adopted. Ayes 5.

**030117.14**

By Alderman Devine:

Resolved, that a public hearing be held at the Common Council Meeting of March 15, 2017 starting at approximately 6:30 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 Darrin Chiappone, for approval for a recreational building to be located at 1 Short Street, situated in an I-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 Abbott and adopted. Ayes 5.

**030117.15**

By Alderman Abbott:

Resolved, that a public hearing be held at the Common Council Meeting of March 15, 2017 starting at approximately 6:30 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 Durable Demolition, for approval for outdoor storage to be located at 40 State Road, situated in a B-5 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 Devine and adopted. Ayes 5.

**030117.16**

By Alderman Abbott:

Resolved, that a public hearing be held at the Common Council Meeting of March 15, 2017 starting at approximately 6:30 P.M. in the Common Council Chambers, Lockport Municipal Building, One Locks Plaza, Lockport, NY relative to a request for a Re-zoning request made by Lawrence M Eggert and Marea A. Eggert, to re-zone 731 Davison Road from a B-4 to R-1 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 Devine and adopted. Ayes 5.

**030117.16A**

By Alderman Abbott:

Resolved, that a public hearing be held at the Common Council Meeting of March 15, 2017 starting at approximately 6:30 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 Jeffrey L. Walker, for approval for a home improvement business to be located at 33 Nicholls Street, situated in an R-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 Devine and adopted. Ayes 5.

**030117.16B**

By Alderman Devine:

Resolved, that Taren La Gamba be and the same is hereby authorized to submit an application on behalf of the City of Lockport for the American Conifer Society Grant Award for a grant to be used for signage for the John Henry Park tree garden.

Seconded by Alderman Mullane and adopted. Ayes 5.

**030117.16C**

By Alderman Oates:

Resolved, that pursuant to their request, Empire State Ride/Roswell Park Alliance Foundation is hereby granted permission to use the pavilion at Ida Fritz Park on Saturday, August 5, 2017 for a water stop for their 7-day Empire State Ride. Said permission is subject to Empire State Ride/Roswell Park Alliance Foundation filing a certificate of insurance with the City Clerk naming the City of Lockport as additional insured.

Seconded by Alderman Mullane and adopted. Ayes 5.

**030117.16D**

By Alderman O’Shaughnessy:

Resolved, that pursuant to their request, Soccer Shots Buffalo is hereby granted permission to conduct a Summer Soccer Program at Altro Park beginning April 20, 2017 through July 1, 2017, 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 Mullane and adopted. Ayes 5.

**030117.16E**

By Alderman Oates:

Resolved, that pursuant to their request, Cornerstone Arena is hereby granted permission to install not more than 20 temporary signs in various locations in the city’s right-of-way in the central business district to promote upcoming hockey tournaments. Said permission is effective immediately and removal of said signage shall be the responsibility of Cornerstone Arena after a two-week period.

Seconded by Alderman Abbott and adopted. Ayes 5.

**030117.16F**

By Alderman Oates:

Resolved, that pursuant to their request, B. Leo Dolan Post No. 410 is hereby granted permission to conduct a Memorial Day Parade in the City of Lockport on Sunday, May 28, 2017 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 permission is hereby granted to barricade a portion of Niagara Street in front of 42-44 Niagara Street between 12 noon and 5 PM subject to approval 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 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 O’Shaughnessy and adopted. Ayes 5.

**030117.16G**

By Alderman Abbott:

WHEREAS, Iskalo Development Corp. acquired 57 Canal Street, Lockport, New York for professional office and retail space, and

WHEREAS, Iskalo is in the process of renovating the first floor suite of 57 Canal Street and needs to place two dumpsters and a portable toilet in the parking lot owned by the City of Lockport. NOW, THEREFORE, BE IT

RESOLVED, that Iskalo Development Corp. be and is hereby authorized to temporarily place/locate two dumpsters and a portable toilet in the City owned parking lot for 57 Canal Street, Lockport, New York from the date of the issuance of a building permit until the date of the issuance of a certificate of occupancy for the work performed, not to extend beyond June 1, 2017.

Seconded by Alderman Mullane and adopted. Ayes 5.

**030117.17** **ADJOURNMENT**

At 6:50 P.M. Alderman Oates moved the Common Council be adjourned until 6:30 P.M., Wednesday, March 15, 2017.

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 15, 2017

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 Wohleben.

Absent: Alderwoman Mullane

**MAYOR’S UPDATE**

**TREASURER’S REPORT**

**RECESS**

Recess for public input.

**031517.1** **APPROVAL OF MINUTES**

On motion of Alderman Wohleben, seconded by Alderman Abbott, the minutes of the Regular Meeting of March 1, 2017 are hereby approved as printed in the Journal of Proceedings. Ayes 5. Carried.

PUBLIC HEARING

The Mayor announced a public hearing on a Local Law to establish a sustainable energy loan program in the City of Lockport.

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.

PUBLIC HEARING

The Mayor announced a public hearing on a request for a Special Use Permit to install four bocce courts and erect a new 34’ x 24’ building with a 12’ x 20’ covered patio to be used as a recreational use with beer and wine service located at 1 Short Street.

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

3/7/17 Charlene Seekins-Smith, Chairman, Lockport Planning and Zoning Board – the Board recommends that the request for a Special Use Permit be approved with stipulations.

Recess for public input.

The Mayor closed the public hearing.

PUBLIC HEARING

The Mayor announced a public hearing on a request for a Special Use Permit to utilize the existing stone lot for outdoor storage of topsoil, stone and fill located at 51 So. Transit and 40 State Road.

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

3/7/17 Charlene Seekins-Smith, Chairman, Lockport Planning and Zoning Board – the Board recommends that the request for a Special Use Permit not be approved.

Recess for public input.

The Mayor closed the public hearing.

PUBLIC HEARING

The Mayor announced a public hearing on a request to rezone the property locally known as 731 Davison Road from B-4 to R-1.

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

3/7/17 Charlene Seekins-Smith, Chairman, Lockport Planning and Zoning Board – the Board recommends the request to rezone.

Recess for public input.

The Mayor closed the public hearing.

PUBLIC HEARING

The Mayor announced a public hearing on a request for a Special Use Permit to utilize the rear improvement and area surrounding it to support the applicants home improvement business located at 33 Nicholls Street.

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

3/7/17 Charlene Seekins-Smith, Chairman, Lockport Planning and Zoning Board – the Board recommends that the request for a Special Use Permit not be approved.

Recess for public input.

The Mayor closed the public hearing.

**FROM THE MAYOR**

**Resignations:**

3/15/17 William Stedman – resigned as member of the Civil Service Commission effective March 1, 2017.

Received and filed.

**Appointments:**

3/7/17 Barbara Parker, 114 Niagara Street, Lockport, NY – appointed as Staff Accountant for the Accounting Department effective March 10, 2017. Said appointment is permanent and probationary and subject to the City of Lockport Municipal Civil Service Rules and Regulations.

Received and filed.

3/15/17 Kevin Clark, 10 Hi-Point Drive, Lockport, NY – appointed as a member of the Civil Service Commission. Said term expires on May 31, 2020.

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:**

3/9/17 400 Washburn Street – tree

Referred to the Director of Streets and Parks.

**Notice of Claim:**

3/13/17 Cynthia J. Bavaro 574 So. Transit St. Apt 1

Referred to the Corporation Counsel.

## MOTIONS & RESOLUTIONS

**031517.2**

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 17, 2017 as follows:

General Fund Account #001 $ 80,731.23

Water Fund Account #002 $ 31,260.32

Sewer Fund Account #003 $ 38,836.21

Capital Projects Account #004 $ 2,500.00

Refuse Fund Account #012 $ 86,821.66

Small Cities Account #013 $ 28,800.00

Self Insurance Account #015 $ 2,429.50

Workers’ Comp Account #020 $ 5,900.00

Payroll Pay Date 3/2/17 $ 459,604.10

Seconded by Alderman Oates and adopted. Ayes 5.

**031517.3**

By Alderman Oates:

Resolved, that pursuant to her request, Ellen Martin is hereby granted permission to conduct a Sweet Summer event ‘Rivi-Erie’ and has permission to place sand, palm trees, chairs and beach umbrellas on city property located at Nelson C. Goehle Wide Waters marina. Said permission is subject to Ellen Martin filing a certificate of insurance with the City Clerk naming the City of Lockport as additional insured, and be it further

Resolved, said permission is subject to Corporation Counsel approval and NYS Canal Corporation rules and regulations.

Seconded by Alderman Wohleben and adopted. Ayes 5.

**031517.4**

By Alderman Wohleben:

Whereas, the City of Lockport, with the assistance from Witt O’Brien’s, has gathered information and prepared the Niagara County NY Hazard Mitigation Plan; and

Whereas, the Niagara County NY Hazard Mitigation Plan has been prepared in accordance with the Disaster Mitigation Act of 2000; and

Whereas, the City of Lockport NY is a local unit of government that has afforded the citizens as opportunity to comment and provide input in the Plan and the actions in the Plan; and

Whereas, the City of Lockport NY have reviewed the Plan and affirms that the Plan will be updated no less than every five years; now therefore be it

Resolved, by the Common Council that the City of Lockport NY adopts the Niagara County NY Hazard Mitigation Plan as this jurisdiction’s Natural Hazard Mitigation Plan, and resolves to execute the actions in the Plan.

Seconded by Alderman Devine and adopted. Ayes 5.

**031517.5**

By Alderman Oates:

WHEREAS, The City of Lockport has been awarded with a Municipal Facilities Program (“SAM”) Grant in the amount of $300,000.00 for structural repairs to the Holly Edison Electric Building located at 55 Main Street, including structural, electrical, and roof drainage improvements; 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, The City of Lockport declares that it will serve as Lead Agency structural repairs to the Holly Edison Building, located at 55 Main 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 Abbott and adopted. Ayes 5.

**031517.6**

By Alderman Devine:

Whereas, Section C-45 of the city charter requires employees to become a resident of the City of Lockport within six months of the commencement of service, and

Whereas, Section C-45 (8) (a) permits a waiver of the residency requirement in instances where the City of Lockport has difficulty hiring the most qualified person because of its residency requirements, and

Whereas, the Mayor and Common Council have determined that it is in the best interest of the city waive the residency requirement for the position of Sr. Water Maintenance Worker, now therefore be it

Resolved, that the Mayor and Common Council having considered all of the aspects of the residency requirement and for the reason of lack of qualified candidates within the City limits hereby determines that the Sr. Water Maintenance Worker position shall be exempt from said residency requirement.

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

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 5.

**031517.7**

By Alderman Wohleben:

City of Lockport

Local Law No. 4 of the year 2017

**A LOCAL LAW TO ESTABLISH A SUSTAINABLE ENERGY LOAN PROGRAM IN THE CITY OF LOCKPORT**

Be it enacted by the Common Council of the City of Lockport, New York as follows:

**Section 1.** The Code of the City of Lockport is hereby amended by adding Section 151 “Energize NY Benefit Financing Program,” to read as follows:

**ARTICLE I**

**§1. Legislative findings, intent and purpose, authority.**

1. It is the policy of both the City of Lockport and the State of New York to achieve energy efficiency and renewable energy goals, reduce greenhouse gas emissions, mitigate the effect of global climate change, and advance a clean energy economy. The Common Council finds that it can fulfill this policy by providing property assessed clean energy financing to property owners for the installation of renewable energy systems and energy efficiency measures. This chapter establishes a program that will allow the Energy Improvement Corporation (“EIC”), a local development corporation, acting on behalf of the the City of Lockport, to make funds available to qualified property owners that will be repaid by such property owners through charges on the real properties benefited by such funds, thereby fulfilling the purposes of this chapter and fulfilling an important public purpose.
2. The City of Lockport is authorized to implement this Energize NY Benefit Financing Program pursuant to Article 5-L of the New York General Municipal Law.
3. This chapter shall be known and may be cited as the “Energize NY Benefit Financing Program Law of the City of Lockport”.

**§2. Definitions**

For purposes of this chapter, and unless otherwise expressly stated or unless the context requires, the following terms shall have the meanings indicated:

**Authority** – The New York State Energy Research and Development Authority, as defined by subdivision two of section eighteen hundred fifty-one of the public authorities law, or its successor.

**EIC** – the Energy Improvement Corporation, a local development corporation, duly organized under section fourteen hundred eleven of the Not-For-Profit Corporation Law, authorized hereby on behalf of the City of Lockport to implement the Energize NY Benefit Financing Program by providing funds to qualified property owners (as defined in this chapter) and providing for repayment of such funds from monies collected by the City of Lockport tax collector as a charge to be levied on the real property and collected in the same manner and same form as the City of Lockport taxes.

**Energy Audit** – A formal evaluation or “assessment” of the energy consumption of a permanent building or structural improvement to real property, conducted by a contractor certified by the Authority, or certified by a certifying entity approved by the Authority, for the purpose of identifying appropriate energy efficiency improvements that could be made to the property.

**Energy Efficiency Improvement** – Any renovation or retrofitting of a building to reduce energy consumption, such as window and door replacement, lighting, caulking, weatherstripping, air sealing, insulation, and heating and cooling system upgrades, and similar improvements, determined to be cost-effective pursuant to criteria established by the Authority, not including lighting measures or household appliances that are not permanently fixed to real property.

**Qualified Property Owner** – An owner of residential or commercial real property located within the boundaries of the City of Lockport that is determined to be eligible to participate in the Energize NY Benefit Financing Program under the procedures for eligibility set forth under this chapter.

**Renewable Energy System** – An energy generating system for the generation of electric or thermal energy, to be used primarily at such property, by means of solar thermal, solar photovoltaic, wind, geothermal, anaerobic digester gas-to-electricity systems, fuel cell technologies, or other renewable energy technology approved by the Authority not including the combustion or pyrolysis of solid waste.

**Renewable Energy System Feasibility Study** – A written study, conducted by a contractor certified by the Authority, or certified by a certifying entity approved by the Authority, for the purpose of determining the feasibility of installing a renewable energy system.

**§3. Establishment of an Energize NY Benefit Financing Program**

1. An Energize NY Benefit Financing Program is hereby established by the City of Lockport, whereby EIC acting on its behalf, may provide funds to Qualified Property Owners in accordance with the procedures set forth under this chapter, to finance the acquisition, construction and installation of Renewable Energy Systems and Energy Efficiency Improvements and the verification of the installation of such systems and improvements.
2. The funds provided shall not exceed the lesser of ten percent of the appraised value of the real property where the Renewable Energy Systems and/or Energy Efficiency Improvements will be located, or the actual cost of installing the Renewable Energy Systems and/or Energy Efficiency Improvements, including the costs of necessary equipment, materials, and labor and the cost of verification of such systems and improvements.

**§4. Procedures for eligibility**

1. Any property owner in the City of Lockport may submit application to EIC on such forms as have been prepared by EIC and made available to property owners on the website of EIC and at the City of Lockport offices.
2. Every application submitted by a property owner shall be reviewed by EIC acting on behalf of the City of Lockport, which shall make a positive or negative determination on such application based upon the criteria for making a financing enumerated in subsection A of section 5 of this chapter. EIC may also request further information from the property owner where necessary to aid in its determination.
3. If a positive determination on an application is made by EIC acting on behalf of the City of Lockport, the property owner shall be deemed a Qualified Property Owner and shall be eligible to participate in the Energize NY Benefit Financing Program in accordance with the procedure set forth under section 6 of this chapter; provided that in no case shall a property owner that has received funds from another municipal corporation for the acquisition, construction and installation of Energy Efficiency Improvements and/or Renewable Energy Systems be deemed a Qualified Property Owner.

**§5. Application criteria**

1. Upon the submission of an application, EIC acting on behalf of the City of Lockport, shall make a positive or negative determination on such application based upon the following criteria for the making of a financing:
2. The proposed Energy Efficiency Improvements and/or Renewable Energy Systems are determined to be cost effective by the Authority;
3. The proposed Energy Efficiency Improvements and/or Renewable Energy Systems will generate an estimated annual cost savings greater than the annual charge payments;
4. Sufficient funds are available to provide to the property owner;
5. The property owner is current in payments on any existing mortgage;
6. The property owner is current in payments on any existing real property taxes and has been current on real property taxes for the previous three years; and
7. Such additional criteria, not inconsistent with the criteria set forth above, as the Common Council for the City of Lockport, or EIC acting on its behalf, may set from time to time.

**§6. Opt-in,** Energize Finance Agreement

1. A Qualified Property Owner may participate in the Energize NY Benefit Financing Program through the execution of an Energize Finance Agreement made by and between the Qualified Property Owner and EIC, acting on the behalf of the City of Lockport.
2. Upon execution of the Energize Finance Agreement, the Qualified Property Owner shall be eligible to receive funds from EIC acting on behalf of the City of Lockport, for the acquisition, construction, and installation of qualifying Renewable Energy Systems and Energy Efficiency Improvements; provided the requirements of section 7 of this chapter have been met.
3. The Energize Finance Agreement shall include the terms and conditions of repayment set forth under section 8 of this chapter.

**§7. Energy audit, renewable energy system feasibility study**

* 1. No funds shall be made available for Energy Efficiency Improvements unless determined to be appropriate through an Energy Audit as defined in Section 2.
  2. No funds shall be made available for a Renewable Energy System unless determined to be feasible through a Renewable Energy System Feasibility Study as defined in Section 2.
  3. The cost of such Energy Audit and/or Renewable Energy System Feasibility Study shall be borne solely by the property owner but may be included in the financed amount if the work is approved.

**§8. Terms and conditions of repayment**

The Energize Finance Agreement between the Qualified Property Owner and EIC acting on behalf of the City of Lockport, shall set forth the terms and conditions of repayment in accordance with the following:

1. The principal amount of the funds paid to the Qualified Property Owner hereunder, together with the interest thereon, shall be paid by the property owner as a charge on their City tax bill and shall be levied and collected at the same time and in the same manner as City property taxes, provided that such charge shall be separately listed on the tax bill. The City of Lockport, shall make payment to EIC or its designee in the amount of all such separately listed charges within 30 days of the City of Lockport tax due date.
2. The term of such repayment shall be determined at the time the Energize Finance Agreement is executed by the property owner and EIC, provided that in no case shall the term exceed the weighted average of the useful life of the systems and improvements as determined by EIC acting on behalf of the City of Lockport.

1. The rate of interest for the charge shall be fixed by EIC acting on behalf of the City of Lockport at the time the Energize Finance Agreement is executed by the property owner and EIC.
2. The charge shall constitute a lien upon the real property benefited by the Energize NY Benefit Financing Program and shall run with the land. A transferee of title to the benefited real property shall be required to pay any future installments, including interest thereon.

**§9. Verification and report**

1. EIC shall be responsible for verifying and reporting to the Mayor for the City of Lockport on the installation and performance of Renewable Energy Systems and Energy Efficiency Improvements financed by such program.
2. The Mayor for the City of Lockport shall verify and report on the installation and performance of Renewable Energy Systems and Energy Efficiency Improvements financed by the Energize NY Benefit Financing Program in such form and manner as the Authority may establish.

**Section 2.** This local law shall take effect upon filing with the Secretary of State.

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

Alderman Abbott VOTING YES

Alderman Devine VOTING YES

Alderman Mullane VOTING ABSENT

Alderman Oates VOTING YES

Alderman O’Shaughnessy VOTING YES

Alderman Wohleben VOTING YES

The Local Law was thereupon declared duly adopted.

**031517.8**

By Alderman Oates:

Whereas, in 2013 the City had bonded for various Street’s machinery and equipment; and

Whereas, a portion of those bond proceeds remain unspent; and

Whereas, the Street’s Department has a need for brush chippers, a park’s mower, a dump truck and a hot box asphalt trailer; and

Whereas, an additional amount of $155,000 will be needed through the issuance of an additional bond; and

Whereas, these pieces of equipment are all on State Contract, making bidding unnecessary; Now Therefore, Be it

Resolved, that the Street’s Department is authorized to purchase the following equipment:

Morbark M12R Chipper $ 39,900

Morbark M15RX Chipper $ 53,510

Jacobsen HR800 16’ Wide Area Mower $ 85,350

4 Ton Falcon Asphalt Hot Box Trailer $ 33,100

Freightliner 114SD 6 x 4 Tandem Axle Dump Truck $152,600

And Be it Further

Resolved, that the bonding of the dump truck is authorized and approved, and be it further

Resolved, that the City Attorney and Director of Finance are directed to prepare a Bond Ordinance for the acquisition of the dump truck in an amount not to exceed $152,600 plus issuance costs.

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

**031517.9**

By Alderman Wohleben:

WHEREAS, the New York State Energy Research and Development Authority

(NYSERDA) is offering financial incentives to municipalities that adopt a uniform

New York State solar permit process, and

WHEREAS, the City of Lockport Code Enforcement Officer has advised the Common Council of the City of Lockport that the New York State uniform process is consistent and compatible with the City of Lockport Zoning Code and permitting practices, and

WHEREAS, the Common Council supports the use of solar energy as a renewable energy source.

NOW THEREFORE, IT IS HEREBY RESOLVED BY THE COMMON COUNCIL OF THE

City of Lockport that the City of Lockport hereby fully and formally adopts the

New York State Unified Solar Permit process for NY - Sun Solar Powering New

York, and establishes the permit fee in accordance with the permit fee schedule set by the Common Council, and be it further

RESOLVED, the Common Council, in regular session duly convened, does hereby authorize and direct the Mayor, subject to Corporation Council approval, to execute such other and additional documents as may be required for to perfect the resolutions herein;

The adoption of the foregoing Resolution was moved by Alderman Wohleben, seconded by Alderman Abbott, and duly put to vote, which resulted as follows

Alderman Abbott VOTING YES

Alderman Devine VOTING YES

Alderman Mullane VOTING ABSENT

Alderman Oates VOTING YES

Alderman O’Shaughnessy VOTING YES

Alderman Wohleben VOTING YES

**THIS RESOLUTION WAS ADOPTED.**

**031517.10**

By Alderman Abbott:

Whereas, the City has received a donation for the G.R.E.A.T. Program of $25,000 from the “Moore for Kids” Foundation for the period of March 20, 2014 to December 2017, and

Whereas, these funds were not included in the 2017 budget, and

Whereas, the unused portions necessary to add the donation to the 2017 budget, now therefore be it

Resolved, that the following budget amended needs to be made:

Increase Appropriations:

001-3120-4375-3449 GREAT Expenses/ $9,466.42

Training, Teaching Materials, Field Trips, T-Shirts

001-599 Appropriated Fund Balance $9,466.42

Seconded by Alderman Wohleben and adopted. Ayes 5.

**031517.11**

By Alderman Abbott:

WHEREAS, the City applied for and received a SFY 2016-17 Police Protective Equipment Program (PPEP) for the Lockport Police Department), and

WHEREAS, revenues and activities related to the grant were not budgeted for the year 2017, now therefore be it

RESOLVED, the budget needs to be amended for the receipt of revenue and appropriation of expenditures made relative to the grant.

INCREASE REVENUES:

001.0001.3389 New AR-15 Rifles $12,672.00

INCREASE APPROPRIATIONS:

001.3120.0260 New AR-15 Rifles $12,672.00

Seconded by Alderman Wohleben and adopted. Ayes 5.

**031517.12**

By Alderman Devine:

Resolved, that the request for a special use permit made by Darrin Chiappone to install four bocce courts and erect a new 34’ x 24’ building with a 12’ x 20’ covered patio to be used as a recreational use with beer and wine service, located at 1 Short Street, situated in an I-2 Zone, be and the same is hereby approved, subject to the following provisions:

A total of 45 parking spaces are provided for the use either on or off site.

The hours of operation for both the bocce courts and restaurant are 11 a.m. to 11 p.m.

The two parcels purchased are combined into 1 Short Street.

A chain link fence with privacy fence is installed around the perimeter of the property.

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.

**031517.13**

By Alderman Abbott:

Resolved, that pursuant to the recommendation of the Planning & Zoning Board, the proposed amendment to the Zoning Ordinance to rezone 731 Davison Road from an B-4 zone to a R-1 zone is hereby adopted.

Seconded by Alderman Wohleben and adopted. Ayes 5.

**031517.13A**

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 determined that the proposed action is a Type II action pursuant to 6 NYCRR 617.5 (c)(18) and (21) as defined under SEQR; and

Whereas, Type II actions have been determined not to have a significant impact on the environment or are otherwise precluded from environmental review under Environmental Conservation Law, Article 8; NOW, THEREFORE, BE IT:

Resolved, that the City of Lockport has determined that the Wastewater Engineering Planning Study does not require further SEQR review and will not result in significant adverse environmental impacts.

Seconded by Alderman Oates and adopted. Ayes 5.

**031517.13B**

By Alderman Devine:

Resolved, that Cookie Butcher be and the same is hereby authorized to submit an application on behalf of the City of Lockport to the 2017 William G. Mayne, Jr. Business / Community Enhancement Program for a grant to be used for improvements to ‘Cappy’s Boat’ located on the Big Bridge.

Seconded by Alderman Wohleben and adopted. Ayes 5.

**031517.14** **ADJOURNMENT**

At 7:12 P.M. Alderman Wohleben moved the Common Council be adjourned until 6:30 P.M., Wednesday, April 5, 2017.

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

April 5, 2017

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.

**040517.1** **APPROVAL OF MINUTES**

On motion of Alderman Wohleben, seconded by Alderman Devine, the minutes of the Regular Meeting of March 15, 2017 are hereby approved as printed in the Journal of Proceedings. Ayes 6. Carried.

**FROM THE MAYOR**

**Appointments:**

3/20/17 Martin Brown, 5653 Keck Road, Lockport, NY – appointed as Senior Water Maintenance Worker for the Water Distribution Department effective March 20, 2017. Said appointment is provisional and subject to the City of Lockport Municipal Civil Service Rules and Regulations.

Received and filed.

3/24/17 Kristin Bernardi, 165 Park Lane Circle, Lockport, NY – appointed as Senior Account Clerk for the Accounting Department effective March 24, 2017. Said appointment is permanent and subject to the City of Lockport Municipal Civil Service Rules and Regulations.

Received and filed.

3/24/17 Robert Woods, 71 Beverly Avenue, Lockport, NY – appointed as Heavy Equipment Operator for the Water Distribution Department effective January 3, 2017. Said appointment is permanent and subject to the Lockport Municipal Civil Service Rules and Regulations.

Received and filed.

3/28/17 Dennis McNamara, 132 Vine Street, Lockport, NY – appointed as Chief Water Treatment Plant Operator for the City of Lockport effective March 22, 2017. Said appointment is permanent and subject to the City of Lockport Municipal Civil Service rules and regulations.

Received and filed.

3/29/17 Thomas Furlong, 123 Juniper Street, Lockport, NY – appointed as Tree Trimmer for the Highways and Parks Department for the City of Lockport effective March 31, 2017. Said appointment is provisional and subject to the City of Lockport Municipal Civil Service Rules and Regulations.

Received and filed.

3/29/17 Nathan Shanley, 252 Lock Street, Lockport, NY – appointed as Tree Trimmer for the Highways and Parks Department effective March 30, 2017. 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)

2/8/17 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 20, 2017 for their Annual Great Strides Walk Event.

Referred to the Committee of the Whole

3/30/17 Barbara Parker, 114 Niagara Street, Lockport, NY – request permission to conduct the first annual Thomas C. Rotondo Jr. Memorial Scholarship Fund Road Race on July 22, 2017.

Referred to the Committee of the Whole

3/30/17 Elizabeth Allore, American Cancer Society Bark For Life – request permission to conduct an annual Bark For Life event at Outwater Park on June 10, 2017.

Referred to the Committee of the Whole

4/5/17 Richelle J. Pasceri, City Clerk – notification that the Lockport Municipal Offices will be closed on Friday, April 14, 2017 in observance of Good Friday. There will be no change in garbage pick up.

Referred to the Media

4/5/17 Richelle J. Pasceri, City Clerk – notification of bids received on March 31, 2017 for the Water Treatment Plant Intake Crib Screen Replacement Project are as follows:

Hohl Industrial Services, Inc. $141,000.00

Tonawanda, NY

BIDCO Marine Group, Inc. $ 38,240.00

Buffalo, NY

Referred to the Committee of the Whole

4/5/17 From the Special Meeting of the Fire Board held on April 4, 2017

Motion of Non-Support for Resolution 040517.11

Motion by Comm. Wohleben, seconded by Comm. Prucha to not support resolution 040517.11 authorizing the City of Lockport to apply for a Certificate of Need for ambulance service as the current response is adequate to national standards with a combination of private ambulance service and Lockport Fire Department responding to all ALS (Advanced Life Support) calls within the City of Lockport. Ayes 5.

Received and filed.

**Notice of Defect:**

3/7/17 265 Lock Street – tree

3/9/17 Park Avenue & High Street – road conditions

3/15/17 265 Pine Street – tree

3/16/17 192 Genesee Street – tree

3/27/17 278 Washburn Street – tree

3/29/17 Park Avenue & High Street – road conditions

Referred to the Director of Streets and Parks.

**Notice of Claim:**

3/13/17 Denise Goodwin, 6600 Dysinger Road, Apt. 17, Lockport, NY

3/16/17 John & Martha Craig, 31 Lakeview Parkway, Lockport, NY

3/17/17 Paul Carpenter, 6288 Crosby Road, Lockport, NY

3/24/17 Linda Baughman, 4215 Johnson Road, Lockport, NY

Referred to the Corporation Counsel.

## MOTIONS & RESOLUTIONS

**040517.2**

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 7, 2017 as follows:

2016 Funds:

General Fund Account #001 $ 27,622.54

Capital Projects Account #004 $ 1,176.00

2017 Funds:

General Fund Account #001 $ 213,316.91

Water Fund Account #002 $ 62,087.29

Sewer Fund Account #003 $ 48,078.61

Capital Projects Account #004 $ 1,200.00

Refuse Fund Account #012 $ 305.60

Self Insurance Account #015 $ 145,498.75

Worker’s Comp Account #020 $ 7,500.00

Payroll Pay Date 3/16/17 $ 459,463.19

Pay Date 3/30/17 $ 468,520.76

Seconded by Alderman Oates and adopted. Ayes 6.

**040517.3**

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 F. Niethe 35 Police Chief

Lena D. Villella 30 Real Property Appraiser

Paul M. Zapp 25 Police Officer

Seconded by Alderman Mullane and adopted. Ayes 6.

**040517.4**

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 20, 2017.

Seconded by Alderman Devine and adopted. Ayes 6.

**040517.5**

By Alderman Oates:

Resolved, that the Director of Planning and Development in coordination with the City Engineer, subject to Corporation Counsel approval is hereby authorized and directed to prepare a Request for Qualifications for Widewaters Marina Management Services, and be it further

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

Seconded by Alderman Abbott and adopted. Ayes 6.

**040517.6**

By Alderman Wohleben:

Whereas, the Mayor and Fire Board have appointed Patrick Brady as Fire Chief for the City of Lockport effective December 19, 2014; and

Whereas the position of Fire Chief is currently unrepresented; and

Whereas the City has no non-represented employee policy that would memorialize terms and conditions of employment for this position; and

Whereas, the City wishes to authorize and ratify terms and conditions of employment for Mr. Brady effective as of his date of appointment as Fire Chief for the City, now therefore be it

Resolved, that Patrick Brady shall receive the following compensation in return for service as Fire Chief for the City of Lockport:

1. A salary in the amount of $91,620 annually based upon a 40 hour work week and paid in the 26 bi-weekly pay roll plan currently in place. This amount shall be in lieu of all overtime, longevities, bonuses, briefing and shift differentials. No additional monetary compensation shall be earned.
2. Future raises shall be recommended to the City Council by the Mayor based upon an annual performance appraisal conducted by the Mayor in conjunction with the Fire Board.
3. A stipend of $2,000 payable in December of each year in accordance with the City’s Fire Prevention Code, as amended from time to time.
4. Sick leave shall remain unchanged as being earned at 1 ¼ days per month
5. Vacation leave shall remain as 25 days per year credited on his anniversary hire date.
6. Holidays shall follow the regular City Employee Calendar and be set at 14 per year as per City Calendar
7. Health Insurance in its entirety, as provided to other city employees at no cost to the employee during his employment and through retirement.
8. Uniform allowance shall remain unchanged in an annual amount of $975.
9. An employer contribution toward a Health Reimbursement Arrangement (HRA) in an annual amount of $500 if family coverage is elected or $150 if single coverage is elected.
10. Upon retirement, 50% of the value of unused sick leave accrued will be paid in a lump sum or payable over a two year period at the rate of pay at the time of retirement.
11. Participation in the New York State Police and Fire Retirement System

And Be it Further,

Resolved, that a copy of this Resolution shall be placed on file in the Civil Service and City Clerk’s Offices.

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

**040517.7**

By Alderman Abbott:

Whereas, the Mayor and Police Board have appointed Michael Niethe as Chief of Police for the City of Lockport effective December 31, 2015; and

Whereas the position of Chief of Police is currently unrepresented; and

Whereas the City has no non-represented employee policy that would memorialize terms and conditions of employment for this position; and

Whereas, the City wishes to authorize and ratify terms and conditions of employment for Mr. Niethe effective his date of appointment as Police Chief for the City, now therefore be it

Resolved, that Michael Niethe shall receive the following compensation in return for service as Chief of Police for the City of Lockport:

1. A salary in the amount of $94,200 annually based upon a 40 hour work week.
2. Longevity in the amount of $1,300 paid annually on the employee’s anniversary of date of hire.
3. A bi-weekly educational payment in the amount of $163.04 totaling $4,239 annually.
4. A briefing payment of $3,925 paid annually in December of each year.
5. Future raises shall be recommended to the City Council by the Mayor based upon an annual performance appraisal conducted by the Mayor in conjunction with the Police Board.
6. Sick leave – 1 ¼ days per month
7. Personal leave – 9 days annually with an additional 3 days maximum as a sick leave incentive for using no sick leave during the calendar year.
8. Vacation leave – 27 days per year credited on his anniversary hire date, ten days of which can be sold back to the City annually.
9. Holidays - 14 per year as per City Calendar
10. Health Insurance as provided to all other city employees at no cost to the employee during his employment and through retirement per individual contract.
11. Uniform allowance in an annual amount of $1,250 paid in December of each year.
12. Upon retirement, 50% of the value of unused sick leave accrued will be paid in a lump sum at the rate of pay at the time of retirement. Any vacation, personal leave days earned during the year or paid holiday accruals will be paid in full.
13. Participation in the New York State Police and Fire Retirement System.

And Be it Further,

Resolved, that a copy of this Resolution shall be placed on file in the Civil Service and City Clerk’s Offices.

Seconded by Alderman Devine and adopted. Ayes 6.

**040517.8**

By Alderman Mullane:

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 7, 2017, 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 Devine and adopted. Ayes 6.

**040517.9**

By Alderman Wohleben:

**WHEREAS**, EIC is a local development corporation duly formed under Section 1411 of the Not-For-Profit Corporation Law of the State of New York, for the purpose of promoting, facilitating and financing energy audits and renewable energy system feasibility studies, energy efficiency improvements and alternative or renewable energy generating systems (as such terms are defined in Section 119-ff of the General Municipal Law of the State of New York) (collectively, the “Energy Improvements”) on properties within its Participating Municipalities (as defined below), thereby promoting the public good by reducing greenhouse gas emissions, mitigating the effect of global climate change and lessening the burdens of government; and

**WHEREAS**, Participating Municipalities are those municipalities within the State of New York that have established by local law, pursuant to Article 5-L of the General Municipal Law of the State of New York, a sustainable energy loan program for the issuance of financing to the owners of real property located within the Participating Municipality to finance Energy Improvements, and have authorized EIC to act on behalf of the Participating Municipality to carry out the Program through, among other things, the issuance of financing to property owners within such Participating Municipality, and have met the minimum criteria established by EIC to admit new Participating Municipalities; and

**WHEREAS**, the Municipality adopted Local Law 4 on March 15, 2017, pursuant to Article 5-L of the General Municipal Law of the State of New York, which Local Law also authorized EIC to act on its behalf in carrying out its Program; **NOW**, **THEREFORE**, be it

**RESOLVED**, that the Mayor be and is hereby authorized and directed to enter into an Energy Improvement Corporation Municipal Agreement with EIC subject to the approval of the Corporation Counsel and Economic Development Director.

Seconded by Alderman Oates and adopted. Ayes 6.

**040517.10**

By Alderman O’Shaughnessy:

Resolved, that pursuant to their request, the Thomas C. Rotondo, Jr. Scholarship Fund is hereby granted permission to conduct a fundraising walk and running event in the memory of former Lockport Mayor Thomas Rotondo, Jr. on Saturday, July 22, 2017 starting at approximately 9:00 am subject to approval of the run/walk route by the Police Chief, and be it further

Resolved, that permission is granted to erect tents in the Municipal Building parking lot, barricade the Municipal Building parking lot and spaces on Main Street in front of the Municipal Building, and to use the restrooms in the Municipal Building for said event, 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 prior to said event.

Seconded by Alderman Mullane and adopted. Ayes 6.

**040517.11**

By Alderman Devine:

Whereas, the Lockport Fire Board and Common Council terminated the Lockport Fire Department’s highly rated ambulance service in September 2014, and

Whereas, the Lockport Professional Firefighters Association Local 963 subsequently filed an Improper Practice Charge with the Public Employment Relations Board alleging violation of state law and their collective bargaining agreement, and

Whereas, on October 2016 decision of an Administrative Law Judge ruled in favor of the Lockport Professional Firefighter’s Association and ordered the reinstatement of the ambulance service provided by the Lockport Fire Department, and

Whereas, the City of Lockport Common Council directed Corporation Counsel to appeal the ALJ’s decision to the full PERB Board, and

Whereas, there is no assurance the City will prevail in its PERB appeal, or any other court action, and

Whereas, the contract between the City of Lockport and Twin City Ambulance service expires on September 14, 2017, and

Whereas, it is in the best interests of the city residents that the LFD be provided with a Certificate of Need for an ambulance service as backup, now therefore be it

Resolved, that the City of Lockport hereby amends action taken by the Lockport Fire Board to end the Fire Department’s active ambulance service and clarifying the City’s intent to retain ownership of the State Department of Health’s Certificate of Need that was inadvertently returned to the State, and be it further

Resolved, that the City of Lockport Common Council here by directs that all efforts be undertaken to retrieve said Certificate of Need from the New York State Department of Health, and be it further

Resolved, that should such efforts fail, it is the policy of the City of Lockport that a new application for a Certificate of Need for full ambulance service be made at the earliest convenience.

Seconded by Alderman O’Shaughnessy. Ayes 3. Nos 3.

Aldermen Abbott, Wohleben, and Oates voted no.

The Mayor voted in the negative. Motion Failed.

**040517.12**

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 Saturday, June 17, 2017 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 Oates and adopted. Ayes 6.

**040517.13**

By Alderman Devine:

**Whereas**, the Common Council resolved on resolution 040115.8B, dated April 1, 2015, to accept the bid proposal of Willow Creek Farm to provide Kiln Dried Wood Chips used in the Compost Plant process to convert the residual waste of the Waste Water Treatment Plant in fertilizer, and

**Whereas**, the contract between the City and Willow Creek Farm will expire in May 2017, and be it further

**Resolved**, that the Mayor, subject to Corporation Counsel approval, is hereby authorized to sign an agreement with Willow Creek Farm, 10270 Rapids Road, Clarence Center, NY 14032, to extend the contract for two more years. The City will pay the contractor the sum of $12.00 per cubic yard of such material delivered at the Compost Plant, cost of same to be charged to account #003-8160-4564.

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

**040517.14**

By Alderman Devine:

Resolved, that pursuant to their request, the American Cancer Society is hereby granted permission to conduct their annual Bark for Life event at Outwater Park on Saturday, June 10, 2017. Said permission is subject to 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 arrange for delivery of barricades and cones as required.

Seconded by Alderman Mullane and adopted. Ayes 6.

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.

**040517.15**

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 Engineering Department commissioned a study of the Sanitary Sewer on Davison Road from East High Street to Tudor Lane in December 2016 to determine the condition of the sewer and identify potential sources of Inflow and Infiltration into the Sewer; and

WHEREAS, an Engineering Memo was issued by Nussbaumer & Clark, Inc. on March 29, 2017 which reported the findings of the Davison Road sewer study, identifying specific areas of defective pipe which allow Inflow and Infiltration into the sewer system; and

WHEREAS, corrective actions recommended by Nussbaumer & Clark, Inc. include the repair of sections of the damaged 18-inch clay tile pipe and consider lining approximately 800 feet of pipe to seal cracks and stop further deterioration of the sanitary sewer. Nussbaumer & Clarke, Inc. estimates that the total cost of Davison Road sanitary sewer repair is $122,000, and

WHEREAS, Nussbaumer & Clarke, Inc. submitted a proposal for Professional Engineering Services for Rehabilitation of Davison Road Sanitary Sewer that includes preparation of design plans, specifications, contract documents for bidding purposes, and inspection of recommended corrective actions; now, therefore, be it

RESOLVED, that the Mayor, subject to Corporation Counsel approval, is hereby authorized and directed to sign an agreement with Nussbaumer & Clarke, Inc., 3556 Lake Shore Road, Suite 500, Buffalo, NY 14219 for the aforementioned services in accordance with its proposal dated March 30, 2017 for an amount not to exceed $14,750.00 to be financed with Capital Project Funds, and be it further

RESOLVED, that the City Clerk is hereby authorized and directed to advertise for competitive bids for the Davison Road Sewer Improvements upon completion of the design plans, specifications, and contract documents, and be it further

Resolved, that the City Attorney and Director of Finance are directed to prepare a Bond Ordinance for the said project in an amount not to exceed $122,000 plus issuance costs.

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

**040517.16**

By Alderman Devine:

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 13, 2017 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.

**040517.17**

By Alderman Abbott:

Resolved, that the Mayor and Common Council do hereby extend condolences to the family of Charles W. Smith Jr., a retired City of Lockport Sr. Water Treatment Plant Operator who recently passed away.

Seconded by Alderman Oates and adopted. Ayes 6.

**040517.18**

By Alderman Wohleben:

Resolved, that the request for a special use permit made by WJM Enterprises to utilize the existing stone lot for outdoor storage or topsoil, stone and fill located at 51 S Transit Street and 40 State Road, situated in a B-5 Zone, be and the same is hereby subject to the following provisions:

Piles not to exceed the height of 15 feet

Hours of operation from 7AM to 3PM

Entrance is to be maintained with crushed stone.

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 in one year, and further it terminates 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. No 1. Ald. Oates voted no.

**040517.19**

By Alderman Wohleben:

Resolved, that the request for a special use permit made by Jeffrey L. Walker to utilize the rear improvement and area surrounding it to support the applicants home improvement business located at 33 Nicholls Street, situated in an R-2 Zone, be and the same is hereby not approved, pursuant to the recommendation of the Planning and Zoning Board.

Seconded by Alderman Devine and adopted. Ayes 6.

**040517.20**

By Alderman Wohleben:

WHEREAS, the New York State Legislature enacted section 458-b of the Real Property Tax Law in 2007, and

WHEREAS, section 458-b provides for a real property tax exemption for Cold War veterans and permits each county, city, town or village to adopt a local law to provide the exemption for qualifying residential real property, and

WHEREAS, under the State statute the duration of the basic exemption is 10 years, and commences with the first taxable status date occurring on or after the effective date of the local law allowing the exemption, and

WHEREAS, the Cold War 10% benefit is set to expire ten years after adoption, and

WHEREAS, the Common Council recognizes the services rendered by the Cold War veterans to our country and is desirous of the New York State Legislature amending the statutory provision so as to enable this county and other municipalities to grant an exemption for more than ten years, now, therefore, be it

RESOLVED, that the Common Council hereby requests the New York State Legislature to enact the appropriate legislation which will enable the granting of the Cold War real property tax exemption as provided in RPTL section 458-b for a term greater than ten years either by extension or permanent continuation, and be it further

RESOLVED, that the Clerk of the City of Lockport shall forward this resolution to Governor Andrew Cuomo, Senator Robert Ortt, Assemblyman Michael Norris, Assemblyman Angelo Morinello, and all others deemed necessary and appropriate.

Seconded by Alderman Abbott and adopted. Ayes 6.

By Alderman Oates:

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

Seconded by Alderman Wohelben and adopted. Ayes 6.

**040517.21**

By Alderman Devine:

Whereas, the City of Lockport Water Intake Crib grate structure has reached the end of its service life, and

Whereas, underwater inspection of the Water Intake Crib grate confirmed that it is deteriorating and that there is an accumulation of mussels within the Water Intake Crib, and

Whereas, the City of Lockport authorized the City's engineering consultant firm Nussbaumer and Clarke Inc., to prepare design plans and bid documents for replacement of the Water Intake Crib grate and removal of mussel accumulation, and

Whereas, the City of Lockport publicly advertised a Notice to Contractors and subsequently publicly received and opened contractor bids on Friday March 31, 2017 at 2:00 pm. Two bids for the project were received as follows: HOHL Industrial Services, Inc. $141,000 and BIDCO Marine Group, Inc. $38,240, and

Whereas, during the bid review process BIDCO Marine Group requested to withdraw their bid since it was discovered that they prepared their bid based upon use of materials not included in the project specifications, and

Whereas after review of the bids and references, the City's consulting engineer recommends award of the contract to HOHL Industrial Services, Inc. for $141,000 as it is within the Engineer's Estimate for the project and the contractor was found to be qualified, therefore be it

Resolved, that the Mayor, subject to Corporation Counsel approval, is hereby authorized and directed enter into contract with HOHL Industrial Services Inc., 770 Riverview Blvd., Tonawanda, New York 14150, for an amount of $141,000 plus 20% of contingency to be financed with Capital Project funds through reimbursement from the State and Municipal Facilities Program (“SAM”), Purchase and Installation of Water Intake Screens, Project ID #6426.

Seconded by Alderman Oates and adopted. Ayes 6.

**040517.22** **ADJOURNMENT**

At 8:29 P.M. Alderman Wohleben moved the Common Council be adjourned until 6:30 P.M., Wednesday, April 19, 2017.

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 19, 2017

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

Absent - Alderman Devine

**INVOCATION**

**MAYOR’S UPDATE**

**RECESS**

Recess for public input.

**041917.1** **APPROVAL OF MINUTES**

On motion of Alderman Wohleben, seconded by Alderman Abbott, the minutes of the Regular Meeting of April 5, 2017 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)

4/4/17 Steve Cotten, Chairman, Challenger Learning Center of Orleans, Niagara and Erie Counties – request permission to barricade a portion on Washburn Street for a grand opening ribbon cutting ceremony on May 12, 2017. Referred to the Committee of the Whole

4/11/17 William T. Jones, Chairperson, Lockport New Beginnings – request permission to conduct a fundraising yard sale on May 20, 2017. Referred to the Committee of the Whole

4/13/17 Polla Milligan, Director of Marketing and Development, Niagara County SPCA – request permission to use the pavilion at Wide Waters Marina to conduct the NCSPCA Hound Hike on September 9, 2017. Referred to the Committee of the Whole

4/17/17 Amanda Alexander, Event Co-chair, S.T.A.R. Group – request permission to conduct the 1st annual Walk Away From Drugs on July 30, 2017. Referred to the Committee of the Whole

**Notice of Defect:**

3/30/17 4 South Street – tree

3/30/17 43 Webb Street – tree

4/5/17 133 Waterman Street – tree

4/7/17 160 Beattie Avenue – tree

4/10/17 70 Niagara Street – tree stump

Referred to the Director of Streets and Parks.

## MOTIONS & RESOLUTIONS

**041917.2**

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 21, 2017 as follows:

General Fund Account #001 $ 68,529.93

Water Fund Account #002 $ 26,260.86

Sewer Fund Account #003 $ 18,370.42

Capital Projects Account #004 $ 93,401.08

Refuse Fund Account #012 $ 90,298.23

Self Insurance Account #015 $ 146,129.75

Payroll Pay Date 4/13/17 $ 450,583.84

Seconded by Alderman Oates and adopted. Ayes 5.

**041917.3**

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 Little Loop Football for use of Exchange Field for their 2017 season.

Seconded by Alderman Abbott and adopted. Ayes 5.

**041917.4**

By Alderman Abbott:

WHEREAS, the City sold vehicles via online auction and received payment in the amount of $27,955.00, now therefor be

RESOLVED, the budget needs to be amended for the receipt of revenue and appropriation of expenditures.

INCREASE APPROPRIATED FUND BALANCE:

0599 $27,955.00

INCREASE EXPENSE:

001.3120.0230 $27,955.00

Seconded by Alderman Wohleben and adopted. Ayes 5.

**041917.5 WITHDRAWN** (Adopt Fund Balance Policy)

**041917.6**

By Alderman Wohleben:

Resolved, that pursuant to their request, permission is hereby granted to Lockport New Beginnings, Inc. to barricade city parking lot #5 on Saturday, May 20, 2017 for a fundraising yard sale 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 Mullane and adopted. Ayes 5.

**041917.7**

By Alderman Mullane:

Resolved, that pursuant to their request, permission is hereby granted to the Challenger Learning Center of Orleans, Niagara and Erie Counties to barricade a portion of Washburn Street on Friday, May 12, 2017 for a grand opening ribbon cutting ceremony, 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 O’Shaughnessy and adopted. Ayes 5.

**041917.8**

By Alderman Wohleben:

Resolved, that pursuant to their request, the Anna Merritt PTA be and the same is hereby given permission to install and maintain a Little Free Library in Outwater Park, and be it further

Resolved, that the Director of Streets and Parks is hereby authorized and directed to coordinate with the Anna Merritt PTA for installation of the Little Free Library.

Seconded by Alderman Mullane and adopted. Ayes 5.

**041917.9**

By Alderman Mullane:

Resolved, that a public hearing be held at the Common Council Meeting of May 3, 2017 starting at 6:30 P.M. in the Common Council Chambers, Lockport Municipal Building, One Locks Plaza, Lockport, NY relative to a request for an amendment to a Special Use Permit granted to Darrin Chiappone, relative to a recreational building to be located at 1 Short 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 Oates and adopted. Ayes 5.

**041917.9A**

By Alderman Abbott:

**WHEREAS**, Arbor Day has been an occasion for recognizing the value of trees and woodlands to human welfare since 1872; and

**WHEREAS**, the City of Lockport recognizes the value of trees as they contribute to our environment by cleaning the air, moderating the temperature, reducing heating and cooling costs, and provide wildlife habitat; and

**WHEREAS**, trees are a renewable resource and beautify our residential and business areas; and

**WHEREAS**, the City of Lockport has a tradition of supporting and encouraging the planting, care and health of trees throughout the community.

**NOW, THEREFORE**, be it resolved that the Common Council does hereby designate and proclaim April 28, 2017 as Arbor Day

Seconded by Alderman Wohleben and adopted. Ayes 5.

**041917.9B**

By Alderman Mullane:

Resolved, that pursuant to their request, the Niagara County SPCA be and the same is hereby given permission to use the pavilion at Wide Waters Marina for the NCSPCA Hound Hike on Saturday, September 9, 2017, 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 event.

Seconded by Alderman Oates and adopted. Ayes 5.

**041917.9C**

By Alderman Oates:

Resolved, that pursuant to their request, the S.T.A.R. Group be and the same is hereby granted permission to conduct the 1st annual Walk Away From Drugs in the City of Lockport on Sunday, July 30, 2017 subject to approval of the walk route by the Police Chief. Said walk will begin at 1:00 at Veteran’s Park on East Avenue and will proceed west on East Avenue/Main Street and terminate at Ida Fritz Park, and be it further

Resolved, that permission is hereby granted to use the pavilion at Ida Fritz Park for activities to culminate the event, and be it further

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

Seconded by Alderman Mullane and adopted. Ayes 5.

**041917.9D**

By Alderman Wohleben:

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 17th and running through October 14th, 2017, and be it further

Resolved, that permission is hereby granted to place not more than 25 signs promoting the Community Market in the City’s right-of-way, and be 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 Oates and adopted. Ayes 5.

**041917.9E**

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

BOND ORDINANCE DATED APRIL 19, 2017.

AN ORDINANCE AUTHORIZING THE ISSUANCE OF $122,000 BONDS OF THE CITY OF LOCKPORT, NIAGARA COUNTY, NEW YORK, TO PAY the COST OF THE Reconstruction of sanitary sewer main on davidson road, in and FOR SAID CITY.

By Alderman Wohleben:

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

Seconded by Alderman Abbott and adopted. Ayes 5.

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 sewer main on Davidson Road, in and for the City of

Lockport, Niagara County, New York, including original furnishings, machinery, equipment, apparatus, appurtenances, and incidental improvements and expenses in connection therewith, is hereby authorized at a maximum estimated cost of $122,000.

Section 2. It is hereby determined that the plan for the financing of said specific object or purpose is by the issuance of $122,000 bonds of said City hereby authorized to be issued therefor pursuant to the provisions of the Local Finance Law.

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 4 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 Environmental Conservation 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 ABSENT

Alderman Mullane VOTING YES

Alderman Oates VOTING YES

Alderman O’Shaughnessy VOTING YES

Alderman Wohleben VOTING YES

The ordinance was thereupon declared duly adopted.

**041917.9F**

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

BOND ORDINANCE DATED APRIL 19, 2017.

AN ORDINANCE AUTHORIZING THE ISSUANCE OF $152,000 BONDS OF THE CITY OF LOCKPORT, NIAGARA COUNTY, NEW YORK, TO PAY the COST OF THE purchase of a dump truck, FOR SAID CITY.

By Alderman Wohleben:

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

Seconded by Alderman Oates and adopted. Ayes 5.

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 purchase of a dump truck, for the City of Lockport, Niagara County, New York, including incidental equipment and expenses in connection therewith, is hereby authorized at a maximum estimated cost of $152,000.

Section 2. It is hereby determined that the plan for the financing of said specific object or purpose is by the issuance of $152,000 bonds of said City hereby authorized to be issued therefor pursuant to the provisions of the Local Finance Law.

Section 3. It is hereby further determined that the period of probable usefulness of the aforesaid specific object or purpose is fifteen years, pursuant to subdivision 28 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; 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 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 9. 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 10. 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 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 ABSENT

Alderman Mullane VOTING YES

Alderman Oates VOTING YES

Alderman O’Shaughnessy VOTING YES

Alderman Wohleben VOTING YES

The ordinance was thereupon declared duly adopted.

**041917.10** **ADJOURNMENT**

At 6:53 P.M. Alderman Wohleben moved the Common Council be adjourned until 6:30 P.M., Wednesday, May 3, 2017.

Seconded by Alderman Oates and adopted. Ayes 5.

RICHELLE J. PASCERI

City Clerk

CITY OF LOCKPORT

**CORPORATION PROCEEDINGS**

Lockport Municipal Building

Regular Meeting

Official Record

May 3, 2017

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

Absent: Alderman Abbott

**INVOCATION**

**MAYOR’S UPDATE**

**TREASURER’S UPDATE**

**RECESS**

Recess for public input.

**050317.1** **APPROVAL OF MINUTES**

On motion of Alderman Wohleben, seconded by Alderman Devine, the minutes of the Regular Meeting of April 19, 2017 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 an amendment to a Special Use Permit granted to install four bocce courts and erect a new 34’ x 24’ building with a 12’ x 20’ covered patio to be used as a recreational use with beer and wine service located at 1 Short Street.

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

Recess for public input.

The Mayor closed the public hearing.

**FROM THE MAYOR**

**Appointments:**

4/19/17 Anne F. Calos – appointed as Senior Account Clerk for the City of Lockport Police Department effective April 18, 2017. 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)

4/12/17 Bridgett Borek, Lockport In Bloom Chair – request permission to conduct the 13th Annual Lockport In Bloom Garden Walk, and request permission to install a banner and signage to promote the Garden Walk.

Referred to the Committee of the Whole

4/19/17 Jennifer Murphy, Race Chair, DeSales Catholic School – request permission to conduct the annual DeSales Race for Fitness 5K run and 1 mile fun run on Saturday, May 6, 2017.

Referred to the Committee of the Whole

4/28/17 Scott Collins, Niagara County Soil & Water Conservation District – request permission to perform a park enhancement project at Rollin T Grant Wilderness Park.

Referred to the Committee of the Whole

5/2/17 Cathy L. Maloney, J.D., Executive Director, Cornell Cooperative Extension, Niagara County – request permission to erect a banner across East Avenue to promote the 2017 Niagara County Fair.

Referred to the Committee of the Whole

**Notice of Defect:**

4/13/17 376 North Transit Street – trees

4/11/17 88 Prospect Street – tree

Referred to the Director of Streets and Parks.

**Notice of Claim:**

4/10/17 Jeanne Koetzle, 218 Katherine Drive, Niagara Falls, NY

4/13/17 Kristy Upson-Swanson, 5936 Bear Ridge Road, Lockport, NY

4/13/17 Jess L. Smith, 101 Beattie Avenue, Lockport, NY

Referred to the Corporation Counsel.

## MOTIONS & RESOLUTIONS

**050317.2**

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 5, 2017 as follows:

General Fund Account #001 $ 100,994.63

Water Fund Account #002 $ 33,300.54

Sewer Fund Account #003 $ 33,757.77

Capital Projects Account #004 $ 169,704.00

Refuse Fund Account #012 $ 304.80

Worker’s Comp Account #020 $ 100.00

Payroll Pay Date 4/27/17 $ 473,255.74

Seconded by Alderman Oates and adopted. Ayes 5

**050317.3**

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

Mark F. Sobieraski 20 Municipal Worker

Seconded by Alderman Oates and adopted. Ayes 5.

**050317.4**

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 TDS Services, 6265 Dorchester Road, Lockport, NY for cutting grass on privately owned parcels.

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

**050317.5 (\*corrected 5/17/17)**

By Alderman Oates:

Resolved, that pursuant to the recommendation of the Lockport Planning Board, the special use permit issued on March 15, 2017, to Darrin Chiappone to install bocce courts at 1 Short Street, situated in an I-2 Zone, be amended as follows:

Delete “erect a new 34’ x 24’ building with a 12’ x 20’ covered patio”

Replace with “utilize the existing building **\*with potential to erect a new 34’ x 24’ building with a 12’ x 20’ covered patio at a later date.”**

Seconded by Alderman Devine and adopted. Ayes 5.

**050317.6**

By Alderman Mullane:

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 6, 2017 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 Wohleben and adopted. Ayes 5.

**050317.7 WITHDRAWN** (Adopt Fund Balance Policy)

**050317.8**

By Alderman Mullane:

Resolved, that pursuant to their request, the Lockport in Bloom committee is hereby granted permission to conduct their 13th annual Lockport In Bloom "City Garden Tour 2017" event the weekend of Saturday, July 8th and Sunday, July 9th, 2017 from 10:00 a.m. to 4:00 p.m., and from 6:30 – 9:00 pm on Saturday, July 9th , 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 26th to July 9th 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 Devine and adopted. Ayes 5.

**050317.9**

By Alderman Oates:

WHEREAS, the City of Lockport City Council approved the purchase of a floor machine for the Building Maintenance Department in the amount of $3,700 for the purchase of a floor machine and;

WHEREAS, the Building Maintenance Supervisor has received a proposal for an orbital autoscrubber in the amount of $6,344.95 and recommends its purchase necessitating the use of contingency; and

WHEREAS, a portion of this purchase is eligible for reimbursement from the Unified Court System;

NOW THEREFORE, BE IT

RESOLVED, that the 2017 Budget is hereby amended as follows:

Increase:

Expense 01-1620.0250 Building Repair $2,645

Decrease:

Expense 01-1900.1990 Contingency $1,312

Increase:

Revenue 01-0001.3330 State Aid – Court Maint. $1,333

Seconded by Alderman Wohleben and adopted. Ayes 5.

**050317.10**

By Alderman Devine:

Whereas, in 2013 the City had bonded for various Water Department machinery and equipment; and

Whereas, a portion of those bond proceeds remain unspent; and

Whereas, the Water Department has a need for a dump truck and backhoe, and

Whereas, these pieces of equipment are on an Onondaga County and State Contract, making bidding unnecessary;

Now Therefore, Be it

Resolved, that the Street’s Department is authorized to purchase the following equipment:

New Holland B95C Tractor Loader Backhoe $97,078

2016 International 4300 SBA 4x2 Single Axle Dump Truck $97,919

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

**050317.11**

By Alderman Wohleben:

Whereas, the City Treasurer conducted an auction selling properties taken by the City through in-rem foreclosure for failure to pay property taxes; and

Whereas, 27 parcels were sold at auction, 16 of which sold for less than the total liability owed the City; and

Whereas, the City Council must write-off the remaining uncollectible liability on these 16 parcels; and

Whereas, the Community Development Department has requested consideration for one additional parcel write-off for Community Development purposes; Now Therefore, Be it

Resolved, that the City Council hereby authorizes and directs the City Treasurer to write-off the following uncollectible accounts for these properties:

School Taxes $ 1,527.47

Water Accounts $ 1,815.93

Sewer Accounts $ 1,508.19

Refuse Accounts $ 1,324.27

Misc. Fees $ 1,650.00

Postage $ 1,634.80

City Property Taxes $95,266.77

Seconded by Alderman Oates and adopted. Ayes 4. No 1. Ald. Mullane voted no.

**050317.12**

By Alderman Devine:

WHEREAS, the City of Lockport proposes to replace existing fluoridation equipment at the City of Lockport Water Treatment Plant, located at 220 Summit Street, due to the age and condition of the existing equipment; and

WHEREAS, the City has been awarded a Drinking Water Fluoridation Grant in the amount of $50,000 through the NYS Department of Health Competitive Grant Program;

NOW, THEREFORE, BE IT:

RESOLVED that the Mayor, subject to Corporate Council approval, is authorized to accept the Drinking Water Fluoridation Grant and to execute a Grant Agreement with the NYS Department of Health and any other contracts, documents and instruments necessary to bring about the Project and to fulfill the City of Lockport’s obligations under the Drinking Water Fluoridation Grant Agreement.

Seconded by Alderman Wohleben and adopted. Ayes 5.

**050317.13**

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 1, 2017, 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 Mullane and adopted. Ayes 5.

**050317.14**

By Alderman Wohleben:

**WHEREAS**, the City of Lockport received a grant for $1,315,000 dollars from Empire State Development for the continued rehabilitation of the historic Erie Canal Flight of Five locks, and

**WHEREAS** , the City of Lockport contracted with Bergmann Associates to complete the final design, Phase 2 (Lock 68), of the Flight of Five rehabilitation project, and

**WHEREAS** , a number of factors (including an additional $200,000 grant for said rehabilitation) have led to additional design work needing to be completed pursuant to the proposal for supplemental services from Bergmann Associates dated April,7, 2017.

**NOW, THEREFORE, BE IT**

**RESOLVED** that the Mayor be and is hereby authorized and directed to execute a supplemental agreement with Bergmann Associates for the sum of $154,195.00 for additional services needed to complete the Construction Documents for the 2nd Phase of Constructions that rehabilitates Lock 68 of the Flight of Five.

Seconded by Alderman Oates and adopted. Ayes 5.

**050317.14A**

By Alderman Oates:

Resolved, that pursuant to the request of the Niagara County Soil & Water Conservation District, permission is hereby granted to perform park enhancement projects within the Rollin T. Grant Gulf Wilderness Park. Said permission includes planting trees and shrubs, clean-up of litter and debris, installation of bat boxes, and installation of educational signage.

Seconded by Alderman Devine and adopted. Ayes 5.

**050317.14B**

By Alderman Wohleben:

Resolved, that pursuant to their request, permission is hereby granted to Open Arms of WNY to barricade the city parking lot on Main Street across from City Hall on Saturday, August 26, 2017 for the Tools for Schools project, 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 5.

**050317.14C**

By Alderman Devine:

Resolved, that the Mayor and Common Council do hereby extend condolences to the family of William Krinke, a retired City of Lockport Fire Captain who recently passed away.

Seconded by Alderman Mullane and adopted. Ayes 5.

**050317.14D**

By Alderman Wohleben:

Resolved, that a public hearing be held at the Common Council Meeting of May 17, 2017 starting at 6:30 P.M. in the Common Council Chambers, Lockport Municipal Building, One Locks Plaza, Lockport, NY relative to the Microenterprise Grant, 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 5.

**050317.14E**

By Alderman Oates:

**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**, pursuant to Section 279-A of the City of Lockport Charter whenever the City of Lockport shall become vested with the title to real property by virtue of conveyance to the City or a foreclosure proceeding brought pursuant to the provisions of the real property tax law, the City shall sell and convey the real property so acquired, either with or without advertising for bids, notwithstanding the provisions of any general, special or local law, and

**WHEREAS**, pursuant to Section 279-B of the City Charter no such sale shall be effective unless and until it has been reviewed by the City of Lockport Property Management Committee and has been approved and confirmed by a majority vote of the Common Council for sale or disposition by sealed bid; negotiated sale under provisions of the City's Best Use Policy; Homestead Policy; or negotiated sale; except that no such approval shall be required when the property is sold at public auction to the highest bidder, and

**WHEREAS**, the Real Property Management Committee met and discussed the potential sale of the aforementioned parcels and after consideration of the Best Use Policy adopted by the City of Lockport Common Council on April 17, 2002, by Resolution 041702.13, Real Property Management Committee recommend sale of the aforementioned parcels to Joseph P. Chiappone for $500 each and

**WHEREAS**, the City received two Contracts of Sale for the aforesaid parcels from Joseph P. Chiappone on March 21, 2017 for $500.00 for each parcel.

**NOW THEREFORE BE IT**

**RESOLVED**, that the Mayor be and is hereby authorized to enter into Contracts of Sale and execute a quit claim deed and related title documents necessary for the sale of a vacant lot on 420 Niagara Street and an abandoned portion of Ohio Street 50 feet between Short Street and Niagara Street to Joseph P. Chiappone for the sum of 500 per parcel.

Seconded by Alderman Mullane and adopted. Ayes 5.

**050317.14F**

By Alderman Mullane:

Resolved, that pursuant to their request, Cornell Cooperative Extension, Niagara County is hereby granted permission to erect a banner at least 17' from the ground across East Avenue at Davison Road to promote the 2017 Niagara County Fair. 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 Cooperative Extension, Niagara County 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 5.

**050317.15** **ADJOURNMENT**

At 7:54 P.M. Alderman Wohleben moved the Common Council be adjourned until 6:30 P.M., Wednesday, May 17, 2017.

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

RICHELLE J. PASCERI

City Clerk

CITY OF LOCKPORT

**CORPORATION PROCEEDINGS**

Lockport Municipal Building

Regular Meeting

Official Record

May 17, 2017

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

Absent – Alderman Abbott

**MAYOR’S UPDATE**

**TREASURER’S REPORT**

**RECESS**

Recess for public input.

**Minutes correction:**

**050317.5** Resolved, that pursuant to the recommendation of the Lockport Planning Board, the special use permit issued on March 15, 2017, to Darrin Chiappone to install bocce courts at 1 Short Street, situated in an I-2 Zone, be amended as follows:

Delete “erect a new 34’ x 24’ building with a 12’ x 20’ covered patio”

**Replace with “utilize the existing building with potential to erect a new 34’ x 24’ building with a 12’ x 20’ covered patio at a later date.”**

**051717.1** **APPROVAL OF MINUTES**

On motion of Alderman Wohleben, seconded by Alderman Oates, the minutes of the Regular Meeting of May 3, 2017 are hereby approved as printed in the Journal of Proceedings.

Ayes 5. Carried.

PUBLIC HEARING

The Mayor announced a public hearing on a proposal to submit Community Development Block Grant application to the New York State office of Community Renewal for funding to implement a microenterprise assistance program.

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

Recess for public input.

The Mayor closed the public hearing.

**FROM THE MAYOR**

**Appointments:**

5/15/17 Gerald R. DeFlippo, 320 West Avenue, Lockport, NY – reappointed as a member of the Lockport Housing Authority. Said term expires April 26, 2022.

Received and filed

5/17/17 Jennifer G. Wochna, 863 Willow Street, Lockport, NY – appointed as Senior Account Clerk in the Water and Police departments effective May 19, 2017. 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)

5/17/17 Richelle J. Pasceri, City Clerk – notification that the Lockport Municipal Offices will be closed on Monday, May 29, 2017 in observance of Memorial Day. For the entire week of May 29th, garbage will be collected on the day following regularly scheduled collection.

Referred to the Media.

**Notice of Defect:**

4/21/17 43 Roosevelt Drive – tree

5/1/17 159 Willow Street – tree

5/1/17 386 Washburn Street – tree

Referred to the Director of Streets and Parks.

**Notice of Claim:**

5/1/17 William Olczak, 44 Hillcrest Drive, Lockport, NY

5/3/17 Melissa Vasser, 78 Harvey Avenue, Lockport, NY

5/3/17 Dawn Timm, 5750 Oak Lane, Lockport, NY

5/3/17 Brent Sibolski, 8 Bewley Parkway, Lockport, NY

Referred to the Corporation Counsel.

## MOTIONS & RESOLUTIONS

**051717.2**

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 17, 2017 as follows:

General Fund Account #001 $ 50,827.59

Water Fund Account #002 $ 23,721.43

Sewer Fund Account #003 $ 18,089.09

Capital Projects Account #004 $ 712.50

Refuse Fund Account #012 $ 91,067.39

Self Insurance Account #012 $ 145,102.40

Payroll Pay Date 5/11/17 $ 510,955.34

Seconded by Alderman Oates and adopted. Ayes 5.

**051717.3**

By Alderman Wohleben:

**WHEREAS,** the Greater Lockport Corporation has requested that the City of Lockport submit a Community Development Block Grant (“CDBG”) application to the New York State Office of Community Renewal for funding to support the implementation of a microenterprise assistance program (the “Microenterprise Program”); and

**WHEREAS,** the Microenterprise Program will assist the development and expansion of businesses in the City, create employment opportunities, and increase the City’s tax base; and

**WHEREAS,** the GLDC has the capacity to implement the Microenterprise Program in the best interests of the City; and

**WHEREAS,** the City held a public hearing on May 17, 2017 to provide information to the public and to consider citizen comments regarding the City’s community development needs and the Microenterprise Program;

**NOW, THEREFORE BE IT RESOLVED,** that the Mayor is hereby authorized to submit a CDBG grant application on behalf of the City to the New York State Office of Community Renewal for funding to support the implementation of the Microenterprise Program; and

**BE IT FURTHER RESOLVED,** that the Mayor is hereby authorized to execute a grant agreement between the City and the OCR and all related documents associated with the OCR grant, including entering into an agreement with the GLDC for the implementation of the Project and administration of the OCR grant, all such documents to be subject to review and approval by the City Attorney, and

**BE IT FURTHER RESOLVED,** that the Mayor is hereby designated as the Certifying Officer responsible for all activities associated with the federal environmental review process to be completed in conjunction with the Project.

Seconded by Alderman Mullane and adopted. Ayes 5.

**051717.4**

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 Engineering Department commissioned a study of the 42” Storm Sewer on Davison Road from East High Street to the outfall at Eighteen Mile Creek in December 2016 to determine the condition of the sewer and identify sources of backflows in wet weather conditions; and

WHEREAS, an Engineering Memo was issued by Nussbaumer & Clark, Inc. on March 29, 2017 which recommended to clean the 42-inch storm sewer along Davison Road from High Street to the outfall at eighteen Mile Creek and remove sediment and debris ; and

WHEREAS, the Lockport Fire Department reported to the Mayor that numerous calls were received on May 1, 2017 after a severe rain storm caused basement back-ups and street overflows in the entire City; and

WHEREAS, the Fire Department report shows that most of the request for service were concentrated in Hyde Park/Elmwood Ave., Coolidge Ave., Pine Street, Grant St., and Lincolnshire Drive and the Engineering Department is recommending video inspecting of the sewer system at the identified areas to determine if heavy cleaning to remove sediments and obstructions is needed; and

WHEREAS, the Engineering Department requested proposals from qualified contractors to clean the storm sewer along Davison Road as well as video inspecting and clean the storm and sanitary sewers at the locations identified in the Fire Department report. Two quotes were received two as follows: Kandey Company, Inc. $30,000 and Drain Doctor, Inc. $84,000, now therefore, be it

RESOLVED, that the Mayor, subject to Corporation Counsel approval, is hereby authorized and directed to sign an agreement with Kandey Company, Inc., 19 Ransier Drive, West Seneca, NY 14224 for the aforementioned services in accordance with its proposal dated March 31, 2017 for an amount not to exceed $30,000.00 to be charged to account 003.8125.4571.

Seconded by Alderman Oates and adopted. Ayes 5.

**051717.5**

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 Mondays and Wednesdays beginning June 5, 2017 until August 26, 2017. Said permission is subject to the YMCA filing a certificate of insurance with the City Clerk naming the City of Lockport as additional insured.

Seconded by Alderman Mullane and adopted. Ayes 5.

**051717.6**

By Alderman Wohleben:

Resolved, that pursuant to their request, permission is hereby granted to eARTh House to barricade parking spaces in the city owned parking lot near 32 Main Street on the first Wednesday of each month beginning June 7, 2017 until September 6, 2017, 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 traffic cones to the area prior to the event.

Seconded by Alderman Oates and adopted. Ayes 5.

By Alderman Devine:

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

Seconded by Alderman Mullane and adopted. Ayes 5.

**051717.7**

By Alderman Wohleben:

Whereas, the Finance Committee has reviewed a Fund Balance Policy prepared by the Director of Finance relating to proper purpose, accumulation, and use of Fund Balances and contingencies by Fund type; and

Whereas, the Finance has unanimously recommended that said polices be adopted by the Common Council, Now Therefore Be It

Resolved, that the following policy be adopted:

**FUND BALANCE POLICY**

The objective of the fund balance policy is to provide adequate working capital for cash flow and contingency purposes, while maintaining reasonable tax rates.

***Use of Fund Balances***. Fund balance is the accumulation of prior years’ excess or deficit of all revenues and expense. For the purposes of the budget, revenue and expense activity includes bond proceeds and debt service. Available fund balances shall not be used for ongoing operating expenditures, unless a determination has been made that available balances are in excess of required guidelines and plans have been established to address any future operating budget shortfalls. Emphasis shall be placed on one–time uses that achieve future operating cost reductions and/or service level efficiencies

***General Fund Cash Flow and Contingency***. The City shall maintain a minimum unrestricted fund balance in the General Fund equal to 17% of the following year’s General Fund budgeted expenditures to be used for cash flow purposes, to cover unanticipated expenditures of a non–recurring nature, to meet unexpected increases in service delivery costs and/or to cover unexpected revenue shortfalls. These funds are used to avoid cash flow interruptions, generate interest income, and to avoid the need for short–term borrowing.

An adequate operating contingency expense shall be budgeted to provide for business interruption costs and other unanticipated or unbudgeted expenditures. Enterprise funds shall also maintain adequate reserves for emergency improvements relating to new regulations, or emergency needs for capital repair or replacement.

Appropriate balances shall be maintained reflecting the nature of the accounts, including the following:

***General Fund Operating Contingency.*** Each year, the City shall budget an operating budget contingency of not less than 1.25% of all budgeted General Fund expenditures.

***Non–General Governmental Funds***. The appropriate balances shall be the amount needed to maintain positive cash balances throughout the year with exceptions made for those funds associated with economic development purposes which may be aggregated by fund type to maintain a positive balance.

***Enterprise Funds.*** The City shall maintain a minimum cash balance in its Enterprise Funds equal to three months of operating expense, or 25% of the funds’ annual operating budget. This balance shall be maintained to ensure adequate maintenance reserves, operating cash flow requirements, debt service requirements and legal restrictions. Where cost–effective access to capital markets is available and debt financing is regularly used, replacement balances shall not be maintained in a manner which charges current consumers to pay for future facilities, with exceptions made for those funds associated with economic development purposes***.*** Balances in excess of three months of operating expense may be utilized for capital purchases and replacements in lieu of debt financing if doing so allows for continued maintenance of appropriate balances and funding plans. Alternatively, surplus cash reserves may be used for early debt retirement at the recommendation of the Finance Director and City Treasurer, and approval of the Common Council. Financing decisions shall consider the impact on user rates.

***Internal Service Funds.*** The following balances shall be maintained to ensure adequate maintenance reserves, cash flow balancing requirements and legal restrictions:

* *Self–Insurance Funds* shall maintain a cash balance equal to the unpaid claim reserves payable amount on its balance sheet, as defined by the independent actuary plus 10% of the annual department operating budgets within the fund. Net position within the fund should not fall below zero.

***Annual Review.*** An annual review of cash flow requirements and appropriate fund balances shall be undertaken to determine whether modifications are appropriate for the reserve policy.

Seconded by Alderman Oates and adopted. Ayes 5.

**051717.8**

By Alderman Devine:

**WHEREAS**, the City of Lockport Compost Facility which processes sludge generated at the City Wastewater Treatment Plant (WWTP), is reaching the end of its design service life; and

**WHEREAS,** the City would like to determine the costs associated with renovation of the Compost Facility or alternative processes which may result in capital, operational or energy cost savings; and

**WHEREAS**, the City would like to evaluate options to upgrade the disinfection capabilities at the WWTP in advance of potential future State Pollutant Discharge Elimination System (SPDES) Permit modifications; and

**WHEREAS**, the current New York Consolidated Funding Application (CFA) call for grant applications includes a Water Quality Improvement Program (WQIP) which provides funding for qualifying disinfection upgrades at New York WWTP’s; and

**WHEREAS,** Nussbaumer & Clark, Inc. submitted a proposal dated on May 1, 2017 to evaluate sludge processing and disinfection upgrades at the WWTP and provide a report including cost estimates and recommendations which may be used to obtain potential funding for improvements; and

WHEREAS, the 2017 Sewer Fund Budget must be amended to fund said studies; Now therefore, be it

**RESOLVED,** that the Mayor, subject to Corporation Counsel approval, is hereby authorized to execute an agreement with Nussbaumer & Clarke, Inc., 3556 Lake Shore Road Suite 500, Buffalo, NY 14219, for a fee Not-to-Exceed $26,500 for the Scope of Work included in their May 1, 2017 proposal to the City and to be charged to account 003.8130.4427; and Be It Further

**RESOLVED,** that the 2017 Sewer Fund Budget is hereby amended as follows:

Increase Expense:

003.8130.4427 Engineering Services $15,000

Decrease Expense:

003.8125.4571 Proactive Line Replacement Materials $15,000

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

**051717.9**

By Alderman Devine:

**WHEREAS**, the City of Lockport (City) previously authorized an evaluation of the Water Street Sewer to identify opportunities to mitigate surcharging in that sewer and has received an Engineering Report recommending various improvements with cost estimates in excess of $2.0 million; and

**WHERAS**, the New York State Water Infrastructure Improvement Act (WIIA) of 2017 authorizes the New York State Environmental Facilities Corporation (NYSEFC) to provide $112.5 Million in grants to eligible Municipal Clean Water (sewer) Projects on a competitive basis; and

**WHEREAS**, if awarded, the grant will fund 25% of eligible project costs; and

**WHEREAS**, Nussbaumer & Clarke, Inc. submitted a proposal dated May 15, 2017 to prepare a competitive 2017 Clean Water Grant Application for the Water Street Sewer Improvement Project which is due to NYSEFC by June 23, 2017; and, now, therefore, be it

**RESOLVED** that the Mayor, subject to Corporate Counsel approval, is hereby authorized to execute an agreement with Nussbaumer & Clarke, Inc. for a fee Not-to-Exceed $1,800 for the Scope of Work included in their May 15, 2017 proposal to the City. Cost of the project to be charged to account # 003.8130.4427.

Seconded by Alderman Mullane and adopted. Ayes 5.

**051717.10**

By Alderman Mullane:

Resolved, that pursuant to the request of the Niagara Art Trail, the Director of Streets and Parks be and the same is hereby authorized and directed to arrange for delivery of temporary no parking signs on Market Street in front of the Bewley Building on June 24th and 25th, 2017.

Seconded by Alderman Devine and adopted. Ayes 5.

**051717.11**

By Alderman Devine:

Whereas, the City of Lockport Common Council adopted Resolution #090314.9 on September 3, 2014 authorizing the Mayor to enter into an agreement to provide pre-hospital emergency services to the sick and injured within the City in compliance with provisions of General Municipal Law Section 122-B, and

Whereas, the City of Lockport entered into an agreement for said services with Twin City Ambulance Service, 555 Commerce Drive Amherst, NY 14228 on September 10, 2014 and terminating on September 14, 2017, and

Whereas, said agreement automatically renews for a one (1) year period every September 15th unless written notice is given by the city on or before July 1st terminating said agreement, and

Whereas, the City of Lockport must determine prior to July 1, 2017 whether it desires to extend the present agreement with Twin City Ambulance Service, Inc., and

Whereas, Twin City Ambulance Service must provide to the satisfaction of the City, any information reasonably requested related to performance and compliance with terms of said agreement within thirty (30) days of said request, and

Whereas, numerous city residents have spoken before the Common Council being critical of the cost and performance of Twin City Ambulance Services, Inc., now therefore be it

Resolved, that in accordance with General Municipal Law, the Chief of the Lockport Fire Department, 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 Pre-Hospital Emergency Medical Services for the sick and injured within the City of Lockport, and be it further

Resolved, that upon receipt of said Request for Proposals (RFP), the City Clerk is hereby authorized and directed to advertise the same no later than June 1, 2017.

On motion of Alderman Oates, seconded by Alderman Wohleben, the Common Council moved to Executive Session for litigation matters at 7:11 PM. Ayes 5. Carried.

On motion of Alderman Oates, seconded by Alderman Devine, the Common Council ended executive Session at 7:17 PM. Ayes 5. Carried.

Resolution **051717.11** sponsored by Alderman Devine and seconded by Alderman O’Shaughnessy. Ayes 3. Nos 2. Aldermen Wohleben and Oates voted no.

Motion Failed.

**051717.11A**

By Alderman Oates:

Resolved, that pursuant to their request, permission is hereby granted to AnJo Bombers 14-U to use the softball field at Outwater Park for a baseball game on May 28, 2017. Said permission is subject to the AnJo Bombers filing a certificate of insurance with the City Clerk naming the City of Lockport as additional insured.

Seconded by Alderman Wholeben and adopted. Ayes 5.

**051717.11B**

By Alderman Devine:

**WHEREAS**, the City is the owner of Exchange Field at Outwater Park located on Corinthia Street, Lockport, New York,

**WHEREAS**, LR wishes to use said field for the purpose of playing semi-professional football, and

**WHEREAS**, LR is a For-Profit organization that promotes social welfare and physical fitness and it lessen the burdens of government by promoting the participation of people in sports, thereby enhancing their quality of life, by providing a public venue or venues for sports and recreational activities in the City of Lockport, New York. **NOW, THEREFORE**, **BE IT**

**RESOLVED**, that the Mayor be and is hereby authorized to enter into an agreement with Lockport Rampage, which shall be subject to the approval of Corporation Counsel, for the use of Exchange Field for the 2017 season.

Seconded by Alderman Oates and adopted. Ayes 5.

**051717.11C**

By Alderman Oates:

**WHEREAS**, the Director of Engineering informed the Traffic Advisory Committee that the Niagara Street traffic signal at the crossing with the rail road tracks is broken and in need of repair; and

**WHEREAS,** the traffic Advisory Committee have determined that the repair of said traffic light is an emergency since public safety is in danger and recommends the City to take immediate action to resolve the issue ; and

**WHEREAS**, the Engineering Department received a proposal from Ferguson Electric Construction Co., Inc. for $13,800 to install a new traffic signal cabinet and controller; now therefore, be it

**RESOLVED,** that the Mayor, subject to Corporation Counsel approval, is hereby authorized to execute an agreement with Ferguson Electric Construction Co., Inc., 333 Ellicott Street, Buffalo, NY 14203, for a cost of $13,800.00 plus 20% of contingency for the Scope of Work included in their May 9, 2017 proposal to the City and to be charged to account # 001.5182.4725.

Seconded by Alderman Mullane and adopted. Ayes 5.

**051717.11D**

By Alderman Wohleben:

**WHEREAS**, the Greater Lockport Development Corporation (“GLDC”) is a local development corporation formed to eliminate blight, create jobs and promote economic development in the City of Lockport by undertaking various projects throughout the City, and

**WHEREAS**, the City of Lockport adopted a resolution supporting the Greater Lockport Development Corporation’s (“GLDC”) grant application to Restore New York Program, and

**WHEREAS**, the City and the GLDC were awarded a $500,000 grant through the State’s Restore New York Program to restore the Tuscarora Club on Walnut Street in the City of Lockport, New York, and

**WHEREAS**, the GLDC commissioned an engineering company to study and report on the condition of the Tuscarora Club, needed improvements and potential uses, and

**WHEREAS**, the GLDC plans to undertake a project in accordance with the above engineering project, and

**WHEREAS**, the GLDC will pay for the improvements and related expenses of the project and submit the same to Restore New York Program for reimbursement through the above grant, and

**WHEREAS**, the reimburse from the State will be paid to the City and the City will then pay/reimburse the GLDC, and

**WHEREAS**, an agreement between the City and the GLDC is necessary to accomplish the above payment applications and reimbursements. **NOW THEREFORE, BE IT**

**RESOLVED**, that the Mayor, subject to the approval of Corporation Counsel, be and is hereby authorized to enter in an agreement with the GLDC to reimburse the GLDC for costs it incurs in the Tuscarora Club project through grants funds received from the Restore New York Grant of $500,000.

Seconded by Alderman Oates and adopted. Ayes 5.

**051717.12** **ADJOURNMENT**

At 7:29 P.M. Alderman Wohleben moved the Common Council be adjourned until 6:30 P.M., Wednesday, June 7, 2017.

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

June 7, 2017

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, Mullane, and Wohleben.

Absent: Alderman O’Shaughnessy

**INVOCATION**

**MAYOR’S UPDATE**

**RECESS**

Recess for public input.

**060717.1** **APPROVAL OF MINUTES**

On motion of Alderman Wohleben, seconded by Alderman Abbott, the minutes of the Regular Meeting of May 17, 2017 are hereby approved as printed in the Journal of Proceedings.

Ayes 5. Carried.

**FROM THE MAYOR**

**Appointments:**

5/23/17 Amanda Farrell, 50 Independence Drive, Lockport, NY – appointed as a Commissioner of Deeds. Said term expires December 31, 2018.

Received and filed

6/2/17 Gary Strenkowski, 2453 Jagow Road, Niagara Falls, NY – appointed as a Commissioner of Deeds. Said term expires December 31, 2017.

Received and filed

6/6/17 Lawrence Eggert, 194 Independence Drive, Lockport, NY – appointed as a Commissioner of Deeds. Said term expires December 31, 2017.

Received and filed

6/6/17 Rikki Cason, 21 Charlotte 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)

5/25/17 Vanessa Bates-Mixson, Community Health Center of Buffalo, Inc. – request permission to conduct a healthcare event on August 16, 2017.

Referred to the Committee of the Whole

**Notice of Defect:**

5/12/17 8 South Street – tree

5/15/17 95 Park Lane Circle – tree

5/19/17 156/162 Spalding Street – tree

5/22/17 305-327 High Street – tree stump

5/24/17 Intersection of Roosevelt Dr. & Virginia Ct. – potholes

5/26/17 56 Cleveland Place – trees

5/26/17 271 W. Caledonia Street – trees

5/31/17 480 Hawley Street – tree

Referred to the Director of Streets and Parks.

**Notice of Claim:**

5/16/17 Richard P. Maigret, 4410 Day Road, Lockport, NY

5/16/17 Matthew & Katie Little, 451 Davison Road, #10, Lockport, NY

5/31/17 Michael P. Barrett, 91 Trowbridge Street, Lockport, NY

Referred to the Corporation Counsel.

## MOTIONS & RESOLUTIONS

**060717.2**

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 9, 2017 as follows:

General Fund Account #001 $ 104,132.91

Water Fund Account #002 $ 26,018.04

Sewer Fund Account #003 $ 15,012.88

Capital Projects Account #004 $ 89,804.29

Refuse Fund Account #012 $ 75.00

Self Insurance Account #015 $ 7,271.99

Payroll Pay Date 5/25/17 $ 457,895.84

Seconded by Alderman Devine and adopted. Ayes 5.

**060717.3**

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

Wilmer King Jr. 40 Municipal Worker

Benjamin L. LeSold 20 Fire Lieutenant

Chad E. Ruchala 20 Firefighter

Seconded by Alderman Mullane and adopted. Ayes 5.

**060717.4**

By Alderman Oates:

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 Tuesday, July 4, 2017, with rain date being Wednesday, July 5, 2017.

Seconded by Alderman Mullane and adopted. Ayes 5.

**060717.5**

By Alderman Wohleben:

Resolved, that the Youth Board is hereby granted permission to conduct an Independence Day Parade on Monday, July 3, 2017, 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 Abbott and adopted. Ayes 5.

**060717.6**

By Alderman Abbott:

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 the remainder of June, and during the months of July and August through August.

Common Council to be held at 5:30 pm for the remainder of June, and during the months of July and August

Summer Recess – no COTW Work Session August 23rd and August 30th

Seconded by Alderman Mullane and adopted. Ayes 5.

**060717.7**

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 July 6, 2017 through November 4, 2017, 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 Abbott and adopted. Ayes 5.

**060717.8**

By Alderman Wohleben:

Resolved, that pursuant to their request, permission is hereby granted to Lockport Main Street to barricade Pine Street between Main Street to Caledonia Street on July 8, 2017 for the Erie Canal Bicentennial Celebration Concert and fireworks, 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 Devine and adopted. Ayes 5.

**060717.9**

By Alderman Abbott:

Resolved, that the Mayor and Common Council do hereby extend condolences to the family of Henry B. Newman, a retired City of Lockport Police Chief who recently passed away.

Seconded by Alderman Mullane and adopted. Ayes 5.

**060717.10**

By Alderman Wohleben:

WHEREAS, the City of Lockport was awarded two grants from the State of New York in 2007 for in the amounts of $20,000 and $10,000 for improvements at Outwater Park and the Community Pool respectively, and

WHEREAS, the grants have not yet been acted upon and neither the expense nor revenue has been budgeted necessitating a budget amendment;

NOW THEREFORE, BE IT

RESOLVED, that the 2017 Budget is hereby amended as follows:

Increase:

Revenue 001.0001.3089 Other State Revenue $30,000

Expense 001.7110.4375 Grant Expense $20,000

Expense 001.7180.4375 Grant Expense $10,000

Seconded by Alderman Abbott and adopted. Ayes 5.

**060717.11**

By Alderman Oates:

Whereas, recent heavy rain events have caused erosion at the north side of Market Street and a retaining wall located at 210 Market Street collapsed as a result of hydraulic pressure, and

Whereas, the City’s consultant engineering firm, Nussbaumer and Clarke Inc., has performed an evaluation of the damage and issued a memo, dated May 25, 2017, in which a geotechnical investigation is recommended to determine engineering parameters for proposing alternatives to remediate the damage on the north shoulder of Market Street , and

Whereas, the Engineering Department has received a proposal for Sub-Surface Exploration and Geotechnical Evaluation for Proposed Remediation of Failed Retaining Wall on Market Street, from Empire Geo Services, Inc., dated May 30, 2017, for an estimated cost of $5,950, and be it further

Resolved, that the Mayor, subject to Corporation Counsel approval, is hereby authorized and directed enter into contract with Empire Geo Services, Inc., 5167 South Park Avenue, Hamburg, NY 14075, for an amount of $5,950.00 to complete said geotechnical evaluation at Market Street and to be charged to Account # 001.1440.4427.

Seconded by Alderman Devine and adopted. Ayes 5.

**060717.12 WITHDRAWN** (Adopt Water/Sewer Adjustment Policy)

**060717.13**

By Alderman Wohleben:

Resolved, that pursuant to their request, permission is hereby granted to the Community Health Center of Buffalo to barricade Heritage Way on August 16, 2017 for a healthcare 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 Devine and adopted. Ayes 5.

**060717.14**

By Alderman Oates:

Resolved, that pursuant to their request, AnJo Baseball is hereby granted permission to use the baseball filed at Outwater Park for their 2017 Baseball Tournaments subject to approval of the schedule by Highways & Parks Department and AnJo Baseball filing a certificate of insurance with the City Clerk naming the City of Lockport as additional insured.

Seconded by Alderman Devine and adopted. Ayes 5.

**060717.15**

By Alderman Oates:

Resolved, that pursuant to their request, permission is hereby granted to Tri-City Aces to use the baseball field at Outwater Park for baseball games on July 23rd and 27th, 2017, and when available. Said permission is subject to approval of the schedule by Highways & Parks Department and Tri-City Aces filing a certificate of insurance with the City Clerk naming the City of Lockport as additional insured.

Seconded by Alderman Devine and adopted. Ayes 5.

**060717.16**

By Alderman Oates:

Resolved, that pursuant to their request, permission is hereby granted to the Moose Club to barricade Water Street on August 13, 2017 for a community 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 5.

**060717.17**

By Alderman Oates:

Resolved, that pursuant to their request, permission is hereby granted to the residents of Lakeview Parkway to barricade Lakeview Parkway on June 24, 2017, 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 Abbott and adopted. Ayes 5.

**060717.17A**

By Alderman Oates:

WHEREAS, the City of Lockport is in need of a street tree inventory in order to better manage its maintenance and better position itself to receive grants for replacement, and

WHEREAS, the City wishes to utilize an intern position within the City Engineer’s department to conduct this inventory; and

WHEREAS, the 2017 General Fund Budget did not anticipate this expense necessitating the use of contingency funds;

NOW THEREFORE, BE IT

RESOLVED, that the 2017 Budget is hereby amended as follows:

Increase:

Expense 001.1440.0113 Personnel, Seasonal $5,000

Decrease:

Expense 01-1900-1990 Contingency $5,000

Seconded by Alderman Mullane and adopted. Ayes 5.

**060717.17B**

By Alderman Devine:

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 5.

**060717.17C**

By Alderman Devine:

WHEREAS, the City of Lockport is planning to apply for a Clean Water Grant for sewer improvements along Water Street; 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 an Unlisted action as defined under SEQR; and

WHEREAS, 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. NOW THEREFORE BE IT

RESOLVED, The City of Lockport declares that it will serve as Lead Agency for the sewer improvements along Water Street; 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 Oates and adopted. Ayes 5.

**060717.17D**

By Alderman Devine:

WHEREAS, the City of Lockport (City) previously authorized an evaluation of the Water Street Sewer to identify opportunities to mitigate surcharging in that sewer and has received an Engineering Report recommending various improvements with a cost estimate of $2.3 million; and

WHEREAS the New York State Water Infrastructure Improvement Act (WIIA) of 2017 authorizes the New York State Environmental Facilities Corporation (NYSEFC) to provide grants to eligible Municipal Clean Water (sewer) Projects on a competitive basis; and

WHEREAS, if awarded, the grant will fund up to 25% of eligible project costs with the balance to be funded by the Clean Water State Revolving Fund (CWSRF); and

WHEREAS, Nussbaumer & Clarke, Inc. has been authorized to prepare a competitive 2017 Clean Water Grant and CWSRF Application for the Water Street Sewer Improvement Project which is due to NYSEFC by June 23, 2017; and

NOW, THEREFORE, BE IT

RESOLVED that the Mayor, subject to Corporation Counsel approval, is directed to apply for the Clean Water Grant, authorized to sign the Grant and CWSRF applications and supporting documents, and if awarded, 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 Clean Water Grant Agreement.

Seconded by Alderman Oates and adopted. Ayes 5.

**060717.17E**

By Alderman Mullane:

WHEREAS, the Erie Canal is celebrating its 200 anniversary on July 8, 2017 to be memorialized, in part, by a fireworks show sponsored and funded by the Downtown Business Association and,

WHEREAS, the City also sponsors a fireworks display on July 4th, Independence Day, each year, and

WHEREAS, the City wishes to enter into an agreement with a fireworks contractor to provide these displays;

NOW THEREFORE, BE IT

RESOLVED, that the 2017 Budget is hereby amended as follows:

Increase:

Revenue 001.0001.2770 Miscellaneous $7,500

Expense 001.8510.4301 Fireworks $7,500

And Be It Further,

RESOLVED, that the Mayor is hereby authorized and directed to execute and agreement with Young Explosives, Inc. for the provision of fireworks displays for July 4, 2017 and July 8, 2017, with a right of the City to renew for two additional years, subject to review and approval by the City Attorney.

Seconded by Alderman Devine and adopted. Ayes 5.

**060717.17F**

By Alderman Oates:

WHEREAS, a motorist hit and destroyed the City’s gazebo on Market Street and,

WHEREAS, the City wishes to replace the structure and needs to amend the budget accordingly;

NOW THEREFORE, BE IT

RESOLVED, that the 2017 Budget is hereby amended as follows:

Increase:

Revenue 001.0001.2690 Insurance Recovery $5,431

Expense 001.5110.4706 Building Repair $5,431

Seconded by Alderman Abbott and adopted. Ayes 5.

**060717.17G**

By Alderman Oates:

**WHEREAS**, the City sought proposals for the management and operation of the “Widewaters Marina,” and

**WHEREAS**, the City did not receive any proposals, and

**WHEREAS**, James Kane the owner operator of the adjoining Widewaters Restaurant who expressed a desire and interest in entering into a Management Agreement with the City for the “Marina,” and

**WHEREAS,** the City did not budget for the operations of the Marina in 2017 necessitating an amendment to the 2017 Budget;

**NOW, THEREFORE, BE IT**

**RESOLVED,** that the 2017 General Fund Budget is hereby amended as follows:

Increase:

Revenue:

001.0001.2088 Marina Fuel $ 3,600

001.0001.0289 Marina Sales $ 1,600

Expense:

001.7185.0100 Personal Services – PT $ 8,500

001.7185.4255 Administrative Costs $ 3,000

001.7185.4561 Gas, Oil $ 3,000

001.7185.4571 Operation Supplies $10,000

001.7185.0802 FICA $ 650

001.7185.0802 Workers Comp. $ 3,960

Decrease:

001.1900.1990 Contingency $23,910

And be it Further

**RESOLVED**, that the Mayor subject to Corporation Counsel approval be and is hereby authorized to enter into a management agreement with James Kane as an independent contractor for the management and operation of Widewaters Marina under the following terms:

1. The term shall be for one year during the months of June 26, 2017 through September 30, 2017;
2. The fee shall be $3,000;
3. The independent Contractor shall have the exclusive rights to all retail, catering, boat rental (canoe/kayaks) bicycle rentals and entertainment at the Marina during the above term;
4. Independent Contractor shall present a plan for improvements to Marina to include updating the docks, gas and dump services by the City;
5. Independent Contractor shall work on promotional ideas for travel magazines, state tourism guides
6. The City will assist in Grant research/writing
7. All dock rental fees and launch fees shall belong to the City as well as all ice and gas sales and dump station fees
8. Independent Contractor shall provide boaters with a system to allow boaters to pay with credit card for docks, gas and related; if necessary
9. City shall provide summer help and materials to assist Independent Contractor with the maintenance and operation of the Marina
10. The City shall cut the grass, weedwack, landscape, paint , clean docks, provide lighting as well as clean bathrooms every morning and supply all cleaning and paper products as currently standard operating procedure
11. City shall be responsible for signage.

Seconded by Alderman Devine and adopted. Ayes 5.

**060717.17H**

By Alderman Mullane:

WHEREAS, the City received a Grant from the Grigg Lewis Foundation, Inc. for the Game Changers Program in the amount of $800.00, and

WHEREAS, the revenues and activities related to the grant were not budgeted for the year 2017, now therefore be it

RESOLVED, that the 2017 budget needs to be amended as follows:

INCREASE REVENUES:

001-0001-4389 Game Changers Program $800.00

INCREASE APPROPRIATIONS:

001-3120-4552 Supplies/Materials $800.00

Seconded by Alderman Oates and adopted. Ayes 5.

By Alderman Oates:

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

Seconded by Alderman Mullane and adopted. Ayes 5.

**060717.17I**

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

BOND ORDINANCE DATED JUNE 7, 2017.

AN ORDINANCE AUTHORIZING THE ISSUANCE OF $2,300,000 BONDS OF THE CITY OF LOCKPORT, NIAGARA COUNTY, NEW YORK, TO PAY the COST OF THE reconstruction of and construction of improvements to sanitary sewer lines and overflow sewer lines, in and FOR SAID CITY.

WHEREAS, the capital project hereinafter described has been determined to be a Type II Action pursuant 6 NYCRR Part 617.5(c)(2) of 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 and construction of improvements to sanitary sewer lines and overflow sewer lines in and near Water Street, in and for the City of Lockport, Niagara County, New York, including original furnishings, machinery, equipment, apparatus, appurtenances, and incidental improvements and expenses in connection therewith, is hereby authorized at a maximum estimated cost of $2,300,000.

Section 2. It is hereby determined that the plan for the financing of said class of objects or purposes is by the issuance of $2,300,000 bonds of said City hereby authorized to be issued therefor pursuant to the provisions of the Local Finance Law; **PROVIDED, HOWEVER**, that to the extent that any Federal or State grants-in-aid are received for such class of objects or purposes, the amount of bonds to be issued pursuant to this ordinance shall be reduced dollar for dollar.

Section 3. It is hereby further determined that the period of probable usefulness of the aforesaid class of objects or purposes is forty years, pursuant to subdivision 4 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 Environmental Conservation 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 class of objects or purposes 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 class of objects or purposes 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 ABSENT

Alderman Wohleben VOTING YES

The ordinance was thereupon declared duly adopted.

**060717.18** **ADJOURNMENT**

At 7:27 P.M. Alderman Wohleben moved the Common Council be adjourned until 5:30 P.M., Wednesday, June 21, 2017.

Seconded by Alderman Oates and adopted. Ayes 5.

RICHELLE J. PASCERI

City Clerk

CITY OF LOCKPORT

**CORPORATION PROCEEDINGS**

Lockport Municipal Building

Regular Meeting

Official Record

June 21, 2017

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

Absent: Alderman Devine

**INVOCATION**

**MAYOR’S UPDATE**

**RECESS**

Recess for public input.

**062117.1** **APPROVAL OF MINUTES**

On motion of Alderman Wohleben, seconded by Alderman Abbott, the minutes of the Regular Meeting of June 7, 2017 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)

5/30/17 Darryl R. Barrow, Senior Pastor, Emmanuel United Methodist Church – request permission to conduct their annual block party on July 19, 2017.

Referred to the Committee of the Whole

6/12/17 Richelle J. Pasceri, City Clerk – notification of bid received on June 12, 2017 for the Davison Road Sanitary Sewer Rehabilitation Project are as follows:

Kenyon Pipeline Inspection LLC $87,600.00

Queensbury, NY

Referred to the Committee of the Whole

6/20/17 Richelle J. Pasceri, City Clerk – Notification that the Lockport Municipal Offices will be closed on Tuesday, July 4, 2017 in observance of Independence Day. Garbage collection from July 4th through July 7th will be collected on the day following the regularly scheduled collection day.

Referred to the Media.

6/20/17 Christine E. Sullivan, 12 Park Lane Circle, Lockport, NY – request permission to conduct a petting zoo and pony rides at Kibler Park on July 22, 2017.

Referred to the Committee of the Whole

**Notice of Defect:**

6/2/17 186 Church Street – trees

6/7/17 13 Harding Avenue - tree

6/9/17 29 Fairway Drive – trees

6/12/17 54 Spring Street – tree

6/19/17 717 East Avenue – sewer problem

Referred to the Director of Streets and Parks.

**Notice of Claim:**

6/9/17 Rose Boes, 112 Park Avenue, Lockport, NY

6/21/17 Lockport Locks & Canal Tours, 210 Market Street, Lockport, NY

Referred to the Corporation Counsel.

## MOTIONS & RESOLUTIONS

**062117.2**

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 23, 2017 as follows:

General Fund Account #001 $ 112,099.11

Water Fund Account #002 $ 25,543.03

Sewer Fund Account #003 $ 72,568.23

Capital Projects Account #004 $ 100,986.85

Refuse Fund Account #012 $ 94,753.25

Self Insurance Account #015 $ 145,022.54

Worker’s Comp Account #020 $ 5,900.00

Payroll Pay Date 6/8/17 $ 483,519.07

Seconded by Alderman Oates and adopted. Ayes 5.

By Alderman Wohleben:

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

Seconded by Alderman Abbott and adopted. Ayes 5.

**062117.3**

By Alderman Wohleben:

**WHEREAS,** Section 185-8 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 185-8 C of the City of Lockport Code states that the owner of the premises supplied through the water meter shall be held responsible for all water registered by it, and no reduction in bills rendered shall be allowed for leakage or when part of the water has been used by a contractor or any other person, 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**, the following Policy be and is hereby adopted:

**APPLICATION OF POLICY**

This policy 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.

Nothing contained within this Policy shall limit/impair or impede the powers and authority granted to the Common Council in sections 150-34 and 185-8 B of the City Code.

**PURPOSE**

The purpose of the Policy is to:

(1) require payment for water consumed and not inadvertently wasted;

(2) not require payment for what was not used and concededly went to waste through no fault of the consumer;

(3) afford customers an avenue to have their bill reviewed for a correction of an error;

(4) issue a possible credit or reduction in billing;

(5) consider a payment plan under certain circumstances;

(6) waive penalties and or interest

(7) not charge a customer for water which flowed into the ground through an undetectable ground leak unless it can be shown (a) that the break in the pipe was caused by the customers negligent failure to inspect or maintain the pipe, or (b) that the customer failed to make the repair after notice of the defect. Undetectable shall mean a leak that did not appear anywhere or that the leak was one that was not readily apparent by a customer using reasonable care.

In certain instances, all or a portion of water and/or sewer rents may be credited ore reduced for customers. However, such claims for credits or adjustments must fully investigated and handled on a case by case basis as set forth herein.

**PROCEDURE**

1. All claims must be made within 30 days of the date of the bill;
2. All claims shall be submitted on the form attached hereto;
3. All claims must first be reviewed by the Water Department;
4. The Water Department shall issue a recommendation to Chief Plumbing Inspector;
5. The Chief Plumbing Inspector shall inspect the property and make a recommendation to the Water and Sewer Review Committee.

**WATER AND SERWER REVIEW COMMITTEE**

1. A Water and Sewer Review Committee shall be appointed by the Mayor and shall consist of (1) the Chairman of the Water and Sewer Committee, (2) the Chairman of Finance, (3) the Treasurer, (4) the Corporation Counsel and (5) the Water Treatment Operator. The Treasurer shall chair the committee.
2. The Water and Sewer Review Committee shall notify the Claimant/customer by first class mail not less than seven days before the meeting/hearing by the Committee to make a final decision as to what, if any, relief or action should be granted.
3. The Claimant/customer shall be offered an opportunity by the Committee to present his or her case;
4. The Committee shall deliberate and notify the Claimant/customer of its determination by first class mail within seven days of the Committee meeting/hearing and the Claimant/customer shall have seven days from the date of the letter notifying the Claimant/customer of the Committee determination to accept and pay the Committee’s determination. If the revised water/sewer bill is not paid within said seven days the Claimant/customer shall owe the original amount of the water/sewer bill plus any penalties and interest that may have accrued during this proceeding. In the event that the Committee denies the Claimant/customer any relief the penalties and interest that may have accrued from the date of the filing of the complaint and the date of the notice of determination shall be waived.

**REVIEW CRITERIA**

The Committee shall consider:

1. Whether the case involves extreme circumstances;
2. Whether the customer was responsible;
3. Whether the City was negligent;
4. Whether the water and sewer rents were computed using an incorrect method;
5. Whether the water and Sewer rents were computed incorrectly;
6. Whether the case involves 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 as set by the Common Council by resolution;
7. Whether the cases involves a broken service line was caused or related to a broken water main;
8. Whether the customer can prove the water was not consumed and the customer had no knowledge of the leak or could not have readily discovered the leak using reasonable care.
9. Whether there is proof that the sewer discharge went into a storm sewer (not combined) or ground and not into the sanitary sewer.
10. The customer’s payment history; and
11. The surrounding circumstances.

**PAYMENT PLANS**

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.

f. Payment agreements must be signed and sets forth the terms of the payment plan. Payments and all future bills must remain current or the Payment Agreement will be terminated. In the event penalties are waived in the agreement a default in a Payment Agreement shall result in the reinstatement/reestablishment of all interest and penalties that were waived.

This policy will be reviewed annually.

The City of Lockport may amend or discontinue this policy at any time by Common Council resolution.

Seconded by Alderman Abbott. Ayes 3. Nos 2.

Aldermen Mullane and O’Shaughnessy voted no.

Motion failed.

**062117.4**

By Alderman Oates:

Resolved, that pursuant to their request, permission is hereby granted to Lockport Main Street to use the Main Street parking lot on July 23, 2017 for the Art in The Windows Reception, 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 Mullane and adopted. Ayes 5.

**062117.5**

By Alderman Mullane:

Resolved, that pursuant to their request, permission is hereby granted to Emmanuel United Methodist Church to barricade Wakeman Alley on Wednesday July 19, 2017, 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 O’Shaughnessy and adopted. Ayes 5.

By Alderman Wohleben:

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

Seconded by Alderman Abbott and adopted. Ayes 5.

**062117.6**

By Alderman Wohleben:

WHEREAS, Section 185-8 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 185-8 C of the City of Lockport Code states that the owner of the premises supplied through the water meter shall be held responsible for all water registered by it, and no reduction in bills rendered shall be allowed for leakage or when part of the water has been used by a contractor or any other person, 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 settle 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 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, and

WHEREAS, the City Treasurer applied the following formula to arrive at a fair and equitable compromise with each claimant: The following formula was applied: highest bill less the average bill divided by two plus the average bill equals the new adjusted bill (high bill - avg. bill/2 + avg. bill = new bill)

NOW THEREFORE, upon the advice of the City Treasurer and the Corporation Counsel the water/sewer accounts be and are hereby adjusted as follows:

1. Account Number: 23-0069800-0, 35 Lo Cave Street (adjustment accepted: $964-$177= $787/2=$393.50+$177=$570.50;
2. Account Number:23-0499600-0, 93 Olcott Street (adjustment accepted-different formula applied due to age of invoice 6 yrs.): $4378.80x60% =$2, 2626.68);
3. Account Number: 27-7944000-0, 98 West Avenue (adjustment accepted: $2150.90-$828.80=$1,322/2=$661+$828.80=$1,489.80;
4. Account Number: 6-6049.000, 89 Ransom Street (adjustment declined: $657.20-$222.50=$434.70/2=$217.35+222.50=$439.85).

Seconded by Alderman Oates. Ayes 3. Nos 2.

Aldermen Mullane and O’Shaughnessy voted no.

Motion failed.

**062117.7**

By Alderman Abbott:

Whereas, the Wastewater Treatment Plant Chief Operator has expressed a need for a submersible pump for WWTP operations, and

Whereas, the 2017 Sewer Fund Budget has to be amended to purchase the submersible pump at a cost of $21,170, now therefore be it

Resolved, the 2017 Sewer Fund Budget be amended as follows:

Increase Revenue:

003.0003.2122 Special Billings $21,170

Increase Expense:

003.8130.0230 Equipment $21,170

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

**062117.8**

By Alderman Abbott:

**Whereas**, the City of Lockport authorized the City’s engineering consultant firm Nussbaumer and Clarke Inc. to evaluate the condition of the Davison Road Sanitary Sewer. The sewer evaluation identified defects as a result of the sewer’s age and the City subsequently authorized its consultant to prepare bid plans and spec documents for corrective measures, and

**Whereas**, the City publicly advertised a Notice to Contractors to bid for the project, and received and opened contractor bids on Friday June 9, 2017 at 2:00 pm, and one bid for the project was received as follows: Kenyon Pipeline Inspection, LLC. $87,600, and

**Whereas**, after review of said bid and contractor’s references, the City’s consulting engineer recommends award of the contract to Kenyon Pipeline Inspection, LLC. for an amount of $87,600 as it is within the Engineer’s Estimate for the project and the contractor was found to be qualified, and be it further

**Resolved**, that the Mayor, subject to Corporation Counsel approval, is hereby authorized and directed enter into contract with Kenyon Pipeline Inspection, LLC., 68 Park Road, Queensbury, New York 12804, for an amount of $87,600 plus 20% of contingency to be charged to Account Number 004.8197.0294.4174.

Seconded by Alderman Mullane and adopted. Ayes 5.

**062117.9**

By Alderman Oates:

Resolved, that pursuant to her request, Ellen Martin is hereby granted permission to install a 48” x 96” and a 24” x 48” sign in city owned property to promote Rivi-Erie. 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 Abbott and adopted. Ayes 5.

**062117.9A**

By Alderman Wohleben:

Whereas, the City of Lockport and Kandey Company, Inc. signed a contract on May 18,2017 to perform cleaning and video inspection of storm and sanitary sewers in City areas affected by the May 1, 2017 rain storm event, and

Whereas, Kandey Company, Inc. has found and removed accumulation of sediments, root balls, and obstructions inside of inspected sewer lines on Pine Street, Coolidge Street, Hawley Street, Walnut Street, Hyde Park, Elmwood Avenue, and Lincolnshire/Woodbury/Treehaven Drive, and additional work is required to complete the inspection of sewers on Grant Street and Davison Road, and be it further

Resolved, authorize the Mayor, subject to Corporation Counsel approval, to sign an amendment of the contract between the City of Lockport and Kandey Company, Inc., 19 Ransier Drive, West Seneca, NY 14224, for an amount of $8,000.00 to complete said sewer work and to be charged to Account Number 003.8125.4571.

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

**062117.9B**

By Alderman Abbott:

Resolved, that pursuant to her request, permission is hereby granted to Christine Sullivan to conduct a petting zoo and pony rides at Kibler Park on Saturday, July 22, 2017 from 3:30 p.m. until 4:30 p.m. Said permission is subject to Christine Sullivan filing a certificate of insurance naming the City of Lockport as additional insured and filing current rabies vaccination certificates for all animals with the City Clerk.

Seconded by Alderman Oates and adopted. Ayes 5.

**062117.9C**

By Alderman Wohleben:

WHEREAS, the Lockport Professional Firefighters Association, Inc., IAFF Local 963 (hereinafter “LPFFA”) and the City of Lockport (hereinafter “City”) are parties to a collective bargaining agreement which expired on December 31, 2012, but the terms of which continued upon expiration pursuant to applicable law; and

WHEREAS, the parties have resolved their differences and have negotiated a Tentative Agreement signed June 19, 2017, which is attached hereto and incorporated herein as Exhibit “A” which sets forth their agreement, and

WHEREAS, the LPFFA ratified the Tentative Agreement signed June 19, 2017, at a meeting held on June 19, 2017.

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

1. The Common Council hereby ratifies and approves the Tentative Agreement signed by the parties on June 19, 2017, as attached hereto and made a part hereof as Exhibit “A” and be it further that
2. The Mayor is authorized on behalf of the City to execute a collective bargaining agreement with the LPFFA incorporating the terms and conditions of the Tentative Agreement signed June 19, 2017 (Exhibit “A”) in a form acceptable to counsel for the City.

Seconded by Alderman Oates and adopted. Ayes 4. No 1.

Alderman O’Shaughnessy voted no.

**062117.9D**

By Alderman Wohleben:

WHEREAS, the City of Lockport had been designated a city in fiscal distress and placed under the guidance of the New York State Financial Restructuring Board (FRB) to oversee and assist in improvements to the City’s financial systems; and

WHEREAS, the City recently submitted a request to the FRB to fund a shared service project between the City of Lockport and Niagara County for an initiative to improve the City’s information technology to include new servers, financial management software, payroll software, utility billing software and time and attendance devices; and

WHEREAS, the Financial Restructuring Board has awarded the City of Lockport a grant in the amount of $470,000 to fund this shared service project;

NOW THEREFORE, BE IT

RESOLVED, that the City accepts a grant in the amount of $470,000 for a shared services project with Niagara County for City information technology improvements from the New York State Financial Restructuring Board; and be it further

RESOLVED, that the Mayor is authorized and directed to sign any and all grant agreements by and between the City of Lockport and New York State Financial Restructuring Board for this project; and be it further

RESOLVED, that the Director of Finance is hereby authorized and directed to create a capital project in the amount of $470,000 for the purposes of accounting for the grant revenue and expenses associated with this project.

Seconded by Alderman Abbott and adopted. Ayes 5.

**062117.9E**

By Alderman Oates:

Resolved, that pursuant to their request, Lockport Main Street is hereby granted permission to install signage in various City right of ways to promote the Erie Canal Bicentennial Celebration.

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

**062117.9F**

By Alderman O’Shaughnessy:

WHEREAS, the City of Lockport had been designated a city in fiscal distress and placed under the guidance of the New York State Financial Restructuring Board (FRB) to oversee and assist in improvements to the City’s financial systems; and

WHEREAS, the City recently submitted a request to the FRB to fund a shared service project between the City of Lockport and Niagara County for an Information Technology Program, and

WHEREAS, the Financial Restructuring Board has awarded the City of Lockport a grant in the amount of $470,000 to fund an initiative to replace and improve the City’s information technology to include new servers, ERP Software (financial management software, payroll software, utility billing software) and time and attendance devices as part of a shared service project with Niagara County; and

WHEREAS, the City has received a proposal and contract from Tyler Technologies, Inc., the Niagara County ERP software provider in the amount of $254,000 for the provision of ERP software

NOW THEREFORE, BE IT

RESOLVED, that the Mayor is authorized and directed to sign a contract, upon review and approval by the City Attorney, with Tyler Technologies, Inc. in an amount not to exceed $254,000 for the provision of ERP software.

Seconded by Alderman Oates and adopted. Ayes 5.

**062117.9G**

By Alderman Wohleben:

Resolved, that pursuant to their request, the Greater Lockport Development Corporation is hereby authorized to submit a New York Main Street grant (authorized through the New York State Office of Homes and Community Renewal) through the 2017 NYS Consolidated Funding Application on behalf of business and property owners in the City of Lockport, as identified by the GLDC, for the purpose of rehabilitation and renovation, now therefore be it

Resolved, that the City of Lockport and the Common Council supports this grant application and should funding be awarded, will offer advisory consultation as necessary.

Seconded by Alderman Abbott and adopted. Ayes 5.

**062117.9H**

By Alderman Abbott:

Resolved, that pursuant to their request, permission is hereby granted to the Niagara County Historical Society place temporary “No Parking” signs along the south side of Ontario Street between Church and Canal Streets on July 7, 2017 for a Chiavetta’s Chicken BBQ and free public concert, and be it further

Resolved, that the Director of Streets and Parks be and the same is hereby authorized and directed to arrange for installation of temporary “No Parking” signs to said area prior to said event.

Seconded by Alderman Mullane and adopted. Ayes 5.

**062117.9I**

By Alderman Abbott:

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

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

**062117.10** **ADJOURNMENT**

At 6:03 P.M. Alderman Wohleben moved the Common Council be adjourned until 5:30 P.M., Wednesday, July 5, 2017.

Seconded by Alderman Abbott and adopted. Ayes 5.

RICHELLE J. PASCERI

City Clerk

CITY OF LOCKPORT

**CORPORATION PROCEEDINGS**

Lockport Municipal Building

Regular Meeting

Official Record

July 5, 2017

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.

**070517.1** **APPROVAL OF MINUTES**

On motion of Alderman Wohleben, seconded by Alderman Abbott, the minutes of the Regular Meeting of June 21, 2017 are hereby approved as printed in the Journal of Proceedings.

Ayes 6. Carried.

**FROM THE MAYOR**

**Appointments:**

6/26/17 Eileen Czarnecki, 4385 Beach Ridge Road, North Tonawanda, NY – appointed as a Commissioner of Deeds. Said term expires December 31, 2017.

Received and filed.

6/27/17 Richelle J. Pasceri, 39 Lindhurst Drive, Lockport, NY – re-appointed as the City Clerk of Lockport, New York as of July 1, 2017. Said term expires June 30, 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)

6/22/17 Benjamin Fresch, Youth Director, Faith Tabernacle Church – request permission to use Ida Fritz park for youth programs.

Referred to the Committee of the Whole

6/23/17 David R. Kinyon, Chairman, Locks Heritage District Corporation – request designation of a Lock City Cycling Tour route.

Referred to the Committee of the Whole

**Notice of Defect:**

6/27/17 124 Spalding Street – trees

6/29/17 418 Washburn Street -pothole

Referred to the Director of Streets and Parks.

**Notice of Claim:**

6/21/17 James A. Stoelling, 57 Park Lane Circle, Lockport, NY

6/29/17 Kathy L. Rosh, 3926 Lockport Olcott Road, Lot 118, Lockport, NY

Referred to the Corporation Counsel.

## MOTIONS & RESOLUTIONS

**070517.2**

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 7, 2017 as follows:

General Fund Account #001 $ 132,301.75

Water Fund Account #002 $ 22,380.58

Sewer Fund Account #003 $ 24,076.75

Refuse Fund Account #012 $ 759.52

Worker’s Comp Account #020 $ 7,500.00

Payroll Pay Date 6/22/17 $ 471,710.24

Seconded by Alderman Oates and adopted. Ayes 6.

**070517.3**

By Alderman Abbott:

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

Daniel D. Barrancotta 5 Police Officer

Seconded by Alderman Devine and adopted. Ayes 6.

**070517.4**

By Alderman Mullane:

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 5, 2017, 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 Wohleben and adopted. Ayes 6.

**070517.5**

By Alderman Wohleben:

**WHEREAS**, the Lockport Locks Heritage District Corporation requested the Lockport Common Council designate a route for the proposed Lock City Cycling Tour per the attached bicycle route map incorporated herein, and

**WHEREAS**, the Lock City Cycling Tour has been approved by the Locks Heritage District Board as a means of increasing tourism in the Locks District and if approved by the Common Council, the tour will be offered this summer, and

**WHEREAS**, the tour will be led by volunteers who recently completed the tour/docent training program offered by Explore Buffalo, and

**WHEREAS**, the City of Lockport wishes to formally adopt a Lock City Cycling Tour route.

**NOW, THEREFORE, BE IT**

**RESOLVED**, that the following route be and is hereby designated the “Lock City Cycling Tour”:

Beginning Location: Discovery Center Parking Lot – Gazebo – Canal St

(Restroom available)

Stop 1: The Deep Cut Stevens St Bridge & Towpath at Waters Edge

Stop 2: The Big Bridge On Bridge near Upson Company Building ½ across

Stop 3: Holly’s Fire Protection System and Water System -Lockview Plaza-Main St/ Pine St

Stop 4: Mural on Main St and Memorial Walk 51 Main St

Stop 5: Holly’s District Steam Heat 31 Chestnut

Stop 6: Union Station 95 Union

Stop 7: Outskirts of Lowertown of the 1830s-1860s -Carveth Park – Where Race separates

Stop 8: Historic Lowertown & Garden St Ride-walk to Exchange Bridge and bike to base of Chapel St (Cross Market, walk up Vine, ride on Garden, right on Chapel, cross Market and right on towpath)

Stop 9: Ride along Market St. – Who’s Who -stop at 471 Market Spalding Bissel House

Stop 10: Morgan Brothers Boatyard Memorial Tree Park

Stop 11: Widewaters Marina and Park Widewaters near docks

Restroom available

Stop 12: Towpath Ride 4 stops 1 across from Marina

2 between lift bridges

Coldspring Road to 3 across from cold storage bldg.

Flight of Five Locks 4 Upson Park

Stop 13: Holly Manufacturing Company; The Beginnings

Foundry/Boiler Building ruins

Stop 14: Flight of Five walk up hill, cross to stand between locks

(Restroom available)

Return to: Canal St Discovery Center

Seconded by Alderman Abbott and adopted. Ayes 6.

**070517.6**

By Alderman Devine:

Resolved, that pursuant to their request, Faith Tabernacle Church is hereby granted permission to use Ida Fritz Park to conduct a “Nexus” Youth Program on August 16, 2017 and a Worship Concert on August 18, 2017.

Seconded by Alderman Mullane and adopted. Ayes 6.

**070517.7**

By Alderman Oates:

Resolved, that a public hearing be held at the Common Council Meeting of July 19, 2017 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 for approval for the Widewaters Concert Series, 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.

**070517.8**

By Alderman Wohleben:

Resolved, that pursuant to their request, permission is hereby granted to Lockport Main Street to barricade the following streets beginning at 5:00 PM on July 8, 2017 for the Erie Canal Bicentennial Celebration Concert and fireworks:

Pine Street from Main to Gooding

Gooding from Pine to Caledonia

Lock St from Pine to Caledonia

Ontario St from Church to Pine

Canal St between the pedestrian walk and Church

Church Street (Big Bridge) from Main to Niagara St.,

and be it further

Resolved, that the Main Street Parking Lot and the Pine Street Parking Lot be closed beginning at 5:00 PM, and the Canal Street Parking Lot be closed from 2:00 PM until 11:00 PM, and be it further

Resolved, that permission is hereby granted to the Albany Symphony to park a tour bus on Church Street near Niagara Street, 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 Devine and adopted. Ayes 6.

**070517.9**

By Alderman Mullane:

**Whereas**, heavy rain events in the spring of 2017 caused erosion at the north side of Market Street and a retaining wall located at 210 Market Street collapsed as a result of hydraulic pressure, and

**Whereas**, the Engineering Department requested the City’s consultant engineering firm Nussbaumer and Clarke Inc. to evaluate the design of a segmental block retaining wall to replace the collapsed stone masonry wall, and

**Whereas**, Nussbaumer and Clarke Inc. submitted a proposal for professional Engineering Services, dated June 6, 2017, for an estimated cost of $20,500.00 that includes a study of the field conditions and Topographic Survey, the design of the retaining wall replacement, and the preparation of plans, specifications, cost estimate, and bid documents of the project, and be it further

**Resolved**, that the Mayor, subject to Corporation Counsel approval, is hereby authorized and directed enter into contract with Nussbaumer and Clarke Inc., 3556 Lake Shore Road, Suite 500, Buffalo, New York 14219, to complete said work for an amount of $20,500.00, and be it further

**Resolved**, that the 2017 Budget is hereby amended as follows:

Expense:

Decrease

001.1900.1990                    Contingency                       $20,500

Increase

001.1440.4427                    Engineering Services      $20,500

Seconded by Alderman Devine and adopted. Ayes 6.

**070517.10** **ADJOURNMENT**

At 5:56 P.M. Alderman Wohleben moved the Common Council be adjourned until 5:30 P.M., Wednesday, July 19, 2017.

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 19, 2017

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.

**071917.1** **APPROVAL OF MINUTES**

On motion of Alderman Wohleben, seconded by Alderman Oates, the minutes of the Regular Meeting of July 5, 2017 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 have a concert series on the properties located at 767 and 801 Market Street situated in an R-2 Zone.

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

7/12/17 Charlene Seekins-Smith, Chairman, Lockport Planning and Zoning Board – the Board recommends that the request for a Special Use Permit be approved with stipulations.

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)

7/18/17 Richelle J. Pasceri, City Clerk, - notification of bids received for Water Treatment Plant Fluoride Feed System Upgrades. The following bid proposals were received and opened on July 14, 2017:

HOHL Industrial Services Inc base $ 86,400

Tonawanda, NY w/Alternates $ 109,300

STC Construction Inc. base $ 85,000

Springville, NY w/Alternates $ 113,668

Referred to the Committee of the Whole

7/18/17 Kelly Trybalski, Race Director, Score This !!!, Inc. – request permission to conduct the Flight of Five Mile on Main Street event on September 7, 2017.

Referred to the Committee of the Whole

## MOTIONS & RESOLUTIONS

**071917.2**

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 21, 2017 as follows:

General Fund Account #001 $ 121,144.34

Water Fund Account #002 $ 16,587.99

Sewer Fund Account #003 $ 51,555.68

Capital Projects Account #004 $ 324,156.03

Refuse Fund Account #012 $ 944.35

Self Insurance Account #015 $ 1,363.10

Payroll Pay Date 7/6/2017 $ 507,070.87

Seconded by Alderman Oates and adopted. Ayes 6.

By Alderman Wohleben:

Resolved, that the reading of the foregoing resolutions 071917.3 – 071917.8 be and the same is hereby waived.

Seconded by Alderman Oates and adopted. Ayes 6.

**071917.3**

By Alderman Devine:

WHEREAS, the City of Lockport (City) proposes to conduct a Wastewater Engineering Planning Study along the Market Street Interceptor to identify locations of excessive infiltration and inflow and capacity deficiencies, and to prioritize rehabilitation activities for the City’s wastewater collection system; now therefore be it

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’s obligations under the Engineering Planning Grant Agreement.

Seconded by Alderman Mullane and adopted. Ayes 6.

**071917.4**

By Alderman Devine:

WHEREAS, the City of Lockport (City) proposes to conduct a Wastewater Engineering Planning Study along the Market Street Interceptor to identify locations of excessive infiltration and inflow and capacity deficiencies, and to prioritize rehabilitation activities for the City’s wastewater collection system; now therefore be it

RESOLVED, that the City of Lockport authorizes and appropriates a minimum of 20% local match as required by the Engineering Planning Grant Program for the Market Street Wastewater Engineering Planning Study project. Under the Engineering Planning Grant Program, this local match must be at least 20% of the grant award of $30,000. The maximum local share appropriated subject to any changes agreed to by the Mayor shall not exceed $6,000. The total estimated maximum project cost is $36,000. The Mayor may increase this local match through the use of in kind services without further approval from the City.

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

**071917.5**

By Alderman Devine:

WHEREAS, 6 NYCRR Section 617.5 (Title 6 of the New York Code of Rules and Regulations) under the State Environmental Quality Review Act (SEQR) provides that certain actions identified in subdivision (c) of that section are not subject to environmental review under the Environmental Conservation Law; now therefore be it

RESOLVED, that the City of Lockport hereby determines that the proposed Market Street Wastewater Engineering Planning Study is a Type II action in accordance with 6 NYCRR Section 617.5(c) (18) and (21) which constitutes the “information collection including basic data collection and research, water quality and pollution studies, traffic counts, engineering studies, surveys, subsurface investigations and soils studies that do not commit the agency to undertake, fund or approve any Type I or Unlisted action” and “conducting concurrent environmental, engineering, economic, feasibility and other studies and preliminary planning and budgetary processes necessary to the formulation of a proposal for action, provided those activities do not commit the agency to commence, engage in or approve such action” and is therefore not subject to review under 6 NYCRR Part 617.

Seconded by Alderman Abbott and adopted. Ayes 6.

**071917.6**

By Alderman Devine:

WHEREAS, the City of Lockport (City) proposes to conduct a Wastewater Engineering Planning Study along the Gulf Interceptor to identify locations of excessive infiltration and inflow and capacity deficiencies, and to prioritize rehabilitation activities for the City’s wastewater collection system; now therefore be it

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’s obligations under the Engineering Planning Grant Agreement.

Seconded by Alderman Mullane and adopted. Ayes 6.

**071917.7**

By Alderman Devine:

WHEREAS, the City of Lockport (City) proposes to conduct a Wastewater Engineering Planning Study along the Gulf Interceptor to identify locations of excessive infiltration and inflow and capacity deficiencies, and to prioritize rehabilitation activities for the City’s wastewater collection system; now therefore be it

RESOLVED, that the City of Lockport authorizes and appropriates a minimum of 20% local match as required by the Engineering Planning Grant Program for the Gulf Interceptor Wastewater Engineering Planning Study project. Under the Engineering Planning Grant Program, this local match must be at least 20% of the grant award of $30,000. The maximum local share appropriated subject to any changes agreed to by the Mayor shall not exceed $6,000. The total estimated maximum project cost is $36,000. The Mayor may increase this local match through the use of in kind services without further approval from the City.

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

**071917.8**

By Alderman Devine:

WHEREAS, 6 NYCRR Section 617.5 (Title 6 of the New York Code of Rules and Regulations) under the State Environmental Quality Review Act (SEQR) provides that certain actions identified in subdivision (c) of that section are not subject to environmental review under the Environmental Conservation Law; now therefore be it

RESOLVED, that the City of Lockport hereby determines that the proposed Gulf Interceptor Wastewater Engineering Planning Study is a Type II action in accordance with 6 NYCRR Section 617.5(c) (18) and (21) which constitutes the “information collection including basic data collection and research, water quality and pollution studies, traffic counts, engineering studies, surveys, subsurface investigations and soils studies that do not commit the agency to undertake, fund or approve any Type I or Unlisted action” and “conducting concurrent environmental, engineering, economic, feasibility and other studies and preliminary planning and budgetary processes necessary to the formulation of a proposal for action, provided those activities do not commit the agency to commence, engage in or approve such action” and is therefore not subject to review under 6 NYCRR Part 617.

Seconded by Alderman Oates and adopted. Ayes 6.

**071917.9**

By Alderman Oates:

Resolved, that in accordance with Section 11-C of the New York Domestic Relations Law, the Common Council of the City of Lockport appoints John Lombardi III as a Marriage Officer for the City of Lockport for a term of one year.

Seconded by Alderman Devine and adopted. Ayes 6.

**071917.10**

By Alderman Oates:

Resolved, that the request for a special use permit made by Wide Waters on the Canal to have a concert series on the properties located at 767 and 801 Market Street, situated in an R-2 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.

Barricades are installed to control ingress and egress

Traffic shall be limited to right hand turns only leaving the venue from both Wide Waters

and the Marina

One staffed cross walk shall be installed for the event

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 6.

**071917.11**

By Alderman Abbott:

WHEREAS, the recently completed South Street Neighborhood Community Needs Assessment identified a thirty-block area within the City that is underserved by parks and similar active recreational facilities, and

WHEREAS, the Needs Assessment identified development of a park and playground at 50 Elmwood Street as a high priority implementation project, and

WHEREAS, the City of Lockport desires to apply for financial assistance through the 2017 Consolidated Funding Application (CFA) under the Office of Parks, Recreation, and Historic Preservation’s Park Development Program in an amount not to exceed $450,000 to be used for the development of such a park and playground at 50 Elmwood; now therefore be it

RESOLVED, that the Common Council of the City of Lockport approves and endorses the 2017 Office of Parks, Recreation, and Historic Preservation’s Park Development Program application for assistance to be submitted by the City of Lockport, and be it further RESOLVED, that, if awarded, the Mayor is hereby authorized to accept the grant funds and enter into and execute a contract on behalf of the City.

Seconded by Alderman Wohleben and adopted. Ayes 5, No 1 – Ald. Oates voted no.

**071917.12**

By Alderman Wohleben:

WHEREAS, the City proposes to implement improvements to the Veterans Monument located at the Veterans Memorial Park, East Avenue, Lockport NY, and

WHEREAS, the City has been selected to receive a State and Municipal Facilities Program (“SAM”) Grant in the amount of $100,000 to complete Project #7920, Improvements to Veterans Memorial Park; now therefore be it

RESOLVED, that the Mayor, subject to Corporate Counsel approval, is authorized to accept said Grant and to execute a Grant Agreement with the State and Municipal Facilities Program (“SAM”) and any other contracts, documents, or instruments necessary to bring about the Project and to fulfill the City of Lockport’s obligations under the State and Municipal Facilities Program (“SAM”) Improvements to Veterans Memorial Park Grant Agreement.

Seconded by Alderman Mullane and adopted. Ayes 6.

By Alderman Oates:

Resolved, that the reading of the foregoing resolutions 071917.13 – 071917.16 be and the same is hereby waived.

Seconded by Alderman Wohleben and adopted. Ayes 6.

**071917.13**

By Alderman Abbott:

WHEREAS, the City proposes to implement renovations to the Lockport Police Department (LPD) Facilities located at the Municipal Building, 1 Locks Plaza, Lockport NY, and

WHEREAS, the City’s Engineering Consultant Nussbaumer & Clarke, Inc. (Nussbaumer) has performed preliminary engineering to support a Dormitory Authority of the State of New York (DASNY) State and Municipal Facilities Program (SAM) Grant Application and determined the estimated cost of the renovations, including design, to be $200,000, and

WHEREAS, the City has been selected to receive a SAM Grant in the amount of $200,000 to complete Project #8219, Renovations to the Police Department Facilities, and

WHEREAS, Nussbaumer has submitted a proposal dated July 11, 2017 to provide design services in accordance with the SAM Grant Application; now therefore be it RESOLVED, that the Mayor, subject to Corporate Counsel approval, is authorized to accept said Grant and to execute a Grant Agreement with DASNY and any other contracts, documents, or instruments necessary to bring about the Project and to fulfill the City of Lockport’s obligations under the SAM Program, Renovations to the Police Department Facilities Grant Agreement, and be it further

RESOLVED, that the Mayor, subject to Corporate Counsel approval, is authorized to accept the design proposal from Nussbaumer dated July 11, 2017 to support said SAM grant, Renovations to the Police Department Facilities, for a fee not to exceed $10,000 in accordance with the grant application to be charged to Capital Projects Improvements.

Seconded by Alderman Oates and adopted. Ayes 6.

**071917.14**

By Alderman Oates:

WHEREAS, the City proposes to rehabilitate the Stone Shelter located at the Outwater Memorial Park, Outwater Drive, Lockport NY, and

WHEREAS, the City’s Engineering Consultant Nussbaumer & Clarke, Inc. (Nussbaumer) has performed preliminary engineering to support a Dormitory Authority of the State of New York (DASNY) State and Municipal Facilities Program (SAM) Grant Application and determined the estimated cost of the renovations, including design, to be $250,000, and

WHEREAS, the City has been selected to receive a SAM Grant in the amount of $250,000 to complete Project #6098, Rehabilitation of Park Shelters and the Community Pool, and

WHEREAS, Nussbaumer has submitted a proposal dated July 11, 2017 to provide design services in accordance with the SAM Grant Application, now therefore be it RESOLVED, that the Mayor, subject to Corporate Counsel approval, is authorized to accept said Grant and to execute a Grant Agreement with DASNY and any other contracts, documents, or instruments necessary to bring about the Project and to fulfill the City of Lockport’s obligations under the SAM Program, Rehabilitation of Park Shelters and the Community Pool Grant Agreement, and be it further

RESOLVED, that the Mayor, subject to Corporate Counsel approval, is authorized to accept the design proposal from Nussbaumer dated July 11, 2017 to support said SAM grant, Renovations to the Police Department Facilities, for a fee not to exceed $30,000 in accordance with the grant application to be charged to Capital Projects Improvements.

Seconded by Alderman Devine and adopted. Ayes 6.

**071917.15**

By Alderman Wohleben:

WHEREAS, the City of Lockport proposes to replace the concrete apron at the Fire Station located at the Municipal Building, One Locks Plaza; 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)(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 Municipal Building Fire Station Apron Replacement 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 Abbott and adopted. Ayes 6.

**071917.16**

By Alderman Devine:

WHEREAS, 6 NYCRR Section 617.5 (Title 6 of the New York Code of Rules and Regulations) under the State Environmental Quality Review Act (SEQR) provides that certain actions identified in subdivision (c) of that section are not subject to environmental review under the Environmental Conservation Law; now therefore be it

RESOLVED, that the City of Lockport hereby determines that the proposed Wastewater Treatment Plant Disinfection Upgrades Project is a Type II action in accordance with 6 NYCRR Section 617.5(c) (7) which constitutes the “construction or expansion of a primary or accessory/appurtenant, nonresidential structure or facility involving less than 4,000 square feet of gross floor area and not involving a change in zoning or a use variance and consistent with local land use controls, but not radio communication or microwave transmission facilities” and is therefore not subject to review under 6 NYCRR Part 617.

Seconded by Alderman Abbott and adopted. Ayes 6.

**071917.16A**

By Alderman Wohleben:

Resolved, that pursuant to their request, permission is hereby granted to Score This!!!, Inc. to conduct the Flight of Five Mile on Main Street race event, on Thursday, September 7, 2017 beginning at 7:00 p.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 permission is hereby granted to use the Municipal Building lobby for registration and restroom use, and be it further

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

Seconded by Alderman Abbott and adopted. Ayes 6.

**071917.16B**

By Alderman Mullane:

Resolved, that resolution #040517.16 adopted by the Common Council at their April 5, 2017 meeting granting permission for the Taste of Lockport event be amended to reflect a change in location from Ida Fritz Park to Main Street between Elm Street and Cottage Street.

Seconded by Alderman Wohleben and adopted. Ayes 6.

**071917.16C**

By Alderman O’Shaughnessy:

WHEREAS, on June 5, 1996, the Common Council adopted resolution 060596.7 requesting permission from the New York State Department of Transportation to allow the City of Lockport to name the Lockport Bypass bridge, the “Thomas C. Rotondo, Jr. Bridge” in honor of the former Mayor and Eighth Ward Alderman Thomas C. Rotondo, Jr., and

WHEREAS, on July 30, 1997, the New York State Highway Law was amended by Senate bill 3945 to add a new section 343-c to the New York State Highway Law as follows: “The bridge crossing the New York state barge canal on the Lockport Bypass between State Road and Ohio Street in the city of Lockport shall be designated and known as the “Thomas C. Rotondo, Jr. Bridge,” and

WHEREAS, Thomas C. Rotondo, Jr. passed away on December 31, 2016. Now therefore be it

RESOLVED, that permission is requested from the New York State Department of Transportation to allow the City of Lockport to change the name of the “Thomas C. Rotondo, Jr. Bridge” to “Thomas C. Rotondo, Jr. Memorial Bridge”.

Seconded by Alderman Mullane and adopted. Ayes 6.

**071917.16D**

By Alderman Wohleben:

Whereas, the City has issued a Bond for various projects funded through a Bond Anticipation Note; and

Whereas, the City has chosen to pay for the issuance costs of this Bond instead of including them in the borrowing; and

Whereas, the City did not budget for these costs requiring an amendment to the 2017 Budget, Now Therefore, be it

Resolved that the 2017 General, Water and Sewer Budgets are amended as follows:

Expense

Increase:

001.9500.0900 Fiscal Agent Fees – General $15,300

002.9500.0900 Fiscal Agent Fees – Water $  7,140

003.9500.0900 Fiscal Agent Fees – Sewer $10,720

Decrease:

001.1900.1990 Contingency $15,300

002.1900.1990 Contingency $  7,140

003.8130.4851 Utilities $10,720

Seconded by Alderman Oates and adopted. Ayes 6.

**071917.16E**

By Alderman Oates:

Resolved, that permission is hereby granted to Lockport Caves to barricade portions of Gooding Street between Canal Street and Caledonia Street for an event on August 5, 2017 from 10:00 a.m. until 4:00 p.m., and be it further

Resolved, that the Director of Streets and parks is hereby directed to arrange for delivery of barricades and traffic cones as needed to area prior to said event.

Seconded by Alderman Mullane and adopted. Ayes 6.

**071917.17** **ADJOURNMENT**

At 6:11 P.M. Alderman Wohleben moved the Common Council be adjourned until 5:30 P.M., Wednesday, August 2, 2017.

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 2, 2017

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.

**080217.1** **APPROVAL OF MINUTES**

On motion of Alderman Wohleben, seconded by Alderman O’Shaughnessy, the minutes of the Regular Meeting of July 19, 2017 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)

7/21/17 Mary Jo Floyd, Events Coordinator, Lockport New Beginnings – request permission to conduct the 20th annual “Walking for a Drug Free Community” on Saturday, September 16, 2017.

Referred to the Committee of the Whole

7/26/17 Melissa L. Dunlap, Executive Director – Niagara County Historical Society – request permission to conduct a fundraising auction and tent party on August 19, 2017.

Referred to the Committee of the Whole

**Notice of Defect:**

7/11/17 239 Clinton Street – tree

7/21/17 157 Caledonia Street – tree

Referred to the Director of Streets and Parks.

**Notice of Claim:**

7/7/17 David A. George, 50 16th Avenue, North Tonawanda, NY

7/13/17 Mary Rose Hufnagel, 7440 Rochester Road, Lockport, NY

7/31/17 Kameka Humber, 90-C Village Drive, Apt. 1, Cheektowaga, 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)

7/20/17 Jeffrey G. Harmon and Sandra L. Harmon -vs- Tracy Farrell, Assessor of the City of Lockport, and The board of Assessment Review for the City of Lockport, County of Niagara and State of New York.

7/27/17 Lockport Professional Park, LLC -vs- City of Lockport

Referred to the City Assessor

## MOTIONS & RESOLUTIONS

**080217.2**

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 4, 2017 as follows:

General Fund Account #001 $ 91,813.20

Water Fund Account #002 $ 53,901.87

Sewer Fund Account #003 $ 33,873.14

Capital Projects Account #004 $ 66,786.33

Refuse Fund Account #012 $ 94,391.45

Self Insurance Account #013 $ 144,589.03

Payroll Pay Date 7/20/17 $ 516,383.09

Seconded by Alderman Oates and adopted. Ayes 5.

**080217.3**

By Alderman Devine:

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 P. Newman 25 Police Detective

Matthew K. Hurtgam 10 Police Lieutenant

Luke W. Giansante 10 Police Officer

Anthony D. Pittman 10 Police Lieutenant

Seconded by Alderman Mullane and adopted. Ayes 5.

**080217.4**

By Alderman Wohleben:

Resolved, that pursuant to Section 32 of the NYS Public Housing Law and subject to Corporation Counsel approval, salary increases for the City of Lockport Housing Authority employees are approved as follows:

For the CSEA Local 832 union employees:

2% increase for the fiscal year beginning April 1, 2014

2% increase for the fiscal year beginning April 1, 2015

2% increase for the fiscal year beginning April 1, 2016

2% increase for the fiscal year beginning April 1, 2017

2% increase for the fiscal year beginning April 1, 2018

For the Management Association employees:

2% increase for the fiscal year beginning April 1, 2018

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

**080217.5**

By Alderman Oates:

Resolved, that pursuant to their request, permission is hereby granted to Lockport New Beginnings to conduct the 20th annual “Walking for a Drug Free Community” on Saturday, September 16, 2017 beginning at 1:00 p.m. at Widewaters Marina, 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 to the area prior to the event.

Seconded by Alderman Mullane and adopted. Ayes 5.

**080217.6**

By Alderman Oates:

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 Saturday, August 19, 2017 for their annual fundraising auction and tent 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 5.

**080217.7**

By Alderman Devine:

**Whereas**, the City of Lockport and Kandey Company, Inc. signed a contract on May 18,2017 to perform cleaning and video inspection of storm and sanitary sewers in City areas affected by heavy rain event, and

**Whereas**, additional work is required to inspect and clean sanitary sewers on Elmira Street, Maple Street, Washburn Street, and Tudor Lane, now therefore be it

**Resolved**, authorize the Mayor, subject to Corporation Counsel approval, to sign an amendment of the contract between the City of Lockport and Kandey Company, Inc., 19 Ransier Drive, West Seneca, NY 14224, for an amount of $20,000.00 to complete said sanitary sewer work to be charged to Account Number 003.8125.4571.

Seconded by Alderman Oates adopted. Ayes 5.

By Alderman Oates:

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

Seconded by Alderman Wohleben and adopted. Ayes 5.

**080217.8**

By Alderman Devine:

**Whereas**, the City of Lockport has been approved by the Dormitory Authority of the State of New York (DASNY) 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**, the cost of the contracts to replace the Water Screens at the North Tonawanda Pumping Station will be about $640,000, including a General Contract STC Construction Inc., an Electrical Contract with CIR Construction Corp., and Engineering Contracts with GHD Consulting Services and Nussbaumer and Clarke, Inc., and

**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 Pumping Station in the City of North Tonawanda, and found that the wooden intake grating was in poor structural condition and many of the timbers were severely rooted and had become unstable, and

**Whereas**, the Common Council approved a resolution to award the Intake Pipe and Crib Repair to Hohl Industrial Services, Inc. for an amount of $141,000, and Nussbaumer and Clarke, Inc. submitted a proposal dated January 16, 2017, and amended on July 24, 2017 for a not to exceed amount of $10,250.00 to design the crib structure, to prepare plans and contractual documents, and to perform residential inspection in the installation of the crib structure, and

**Whereas**, the City would like to request the approval from the Dormitory Authority of the State of New York (DASNY) to finance the repair of the Water Intake Pipe and Crib Structure located at the Niagara River with the remaining funds of the awarded $800,000.00 grant; now, therefore, be it

**Resolved**, that the Director of Engineering is hereby authorized and directed to request approval from the Dormitory Authority of State of New York (DASNY) to use the remaining funds of the awarded $800,000.00 grant in the Repair of the Water Intake Pipe and Crib Structure project, including engineering costs, and be it further

**Resolved**, that the Mayor, subject to Corporation Counsel approval, is hereby authorized and directed enter into contract with Nussbaumer and Clarke Inc., 3556 Lake Shore Road, Suite 500, Buffalo, New York 14219, for a not to exceed amount of $10,250.00 to engineer the Water Intake Pipe and Crib Structure and to be charged to Capital Projects.

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

**080217.9**

By Alderman Mullane:

Resolved, that pursuant to their request, permission is hereby granted to the Cub Scouts to conduct a kickball tournament at Outwater Park on September 9, 2017, subject to approval the Director of Streets and Parks, and filing a certificate of insurance with the City Clerk naming the City of Lockport as additional insured.

Seconded by Alderman Devine and adopted. Ayes 5.

By Alderman Oates:

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

Seconded by Alderman Wohleben and adopted. Ayes 5.

**080217.10**

By Alderman Devine:

**Whereas**, the City of Lockport has finalized the inspection of its raw waterline and the City’s consultant engineering firm has recommended to replace approximately two miles of the original steel lock bar pipe located at the northern end of the raw waterline and in the proximities of the City, and

**Whereas,** the New York State Water infrastructure Improvement Act Grant Program and the New York State Revolving Fund Program awarded a grant to the City of Lockport to replace the two-mile section of the raw waterline, and

**Whereas**, in January 2016, the Engineering Department requested Proposals for Qualifications for Professional Engineering Services to bid for municipal engineering projects and the following firms were selected: AECOM Technical Services, Inc., Barton & Loguidice, CHA Design/Construction Solutions, Clark Patterson Lee, EI Team, Inc., Erdman Anthony, GHD Consulting Services, Inc., KHEOPS Architecture, Engineering & Survey, and Nussbaumer & Clarke, Inc.

**Whereas**, in May 2017, the Engineering Department invited the nine prequalified engineering firms to submit their proposals for Professional Engineering Services to design the 30-Inch Raw Watermain Replacement Project, and six firms submitted their proposals, and

**Whereas**, the Mayor appointed a Committee to evaluate and rank each submission, and the Committee found that the most complete proposal on the basis of general capabilities of the firm, staff qualifications, relevant project experience, and cost/benefit analysis, was the proposal presented by GHD Consulting Services, Inc. The Committee has recommended the Mayor to award the project to GHD Consulting Services, Inc.; now, therefore, be it

**Resolved**, that the Mayor, subject to Corporation Counsel approval, is hereby authorized and directed to sign an agreement with GHD Consulting Services Inc., 285 Delaware Avenue, Buffalo, New York, for an amount of $427,700 for Professional Engineering Services to design the 30-Inch Raw Watermain Replacement Project as described in GHD’s Engineering Services Proposal dated June 23, 2017; cost of the project to be financed through reimbursement from the New York State Water infrastructure Improvement Act Grant Program and the New York State Revolving Fund Program.

Seconded by Alderman Wohleben and adopted. Ayes 5.

**080217.11**

By Alderman Oates:

Resolved, that pursuant to their request, permission is hereby granted the residents of Chapel Street to barricade Chapel Street from Olcott Street to Mill Street on Saturday, August 5, 2017, 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 5.

**080217.12**

By Alderman Oates:

Whereas, Ellen Martin was granted permission to conduct a Sweet Summer event ‘Rivi-Erie’ and to place sand, palm trees, chairs and beach umbrellas on city property located at Nelson C. Goehle Wide Waters marina, and

Whereas, said permission was subject to Ellen Martin filing a certificate of insurance with the City Clerk naming the City of Lockport as additional insured, and

Whereas, said permission was subject to Corporation Counsel approval and NYS Canal Corporation rules and regulations, and

Whereas, Ellen Martin completed the above project, and

Whereas, the City desires to continue the project as described above. now therefore be it

Resolved, that the City shall maintain the sand, palm trees, chairs and beach umbrellas on city property located at Nelson C. Goehle Wide Waters marina subject to NYS Canal Corporation rules and regulations.

Seconded by Alderman Wohleben and adopted. Ayes 5.

**080217.13**

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 Transit Street on Saturday, September 9, 2017, 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 O’Shaughnessy and adopted. Ayes 5.

**080217.14**

By Alderman Wohleben:

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 4, 2017, 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 Mullane and adopted. Ayes 5.

**080217.15**

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 O’Shaughnessy and adopted. Ayes 5.

**080217.15A**

By Alderman Devine:

Whereas, the City of Lockport infrastructure including roads, sewers and water systems are aging and continually deteriorate due to routine use and environmental conditions, and the City proactively is planning rehabilitation of aging infrastructure; and

Whereas, Park Avenue, between West Avenue and South Transit Road, has been identified as a candidate for rehabilitation and the City would like to establish an itemized budget to perform its restoration including road reconstruction, new water, sanitary, and storm pipelines, sidewalks and related appurtenances; and

Whereas, the City has received a proposal from Nussbaumer & Clarke, Inc., dated July 31, 2017 for Professional Engineering Services to perform an engineering evaluation of Park Avenue and prepare a report summarizing the conditions and costs to rebuild the road and associated infrastructure and,

Whereas, the 2017 Budget did not anticipate the expense for this evaluation necessitating the use of Contingency; now, therefore, be it

Resolved, that the Mayor, subject to Corporate Counsel approval, is hereby authorized to execute an agreement with Nussbaumer & Clarke, Inc. for a fee Not-to-Exceed $5,500 for the Scope of Work included in their Proposal for Professional Engineering Services for Pavement Recommendations for Park Avenue, dated July 31, 2017, to be charged to account 001.1440.4427, Engineering Services; and Be it Further

Resolved, that the 2017 Budget is hereby amended as follows.

Expense:

Increase:

001.1440.4427 Engineering Services $5,500

Decrease:

001.1900.1990 Contingency $5,500

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

By Alderman Wohleben:

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

Seconded by Alderman Oates and adopted. Ayes 5.

**080217.15B**

By Alderman Wohleben:

Whereas, the City of Lockport infrastructure including roads, sewers and water systems are aging and continually deteriorate due to routine use and environmental conditions, and the City proactively is planning rehabilitation of aging infrastructure; and

Whereas, Hyde Park, between High Street and Elmwood Avenue, has been identified as a candidate for rehabilitation and the City would like to establish an itemized budget to perform its restoration including road reconstruction, new water, sanitary, and storm pipelines, sidewalks and related appurtenances; and

Whereas, the City has received a proposal from Nussbaumer & Clarke, Inc. dated July 31, 2017 for Professional Engineering Services to perform an engineering evaluation of Hyde Park and prepare a report summarizing the conditions and costs to rebuild the road and associated infrastructure; and

Whereas, the 2017 Budget did not anticipate the expense for this evaluation necessitating the use of Contingency; now, therefore, be it

Resolved that the Mayor, subject to Corporate Counsel approval, is hereby authorized to execute an agreement with Nussbaumer & Clarke, Inc. for a fee Not-to-Exceed $4,400 for the Scope of Work included in their Proposal for Professional Engineering Services for Pavement Recommendations for Hyde Park, dated July 31, 2017, to be charged to account 001.1440.4427, Engineering Services; and Be it Further

Resolved, that the 2017 Budget is hereby amended as follows.

Expense:

Increase:

001.1440.4427 Engineering Services $4,500

Decrease:

001.1900.1990 Contingency $4,500

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

**080217.15C**

By Alderman Wohleben:

Resolved, that a public hearing be held at the Common Council Meeting of August 16, 2017 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 Grace Episcopal Church, for approval for a private school to be located at 100 Genesee Street, situated in a R-3 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 5.

**080217.15D**

By Alderman Wohleben:

Resolved, that pursuant to their request, the Salvation Army is hereby granted permission to barricade Cottage Street from Walnut Street to Genesee Street and Genesee Street from Cottage Street to Saxton Street on August 24, 2017 from 4:30 p.m. until 7:30 p.m. for a community carnival, and be it

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.

**080217.16** **ADJOURNMENT**

At 6:03 P.M. Alderman Wohleben moved the Common Council be adjourned until 5:30 P.M., Wednesday, August 16, 2017.

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

August 16, 2017

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, Mullane, and Wohleben.

Absent: Alderman O’Shaughnessy

**INVOCATION**

**MAYOR’S UPDATE**

**RECESS**

Recess for public input.

**081617.1** **APPROVAL OF MINUTES**

On motion of Alderman Wohleben, seconded by Alderman Devine, the minutes of the Regular Meeting of August 3, 2017 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 to utilize a portion of the building located at 100 Genesee Street as a private Episcopal based educational school.

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

8/8/17 Charlene Seekins-Smith, Chairman, Lockport Planning and Zoning Board – the board recommends the request be approved.

Recess for public input.

The Mayor closed the public hearing.

**FROM THE CITY CLERK**

The Clerk submitted payrolls, bills for services and expenses, and reported that the Department Heads submitted reports of labor performed in their departments.

Referred to the Finance Committee.

**Communications** (which have been referred to the appropriate City officials)

8/9/17 Mayor Anne E. McCaffrey – recommendation that Kathy Sparks DiMillo be appointed as a member of the City of Lockport Board of Ethics.

Referred to the Committee of the Whole

**Notice of Defect:**

8/3/17 93 Nicholls Street – tree

8/7/17 101 Hyde Park – tree

8/7/17 230 East Avenue – tree

Referred to the Director of Streets and Parks.

**Notice of Claim:**

8/9/17 Audrey J. Whittaker, 606 Wolf Run Road, Cuba, NY

8/9/17 Eric J. Miller, 6763 Minnick Road #185, Lockport, NY

Referred to the Corporation Counsel.

## MOTIONS & RESOLUTIONS

**081617.2**

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 18, 2017 as follows:

General Fund Account #001 $ 71,340.53

Water Fund Account #002 $ 9,307.96

Sewer Fund Account #003 $ 23,888.00

Capital Projects Account #004 $ 332,538.43

Refuse Fund Account #012 $ 93,360.93

Payroll Pay Date 8/3/17 $ 596,098.66

Seconded by Alderman Oates and adopted. Ayes 5.

**081617.3**

By Alderman Abbott:

Resolved, that the Mayor and Common Council do hereby extend condolences to the family of Alvin C. Frey, a former City of Lockport Alderman and former City of Lockport Parks Police who recently passed away.

Seconded by Alderman Devine and adopted. Ayes 5.

**081617.4**

By Alderman Devine:

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

Seconded by Alderman Mullane and adopted. Ayes 5.

**081617.5**

By Alderman Devine:

Resolved, that the 2017 Water Fund Budget be amended to delete one Water Treatment Plant Mechanic position and add one Water Treatment Operator Trainee position.

Seconded by Alderman Oates and adopted. Ayes 5.

By Alderman Oates:

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

Seconded by Alderman Wohleben and adopted. Ayes 5.

**081617.6**

By Alderman Devine:

**Whereas**, the Fluoride Feed System at the City of Lockport Water Treatment Plant is approaching the end of its service life, and the City applied for and subsequently awarded a $50,000 grant from the New State Department of Health (NYSDOH) to improve the Fluoride Feed System, and

**Whereas,** the City Authorized its engineering consultant to prepare detailed design documents and to obtain competitive bids from contractors to construct the improvements to the Fluoride Feed System, and

**Whereas**, the City of Lockport advertised a Notice to Contractors and two bids for the project were received as follows: Hohl Industrial Services, Inc., $109,300 and STC Construction, Inc., $113,688, and

**Whereas**, after review of the bids and references, the City’s consulting engineer recommends award of the contract to Hohl Industrial Services, Inc. for a total of $109,300; and

**Whereas**, the project must now include a local match of $60,000 that was not included in the 2017 Budget, thereby necessitating a budget amendment; now, therefore, be it

**Resolved**, that the Mayor, subject to Corporation Counsel approval, is hereby authorized and directed enter into contract with Hohl Industrial Services, Inc., 770 Riverview Blvd., Tonawanda, New York 14150, for an amount of $109,300 to complete improvements to the Fluoride Feed System and to be charged to account # 004.8397.0250.4173; and be it further

**Resolved,** that the 2017 Water Budget be amended as follows:

Expense:

Increase:

002.9500.9901.1004 Interfund Transfer to Capital $60,000

Decrease:

002.1900.1990 Contingency $60,000

Seconded by Alderman Oates and adopted. Ayes 5.

**081617.7**

By Alderman Wohleben:

Resolved, that the request for a special use permit made by Grace Episcopal Church to have a private Episcopal based school located at 100 Genesee Street, situated in an R-3 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 4. Ald. Mullane Abstained.

**081617.8**

By Alderman Wohleben:

Resolved, that pursuant to the recommendation of Mayor McCaffrey, Kathy Sparks DiMillo, 73 Lincolnshire Drive, Lockport, NY is hereby appointed as a member of the Board of Ethics. Said term expires on July 2, 2022.

Seconded by Alderman Mullane and adopted. Ayes 5.

By Alderman Oates:

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

Seconded by Alderman Wohleben and adopted. Ayes 5.

**081617.8A**

By Alderman Devine:

**WHEREAS**, The Guterl Site, also known as the former Simonds Saw and Steel Company, located in Lockport, New York, was contracted by the Atomic Energy Commission to conduct work in support of the Nation's early atomic energy and weapons program, and

**WHEREAS**, the main constituents of concern at the Site are uranium and thorium, which are in the soils and groundwater on-site, and

**WHEREAS**, since groundwater underlying the site is not a current source of potable (drinking) water, there is no current risk to human health, and

**WHEREAS**, environmental monitoring is conducted annually, and surface water and sediment samples in the Erie Canal do not indicate site-related impacts, and

**WHEREAS**, there are currently no imminent threats to human health or the environment due to site related materials on the Guterl Site, and

**WHEREAS**, the Guterl Site is being cleaned up under the Formerly Utilized Sites Remedial Action Program (FUSRAP) and is currently in the Feasibility Study phase, and

**WHEREAS**, this means the US Army Corps of Engineers (“USACE”) is currently evaluating different cleanup methods based on effectiveness, cost, and other factors, and

**WHEREAS**, the USACE is planning on issuing a Proposed Plan for cleanup in 2018, and a Record of Decision in 2020, and

**WHEREAS**, EPA will continue to coordinate with the USACE on this project to ensure it follows the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA, or Superfund) while implementing its Formerly Utilized Sites Remedial Action Program.

**NOW, THEREFORE, BE IT**

**RESOLVED**, that upon the completion of a Proposed Plan for the cleanup of the Guterl Site, also known as the former Simonds Saw and Steel Company and a Record of Decision the US Army Corps of Engineers (USACE) provide the Mayor and the Common Council a copy of said Proposed Plan and Record of Decision.

Seconded by Alderman Mullane and adopted. Ayes 5.

**081617.8B**

By Alderman Wohleben:

**WHEREAS**, addressing the need to strengthen and revitalize local neighborhoods, New York State recently enacted the “Land Bank Act” (Not for Profit Corporation Law, Article 16) which authorizes municipalities to establish individual or cooperative land banks; and

**WHEREAS**, vacant and abandoned properties present a danger to the health and safety of local residents, result in costs and loss of revenues to local governments, and discourage further investment in the community; and

**WHEREAS**, land banks may acquire, redevelop and improve tax delinquent, vacant or abandoned property, thereby providing a mechanism to acquire blighted properties and convert them to productive uses; and

**WHEREAS**, to maximize opportunities and increase efficiencies, the County of Niagara, County of Orleans, City of Lockport, City of Niagara Falls, and the City of North Tonawanda desire to establish a single land bank; and

**WHEREAS**, pursuant to the Land Bank Act, it is necessary for the City of Lockport to adopt a resolution approving an intermunicipal agreement with the participating municipalities to establish the Land Bank; **NOW, THEREFORE, BE IT**

**RESOLVED**, that the City of Lockport hereby agrees to participate in the Land Bank established by the County of Niagara; and **BE IT FURTHER**

**RESOLVED**, that the initial City of Lockport representative and their alternate appointee to serve as a Director of the Land Bank shall serve for a term of 6 months or until replaced and shall be appointed b the Mayor of the City of Lockport; and **BE IT FURTHER**

**RESOLVED**, that the term of the initial City of Lockport representative and their alternate appointee shall after the initial term shall be 2 years and shall be appointed by the City of Lockport Mayor; and **BE IT FURTHER**

**RESOLVED**, that the City of Lockport hereby authorize the Mayor of the City of Lockport to execute an Intermunicipal Agreement between the County of Niagara and other municipalities including, County of Niagara, County of Orleans, City of Niagara Falls, and the City of North Tonawanda; and **BE IT FURTHER**

**RESOLVED**, that the agreement shall only be executed after review and approval by the City of Lockport Corporation Counsel office for terms, form and content, and **BE IT FURTHER**

**RESOLVED**, that the City of Lockport hereby authorizes and directs the Mayor to execute any and all documents in such form as is satisfactory to the City of Lockport Mayor and the Corporation Counsel, and take whatever other actions may be necessary to give effect to this resolution.

Seconded by Alderman Abbott and adopted. Ayes 5.

**081617.8C**

By Alderman Devine:

Whereas, the City Council repurposed issued Bond proceeds from the Water Department to the Streets Department for the purchase of chippers; and

Whereas, it is necessary to properly account for the previous debt service repayments, crediting the Water Fund from the General Fund; and

Whereas, the 2017 Budget did not anticipate this repurpose necessitating the use of Contingency Funds; Now Therefore, Be it

Resolved, that the 2017 General Fund Budget is hereby amended as follows:

Expense:

Increase:

001.9500.9901.1002 Interfund Transfer to Water $11,245

001.9500.9730.0600 BAN Principal $  5,000

001.9500.9730.0700 BAN Interest $     700

Decrease:

001.1900.1990 Contingency $16,945

Seconded by Alderman Oates adopted. Ayes 5.

**081617.8D**

By Alderman Wohleben:

**WHEREAS**, the City is pursuing a Clean Energy Community Grant from NYSERDA which requires completion of four out of a possible ten high impact actions, one of which can be the installation of an electric vehicle (EV) charging station; and

**WHERAS**, the City has already completed three high impact actions and completed a study of the implementation of an EV charging station at the municipal building; and

**WHEREAS**, Nussbaumer & Clarke, Inc. submitted a proposal dated August 14, 2017 to prepare design documents for installation of an EV charging station at the municipal building; now, therefore, be it

**RESOLVED**, that the Mayor, subject to Corporate Counsel approval, is hereby authorized to execute an agreement with Nussbaumer & Clarke, Inc., 3556 Lake Short Road, Suite 500, Buffalo, NY 14219, for a fee Not-to-Exceed of $7,500 to complete the Scope of Work included in their August 14, 2017 proposal to the City to be charged to Capital projects, and be it further

Resolved, that the 2017 General Fund Budget is hereby amended as follows:

Expense:

Increase:

001.9500.9901.1004         Interfund Transfer to Capital $26,000

Decrease:

001.1900.1990                    Contingency $26,000

Seconded by Alderman Mullane and adopted. Ayes 5.

**081617.8E**

By Alderman Devine:

**WHEREAS**, the City of Lockport (City) 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 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 City applied for and received a $50,000 grant from NYS Department of Environmental Conservation (NYSDEC) to install CSO activation detecting and reporting equipment, and authorized its consulting engineering Firm, Nussbaumer & Clarke Inc., to prepare design documents to install monitoring equipment in all ten of the City’s CSO’s and to publicly advertise the project for construction contractors; and

**WHEREAS**, the City received two bids in advance of the August 4, 2017 2:00 p.m. deadline, as follows: Corrosion Products and Equipment, Inc. - $124,500.00 and ADS Environmental Services, Inc. - $46,502.00; and

**WHEREAS**, after review of the bids and references, the City’s consulting engineer recommends award of the contract to ADS Environment Services, Inc. for $46,502.00, and further, the City’s consulting engineer recommends contracting with ADS Environmental Services, Inc. for annual web hosting and cellular service related to the CSO monitors for $4,480.00; now, therefore, be it

**RESOLVED**, that the Mayor, subject to Corporation Counsel approval, is hereby authorized and directed enter into contract with ADS Environmental Services, Inc., 340 The Bridge Street, Huntsville, Alabama 35806 for an amount of $46,502.00 plus 20% of contingency to be charged to Capital Projects for CSO Monitoring Equipment and Installation; and be it further

**RESOLVED**, that the Mayor, subject to Corporation Counsel approval, is hereby authorized and directed enter into contract with ADS Environmental Services, Inc., 340 The Bridge Street, Huntsville, Alabama 35806 for an amount of $4,480.00 for annual web hosting and cellular service.

Seconded by Alderman Oates and adopted. Ayes 5.

**081617.8F**

By Alderman Abbott:

Resolved, that pursuant to their request, permission is hereby granted to the residents of Franklin Avenue to barricade Franklin Avenue on August 26, 2017 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 5.

**081617.8G**

By Alderman Wohleben:

Resolved, that pursuant to their request, permission is hereby granted to the Order of the Eastern Star to conduct a Chicken BBQ in the City parking lot behind the Masonic Hall on September 20, 2017, and be it further

Resolved, that permission is hereby granted to barricade parking spaces on Main Street and Cottage Street for said 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 Mullane and adopted. Ayes 5.

**081617.8H**

By Alderman Wohleben:

**WHEREAS**, the City of Lockport (City) proposes to rehabilitate the Holly Edison Electric Building, and the City has been selected to receive a State and Municipal Facilities Program (“SAM”) Grant in the amount of $300,000 to stabilize the structure prior to performing renovations to the building, and

**WHEREAS,** the City’s engineering consultant firm, Nussbaumer & Clarke, Inc., has submitted a proposal dated August 14, 2017 to provide structural design services in accordance with the (”SAM”) Grant Application, and to prepare contractual documents for the bid process of the structural repairs; now, therefore, be it

**RESOLVED,** that the Mayor, subject to Corporate Counsel approval, is authorized to accept said Grant and to execute a Grant Agreement with the Dormitory Authority of the State of New York (“DASNY”), and any other contracts, documents, or instruments necessary to bring about the Project and to fulfill the City of Lockport’s obligations under the (“SAM”) Program, Rehabilitation of Park Shelters and the Community Pool Grant Agreement, Project ID #6423; and be it further

**RESOLVED**, that the Mayor, subject to Corporate Counsel approval, is hereby authorized to execute an agreement with Nussbaumer & Clarke, Inc., 3556 Lake Short Road, Suite 500, Buffalo, NY 14219, to provide Engineering Services as described in its proposal dated August 14, 2017 for a fee not to exceed $15,000, in accordance with the grant application, and to be charge to Capital Projects.

Seconded by Alderman Oates and adopted. Ayes 5.

**081617.8I**

By Alderman Wohleben:

Whereas the Lockport Fire Department replaced outdated Self Contained Breathing Apparatus in 2015 with a Federal grant, the outdated SCOTT 4.5 units have been stored out of service.

Whereas the Niagara County Haz-Mat Team works in conjunction with the City of Lockport Fire Department for incidents of this nature on a mutual aid basis, the benefit of a donation of these units to their team will have mutual benefits to the City of Lockport.

Whereas these units no longer have relevance or usefulness to the Lockport Fire Department, now therefore be it

Resolved, that a donation of six SCOTT 4.5 SCBA units to the Niagara County Hazardous Materials Response Team is hereby approved.

Seconded by Alderman Mullane and adopted. Ayes 5.

**081617.8J**

By Alderman Wohleben:

Resolved, that the Director of Planning and Development is hereby authorized to purchase bike racks for Canal Street in an amount not to exceed $3,570, and be it further

Resolved, that the 2017 budget be amended as follows:

Increase:

001.5110.4706 Property Improvements $3,570.00

Decrease:

001.1900.1990 Contingency $3,570.00

Seconded by Alderman Abbott and adopted. Ayes 5.

**081617.9** **ADJOURNMENT**

At 6:04 P.M. Alderman Wohleben moved the Common Council be adjourned until 6:30 P.M., Wednesday, September 6, 2017.

Seconded by Alderman Abbott and adopted. Ayes 5.

RICHELLE J. PASCERI

City Clerk

CITY OF LOCKPORT

**CORPORATION PROCEEDINGS**

Lockport Municipal Building

Regular Meeting

Official Record

September 6, 2017

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**

**TREASURER’S REPORT**

**RECESS**

Recess for public input.

**090617.1** **APPROVAL OF MINUTES**

On motion of Alderman Wohleben, seconded by Alderman Oates, the minutes of the Regular Meeting of August 16, 2017 are hereby approved as printed in the Journal of Proceedings. Ayes 6. Carried.

**FROM THE MAYOR**

**Appointments:**

8/17/17 Lisa Burruano, 7038 Akron Road, Lockport, NY – appointed as Tax Enforcement Clerk for the Treasurer’s Department effective August 17, 2017. Said appointment is permanent and subject to the City of Lockport Municipal Rules and Regulations. Received and filed.

8/18/17 Tracy Farrell, 55 Lakeview Parkway, Lockport, NY – appointed as Assessor effective August 18, 2017. Said appointment is permanent and subject to the City of Lockport Municipal Rules and Regulations. Received and filed.

8/30/17 Anthony Cercone, 243 South Niagara Street, Lockport, NY – appointed as Public Works Mechanic for the Highways and Parks Department effective September 1, 2017. Said appointment is provisional 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)

8/29/17 Richelle J. Pasceri, City Clerk – Notification that the Lockport Municipal Offices will be closed on Monday, September 4, 2017 in observance of Labor Day. For the entire week of September 4th, garbage will be collected on the day following regularly scheduled collection day. Referred to the Media

**Notice of Defect:**

8/3/17 34 Chestnut Street – loose steel plate-covered excavation hole

8/16/17 67 Scovell Street – trees

8/18/17 312 Ontario Street - tree

8/21/17 532 Pine Street – trees

8/22/17 4 Park Lane Circle – trees

8/28/17 191 Union Street – tree

8/29/17 265 Lock Street – tree

8/30/17 57 Park Lane Circle – tree

8/31/17 39 Prentice Street – trees

Referred to the Director of Streets and Parks.

**Notice of Claim:**

8/21/17 Progressive Insurance, F/B/O Ernest Tate, 207 Washburn Street, Lockport, NY

8/29/17 Todd R. Habschied, 394 Birchwood Drive, Lockport, NY

Referred to the Corporation Counsel.

## MOTIONS & RESOLUTIONS

**090617.2**

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 8, 2017 as follows:

General Fund Account #001 $ 120,447.58

Water Fund Account #002 $ 35,881.35

Sewer Fund Account #003 $ 36,237.41

Capital Projects Account #004 $ 24,499.99

Refuse Fund Account #012 $ 7,051.86

Self Insurance Account #015 $ 146,900.77

Payroll Pay Date 8/17/17 $ 494,737.75

Pay Date 8/31/17 $ 480,539.83

Seconded by Alderman Oates and adopted. Ayes 6.

**090617.3**

By Alderman O’Shaughnessy:

Whereas, the Lockport City Charter (C-175) grants the Common Council power to enact ordinances, and bylaws pertaining to streets, highways … and to make or order and direct the making of such general or local improvements … as it shall deem for the best interests of said City, and

Whereas, said City Charter empowers the Common Council to make, regulate, repair, amend, alter and clean the city streets, and

Whereas, the condition of city streets are among the most common complaints heard by Alderman/Alderwoman and the Common Council, and

Whereas, there is a need to better define the Ward location and date of the City’s street sweeping operation for the betterment of all city streets, now therefore be it

Resolved, that the Common Council hereby requests that the Superintendent of Streets be directed by the Mayor to submit, for Common Council approval, a set, street by street schedule guaranteeing street sweeping in each city Ward at least 3 times per year, and be it further

Resolved, said schedule should be determined by the total number of street and highway miles in each Ward, largest to smallest, and be it further

Resolved, that the Mayor direct the Superintendent of Streets shall immediately notify all Common Council members of any schedule change anticipated due to weather and/or emergency street repairs, and be it further

Resolved, said street by street sweeping schedule, and any emergency changes, be posted weekly on the City’s web site, City Hall bulletin boards and published in all local print and broadcast media outlets.

Seconded by Alderman Devine and adopted. Ayes 6.

**090617.4**

By Alderman Wohleben:

Whereas, the Lockport City School District has received the Safe Routes to School Grant, and

Whereas, the Lockport City School District wishes to purchase ten solar powered crossing lights for each elementary school and intermediate schools, now therefore be it

Resolved, that the City of Lockport accepts said solar lights, and be it further

Resolved, that the Director of Streets and Parks is hereby authorized and directed to arrange for installation and maintenance of said solar lights.

Seconded by Alderman Wohleben and adopted. Ayes 6.

**090617.5**

By Alderman Wohleben:

WHEREAS, the City Treasurer, Director of Finance, and City Engineer in conjunction with the department managers charged with project oversight, have completed a review of all open capital projects, and

WHEREAS, all completed projects have been identified and the associated account balances verified, and

WHEREAS, closure of all completed projects require Council approval, and

WHEREAS, all remaining funds must be returned to the original funding source, now, therefore be it

RESOLVED, that the following capital projects be closed, the account balances be transferred to the original funding source, and all related budgets be closed:

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| **Project #** | **Sponsor Fund** | **Project Title** | **Funding Source(s)** | **Cash Balance** |
| #0076 | Sewer | BLOWER UPGRADE | Sewer/Debt | $0.00 |
| #0108 | General | BROWNFIELD OPPORTUNITY AREA | GF/NYS Grant | $39,590.64 |
| #4112 | General | MUNICIPAL BLDG ROOF REPAIR(#2) | Debt | $0.00 |
| #4122 | General | PARKING RAMP DEMO(#2) | Debt | $3,883.20 |
| #4162 | Sewer | WWT-CLARIFIER TANK | Debt | $19,946.59 |
| #4163 | Sewer | CSO-8 SEWER | Debt | $70.95 |
| #4165 | Water | LINCOLN AVE WATER MAIN | Debt | $5,021.76 |
| #4166 | Water | SOUTH NEW YORK WATER MAIN | Debt | $14,149.56 |
| #4169 | Sewer | WWT-THICKENER TANK | Sewer/Debt | $490.40 |
|  |  | **TOTAL** |  | **$83,153.10** |

And be it further

RESOLVED, that the cash balance total of $83,153.10 be returned to the original funding source as follows:

|  |  |  |
| --- | --- | --- |
| Debt Service Reserve, General |  | $3,883.20 |
| Debt Service Reserve, Water |  | $19,171.32 |
| Debt Service Reserve, Sewer |  | $20,507.94 |
| General Fund |  | $39,590.64 |
| **TOTAL** |  | **$83,153.10** |

Seconded by Alderman Oates and adopted. Ayes 6.

**090617.6**

By Alderman Abbott:

Resolved, that a public hearing be held at the Common Council Meeting of September 20, 2017 starting at 6:30 P.M. in the Common Council Chambers, Lockport Municipal Building, One Locks Plaza, Lockport, NY relative to CDBG housing programs, including First-Time Home Buyer and Housing Rehab grants, 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.

**090617.7**

By Alderman Devine:

Whereas, the City Council approved Resolution 080217.7 authorizing Kandey Company, Inc. to inspect and clean sanitary sewers on Elmira, Maple, Washburn Streets and Tudor Lane; and

Whereas, emergency repair work was identified and authorized on Elmwood sewer lines in the amount of $17,000; and

Whereas, the budget needs to be amended to accommodate these services; Now Therefore, Be it

Resolved, that the 2017 Sewer Budget is amended as follows:

Revenue:

Increase:

003.0003.2122 Special Billings $37,000

Expense:

Increase:

003.8125.4571 Operational Services $37,000

Seconded by Alderman Abbott and adopted. Ayes 6.

**090617.8**

By Alderman Oates:

**Whereas**, the Building Maintenance Supervisor has informed the Mayor that the floor carpeting at several offices and hallways of the Municipal Building is damaged and in need of replacement, and

**Whereas**, the Engineering Department has requested quotes to replace the deteriorated carpets with carpet tiles, type Kraus Rhone 7043-04 in Acorn Color, and proposals were received as follows: M. Carter Décor Floor and Window Coverings $22,056, Custom Carpet Centers $26,150, Carpet Collection Tile and DeSantis Carpet Tile Floors declined their right to submit their proposals; now, therefore, be it

**Resolved**, that the Mayor, subject to Corporation Counsel approval, is hereby authorized and directed enter into contract with M. Carter Décor Floor and Window Coverings, 360 West Avenue, Lockport, NY 14094, for an amount of $22,056 to replace floor carpeting at the Municipal Building and

Whereas, the carpet replacement was not budgeted for in the 2017 budget necessitating an amendment using contingency funds; be it further

Resolved, that the 2017 Budget is hereby amended as follows:

Increase

Expense:

001.1620.4705 Building Maintenance $22,500

Decrease:

Expense

001.1900.1990 Contingency $22,500

Seconded by Alderman Wohleben and adopted. Ayes 6.

**090617.9 WITHDRAWN** (Establish standard work day for elected and appointed officials)

**090617.10 WITHDRAWN** (Amend budget re: damaged fire hydrants)

**090617.11**

By Alderman Mullane:

**WHEREAS**, the Office of the New York State Comptroller conducted a “Fiscal Street Audit” of the City of Lockport for the calendar year 2013 as well as a “Cash Flow Audit” for 2013, “Independent Audit Services” for 2014 and “Budget Reviews” for 2015 & 2016, and

**WHEREAS**, several of Councilwomen Mullane’s constituents have questioned Councilwomen Mullane why a forensic audit was never conducted by the New York State Comptroller’s Office despite the City’s fiscal stress and deficit borrowing, and

**WHEREAS**, a Forensic audit will determine whether the City was and is in compliance with legal requirements and whether internal controls, and

**WHEREAS**, the Office of the New York State Attorney General is presently auditing municipal assessment departments across the State and the Common Council desires that the Office of the Assessor be included in the statewide audit and, if possible, be granted priority status by the Office of the New York State Attorney General, and

**WHEREAS**, the Common Council also desires to request the Office of the New York State Comptroller conduct a forensic audit of the assessment department, civil service department, water department and that said forensic audits be granted, if possible, priority status by the Comptroller to allow the Common Council sufficient time to prepare its annual budget in November. **NOW, THEREFORE, BE IT**

**RESOLVED**, that the Common Council for the City of Lockport hereby request the assistance of the New York State Attorney General in conducting an audit of the department of assessment, and be it further

**RESOLVED**, that the Common Council for the City of Lockport hereby requests the Office of the New York State Comptroller conduct a forensic audit of the following departments: Assessment, Civil Service, and Water, and be it further

**RESOLVED**, that the City of Lockport Common Council hereby requests that the above named audits be given priority status by the State of New York to allow the Common Council time to prepare its annual budget in November, and be it further

**RESOLVED**, that upon passage a certified copy of this Resolution be sent to the Office of the New York State Attorney General and the Office of the New York State Comptroller.

Seconded by Alderman O’Shaughnessy.

Ayes 3. Nos 3. Ald. Abbott, Wohleben, Oates voted no.

The Mayor voted in the negative. Motion failed.

**090617.11A**

By Alderman Wohleben:

WHEREAS, the City of Lockport received a grant for $1,315,000 from Empire State Development for continued rehabilitation of the historic Erie Canal Flight of Five locks, and

WHEREAS, the City of Lockport contracted with Bergmann Associates to complete the final design, Phase 2 (Lock 68), of the Flight of Five rehabilitation project, and

WHEREAS, a number of factors (including an additional $200,000 National Maritime Heritage grant through the National Park Service for said rehabilitation) have led to additional design work needing to be completed pursuant to the proposal for supplemental services from Bergmann Associates dated August 30th, 2017. NOW THEREFORE BE IT

RESOLVED that the Mayor be and is hereby authorized and directed to execute a supplemental agreement with Bergmann Associates for a sum not-to-exceed $196,455.00 for additional services needed to complete the Construction Documents for the 2nd Phase of Constructions that rehabilitates Lock 68 of the Flight of Five.

Seconded by Alderman Devine and adopted. Ayes 6.

**090617.12** **ADJOURNMENT**

At 7:16 P.M. Alderman Wohleben moved the Common Council be adjourned until 6:30 P.M., Wednesday, September 20, 2017.

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 20, 2017

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, Mullane, and Wohleben.

Absent: Alderman O’Shaughnessy

**INVOCATION**

**MAYOR’S UPDATE**

**RECESS**

Recess for public input.

**092017.1** **APPROVAL OF MINUTES**

On motion of Alderman Wohleben, seconded by Alderman Devine, the minutes of the Regular Meeting of September 6, 2017 are hereby approved as printed in the Journal of Proceedings. Ayes 5. Carried.

PUBLIC HEARING

The Mayor announced a public hearing on a proposal to submit a Community Development Block Grant application to the New York State Office of the Community Renewal for funding to implement the First-Time Home Buyer and Housing Rehab Grant programs.

The Mayor asked the City Clerk if any petitions or communications relative to said grant application 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)

9/8/17 Jason Madden, Assistant Principal, Lockport High School, 250 Lincoln Avenue, Lockport, NY – request permission to conduct a Homecoming Parade on October 14, 2017.

Referred to the Committee of the Whole

9/14/17 Kristin Hromowyk, Education Coordinator, Emmanuel United Methodist Church – request permission to conduct a “Trunk or Treat” party on October 28, 2017.

Referred to the Committee of the Whole

**Notice of Defect:**

9/12/17 215 Akron Street - tree

Referred to the Director of Streets and Parks.

**Summons in a Civil Action**

9/19/17 Lena D. Villella vs. City of Lockport

Referred to the Corporation Counsel

## MOTIONS & RESOLUTIONS

**092017.2**

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 22, 2017 as follows:

General Fund Account #001 $ 193,025.70

Water Fund Account #002 $ 202,842.01

Sewer Fund Account #003 $ 32,382.05

Capital Projects Account #004 $ 528,939.33

Refuse Fund Account #012 $ 94,426.32

Self Insurance Account #015 $ 146,613.19

Worker’s Comp Account #020 $ 5,900.00

Payroll Pay Date 9/14/17 $ 483,339.06

Seconded by Alderman Oates and adopted. Ayes 5.

**092017.3**

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 14, 2017, 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 Mullane and adopted. Ayes 5.

**092017.4 WITHDRAWN** (Authorize RFP – Comprehensive Plan)

By Alderman Oates:

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

Seconded by Alderman Wohleben and adopted. Ayes 5.

**092017.5**

By Alderman Abbott:

**WHEREAS,** Title 315.4 of the New York Compilation of Codes, Rules and Regulations, entitled Regulation on Reporting for Elected or Appointed Officials requires the reporting of time for certain elected or appointed officials participating in the New York State Retirement System, and

**WHEREAS,** Title 315.4 required the Common Council establish by resolution a standard work day for each Elected or Appointed official serving the City of Lockport, and

**WHEREAS**, newly elected or appointed offices must prepare and file a time record for the first 180 days of taking office which is good for a period of eight years, and

**WHEREAS,** Resolution 021710.9 adopted by the Common Council on February 18, 2010, established that Title 315.4 of the NYSRR applied to the following City Officials:

**ELECTED OFFICIALS**

City of Lockport Mayor

City of Lockport Common Council Members

City of Lockport Treasurer

**APPOINTED OFFICIALS**

City of Lockport Corporation Counsel

City of Lockport Deputy Corporation Counsel Members

City of Lockport City Clerk

City of Lockport Department Heads

**ALL DESIGNATED PARTTIME**

School Crossing Guards

Dog Control Officer

Community Services Aide, and

**WHEREAS**, based upon time records kept by the above City officials Resolution 080410.8 was adopted on August 5, 2010, establishing standard work days for the above elected and appointed officials, and

**WHEREAS**, one Alderperson, the City Treasurer and the Second Deputy Attorney need to report their respective time for the first 180 days of taking office (or a comparable 180 time period if not completed within the first 180 days of taking office) and the City Clerk, Corporation Counsel and First Deputy Corporation Counsel need to file annual re-certifications that their standard work days have not changed since their last time record, now, therefore, be it

**RESOLVED**, that in compliance with the mandates of title 315.4, promulgated by the New York State Comptroller, one Alderperson, the City Treasurer and the Second Deputy Attorney shall report to the City Clerk their respective time for a period of 180 days and the City Clerk, Corporation Counsel and First Deputy Corporation Counsel shall file with the City Clerk annual re-certifications that their standard work days have not changed since the filing of their last time record.

Seconded by Alderman Oates and adopted. Ayes 5.

**092017.6**

By Alderman Wohleben:

WHEREAS, the City of Lockport has been invited by the NYS Homes and Community Renewal Office of Community Renewal to submit application for a Single Purpose Plan under the New York State administered Community Development Block Grant (CDBG) Program; and

WHEREAS, the City of Lockport is desirous of applying for a home rehabilitation and homeownership assistance programs to assist low and moderate income first-time homebuyers; and

WHEREAS, a public hearing was conducted to obtain citizen input regarding the utilization of CDBG funds; and

WHEREAS, programs have been prepared that meet those community needs that have been identified, now therefore be it

RESOLVED, that the Mayor be, and she is hereby authorized to execute and submit applications to the Office of Community Renewal for the CDBG Programs.

Seconded by Alderman Mullane and adopted. Ayes 5.

**092017.7**

By Alderman Oates:

Resolved, that pursuant to their request, permission is hereby granted to Emmanuel United Methodist Church to barricade Wakeman Alley on Saturday, October 28, 2017, for a “Trunk or Treat” 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 Mullane and adopted. Ayes 5.

**092017.7A**

By Alderman Devine:

WHEREAS, the Building Inspection Department is in need of appropriate vehicles in the performance of their duties; and

WHEREAS, given the use and mileage incurred on an annual basis it is more advantageous to lease vehicles; and

WHEREAS, the City has received proposals for leasing three sport utility vehicles for the next three years with Bob Johnson Chevrolet proposing a 39 month lease for $228.74 per month for each of the three vehicles; and

WHEREAS, funds are available within the Building Inspection Department for this lease; NOW THEREFORE, BE IT

RESOLVED, that the Mayor is hereby authorized to enter a lease for three Chevy Trax with Bob Johnson Chevrolet for 39 months at $228.74 and execute any and all documents necessary to effectuate said lease; and be it further

RESOLVED, that the 2017 Budget is hereby amended as follows:

Increase:

Expense 001.3620.4127 Equipment Lease/Rental $2,870

Decrease:

Expense 001.3620.4326 Service Maintenance Agreements $2,870

Seconded by Alderman Abbott and adopted. Ayes 5.

**092017.7B**

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 for a term of 4 years.

Seconded by Alderman Devine and adopted. Ayes 5.

**092017.7C**

By Alderman Wohleben:

Resolved, that pursuant to their request, the Palace Theater is hereby granted permission to use city bleachers for an upcoming show, “Spelling Bee” Said permission is subject to the Palace 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 from October 5, 2017 until October 17, 2017.

Seconded by Alderman Devine and adopted. Ayes 5.

**092017.7D**

By Alderman Oates:

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 Time Warner Cable in the amount of $52,465.80 for the period of the audit ending August 1, 2017 40% of which is due Computel for their services; and

WHEREAS, the 2017 Budget needs to be amended to account for this activity, now therefore be it

RESOLVED, that the 2017 Budget is hereby amended as follows:

Increase:

Revenue 001-0001-1130 1% Utility Tax $20,987

Expense 001-3125-4428 Consultants $20,987

Seconded by Alderman Abbott and adopted. Ayes 5.

**092017.8** **ADJOURNMENT**

At 7:02 P.M. Alderman Wohleben moved the Common Council be adjourned until 6:30 P.M., Wednesday, October 4, 2017.

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

October 4, 2017

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.

**100417.1** **APPROVAL OF MINUTES**

On motion of Alderman Wohleben, seconded by Alderman Devine, the minutes of the Regular Meeting of September 20, 2017 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)

10/2/17 Richelle J. Pasceri, City Clerk – Notification that the Lockport Municipal Offices will be closed on Monday, October 9, 2017 in observance of Columbus Day. There will be no change in the garbage pickup schedule.

Referred to the Media

10/2/17 Richelle J. Pasceri, City Clerk – Notification of bids for Veterans Memorial Monument 2017 Repairs were received and opened on September 29, 2017:

Modern Surface Solutions, Inc. $ 62,337.00

Lockport, NY Alternate 8,000.00

Raymond E. Kelley, Inc. $ 77,344.00

Bowmansville, NY Alternate 5,300.00

International Chimney Corporation $194,287.00

Williamsville, NY Alternate 10,164.00

Fiske Associates, Inc. $318,298.00

Waterford, PA Alternate 38,500.00

Referred to the City Engineer

**Notice of Defect:**

9/21/17 181 Waterman Street – tree

9/26/17 1 Woodlawn Avenue – tree

10/2/17 15 Remick Parkway – tree

Referred to the Director of Streets and Parks.

**Notice of Claim:**

9/15/17 William Donelson, 232 Grand Street, Lockport, NY

9/21/17 NYCM Insurance A/S/O Joann Speight, 1899 Central Plaza East, Edmeston, NY

9/25/17 Daron Woods, 279 Washburn Street, Apt 3, Lockport, NY

Referred to the Corporation Counsel.

## MOTIONS & RESOLUTIONS

**100417.2**

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 6, 2017 as follows:

General Fund Account #001 $ 110,482.15

Water Fund Account #002 $ 34,772.18

Sewer Fund Account #003 $ 46,144.49

Capital Projects Account #004 $ 465,426.68

Refuse Fund Account #012 $ 330.30

Worker’s Comp Account #020 $ 7,500.00

Payroll Pay Date 9/28/17 $ 477,927.64

Seconded by Alderman Oates and adopted. Ayes 6.

**100417.3**

By Alderman Abbott:

Resolved, that Tuesday, October 31, 2017 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 O’Shaughnessy and adopted. Ayes 6.

By Alderman Wohleben:

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

Seconded by Alderman Oates and adopted. Ayes 6.

**100417.4**

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 Common Council approved resolution 051717.4 on May 17, 2017 to authorize cleaning and video inspection of storm and combined sewers located at Pine St., Hawley St., Coolidge Ave., and Beattie Ave., and

**WHEREAS**, after reviewing videos and reports of the sewer’s inspection , consultant City engineering firm Nussbaumer & Clarke issued an engineering memo on September 12, 2017 in which recommended to address emergency structural repairs in sections of the inspected combined sewers to prevent imminent failure ; and

**WHEREAS**, on June 22, 2017 the City signed an agreement with Kenyon Pipeline Inspection, LLC related to sewer rehabilitation and repair on Davison Road. The Engineering Department requested a quote from Kenyon Pipeline Inspection, LLC to correct the deficiencies found in the inspection of the sewer lines. Kenyon Pipeline Inspection, LLC proposed to replace a manhole at Pine and Gaffney, and lining approximately 1500’ of sewers at Pine, Hawley, Coolidge, and Beattie for a total cost of $136,300; and

**WHEREAS**, Nussbaumer & Clarke submitted a proposal for Professional Engineering Services to provide engineering support and inspection of the sewer repair at the mentioned locations for a not to exceed amount of $8,900; now, therefore, be it

**RESOLVED**, authorize the Mayor, subject to Corporation Counsel approval, to sign an amendment of the contract between the City of Lockport and Kenyon Pipeline Inspection, LLC., 68 Park Road, Queensbury, New York 12804, for an amount of $136,300 to complete said emergency sewer work, and be it further

**RESOLVED**, that the Mayor, subject to Corporate Counsel approval, is hereby authorized to execute an agreement with Nussbaumer & Clarke, Inc., 3556 Lake Short Road, Suite 500, Buffalo, NY 14219 to provide Engineering Services as described in its proposal dated September 26, 2017 for a fee not to exceed $8,900, to be charged to account And be it Further

Resolved, that the 2017 Sewer Budget is amended as follows:

Revenue:

Increase:

003.0003.2122         Special Billings                                            $145,200

Expense:

Increase:

003.8125.0294         Infrastructure Improvements                      $136,300

003.8125.4428         Professional Services                                 $    8,900

Seconded by Alderman Wohleben and adopted. Ayes 6.

**100417.4A**

By Alderman Wohleben:

WHEREAS, the City of Lockport (City) Veterans Memorial Monument in Veterans Memorial Park is deteriorating and several marble pieces have been displaced; and

WHEREAS, the City applied for and was subsequently awarded a $100,000 grant from the Dormitory Authority of the State of New York (DASNY) to repair the monument; and

WHEREAS, the City authorized its consulting engineer to prepare design documents to repair the Veterans Memorial Monument with an alternate item to clean the monument, and to publicly advertise the project for construction contractors; and

WHEREAS, the City received four bids in advance of the September 29, 2017 11:00 a.m. deadline from Modern Surface Solutions, Inc., Raymond E. Kelley, Inc., International Chimney Corp., and Fiske Associates, Inc, and

WHEREAS, after review of the bids and references, and discussion with Modern Surface Solutions, the City’s consulting engineer recommends award of the contract to Modern Surface Solutions, Inc. for $70,337.00, which includes the base bid plus the alternate item to clean the monument; now, therefore, be it

RESOLVED, that the Mayor, subject to Corporation Counsel approval, is hereby authorized and directed enter into contract with Modern Surface Solutions, Inc., 7292 Akron Road, Lockport, New York 14094 for an amount of $70,337.00 plus 20% of contingency to be charged to Capital Projects.

Seconded by Alderman Abbott and adopted. Ayes 6.

**100417.4B**

By Alderman Abbott:

Whereas, the Common Council passed resolution 081617.8D authorizing the Mayor to enter into agreement with Nusbaumer & Clarke, Inc. to complete the Scope of Work related to the NYSERDA Clean Energy Community Grant, and

Whereas, the city is desirous to execute said project, now therefore be it

Resolved, that the Mayor is hereby authorized and directed to sign any and all documents for said project.

Seconded by Alderman Mullane and adopted. Ayes 6.

**100417.5** **ADJOURNMENT**

At 6:51 P.M. Alderman Wohleben moved the Common Council be adjourned until 6:30 P.M., Wednesday, October 18, 2017. Budget presentation Thursday, October 12, 2017 at 4:30 P.M.

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 18, 2017

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**

**ASSESSOR’S UPDATE**

**RECESS**

Recess for public input.

**101817.1** **APPROVAL OF MINUTES**

On motion of Alderman Wohleben, seconded by Alderman Devine, the minutes of the Regular Meeting of October 4, 2017 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:**

10/6/17 465 Prospect Street – tree

10/16/17 245 VanBuren Street – tree

Referred to the Director of Streets and Parks.

**Notice of Claim:**

10/3/17 Barbara G. Enney, 88 Prospect Street, Lockport, NY

10/18/17 Shirley Richter, 360 Hawley Street, Lockport, NY

Referred to the Corporation Counsel.

## MOTIONS & RESOLUTIONS

**101817.2**

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 20, 2017 as follows:

General Fund Account #001 $ 37,387.07

Water Fund Account #002 $ 4,691.18

Sewer Fund Account #003 $ 55,038.55

Capital Projects Account #004 $ 14,121.25

Refuse Fund Account #012 $ 40.00

Self Insurance Account #015 $ 146,836.59

Payroll Pay Date 10/12/17 $ 468,514.39

Seconded by Alderman Oates and adopted. Ayes 6.

**101817.3**

By Alderman Wohleben:

WHEREAS, the Mayor is the chief executive officer of the City and administrative head of the executive branch; and

WHEREAS, the Mayor, unlike other City employees, does not have to sign in or out or otherwise document his/her work hours; and

WHEREAS, for the purpose of open and transparent government, the public has a right to request a copy of the Mayors work calendar/schedule through a Freedom of Information Law request; and

WHEREAS, the Common Council supports the enactment of a policy requiring the Mayor to file his/her calendar/schedule with the City Clerk on a yearly basis, now therefore be it

RESOLVED, that the Common Council supports the enactment of a policy requiring the Mayor to file his/her calendar/schedule from the previous year by January 15th, of the following year with the City Clerk.

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

**101817.4**

By Alderman Wohleben:

Resolved, that pursuant to their request, Light Up Lockport be and the same is hereby granted permission to use the City’s right-of-way to conduct the following events on Saturday, November 25, 2017:

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

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

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

And be it further

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

Resolved, that the Director of Streets and Parks is hereby authorized and directed to arrange for delivery of barricades to said locations prior to said events.

Seconded by Alderman Oates and adopted. Ayes 6.

**101817.5**

By Alderman Wohleben:

Resolved, that pursuant to the request of the Hair’s to You, the Director of Streets and Parks be and the same is hereby authorized and directed to arrange for delivery of temporary no parking signs and traffic cones on Market Street in front of the Bewley Building on October 24, 2017.

Seconded by Alderman Oates and adopted. Ayes 6.

**101817.6**

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 Friday, October 27, 2017 between 4:00PM and 8:00PM, 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.

**101817.6A**

By Alderman Devine:

WHEREAS, in response to flooding that occurred during the wet weather event of June 28, 2013, the City proposes to separate the combined sewer on High Street between State Road and, Locust Street in Lockport NY, and

WHEREAS, the City’s Engineering Consultant Nussbaumer & Clarke, Inc. (Nussbaumer) prepared an Engineering Report regarding the separation of the sewer in March of 2016 to support a Dormitory Authority of the State of New York (DASNY) State and Municipal Facilities Program (SAM) Grant Application and determined the estimated cost of the renovations, including design, to be $1,500,000, and

WHEREAS, the City has been selected to receive a SAM Grant in the amount of $1,500,000 to complete Project #7517, Upgrades to the High Street Sewer System, now, therefore, be it

RESOLVED, that the Mayor, subject to Corporate Counsel approval, is authorized to accept said Grant and to execute a Grant Agreement with DASNY and any other contracts, documents, or instruments necessary to bring about the Project and to fulfill the City of Lockport’s obligations under the SAM Program, Upgrades to the High Street Sewer System.

Seconded by Alderman Abbott and adopted. Ayes 6.

**101817.7** **ADJOURNMENT**

At 7:11 P.M. Alderman Wohleben moved the Common Council be adjourned until 6:30 P.M., Wednesday, November 1, 2017.

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 1, 2017

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, Mullane, and Wohleben.

Absent: Alderman O’Shaughnessy

**INVOCATION**

**MAYOR’S UPDATE**

**TREASURER’S REPORT**

**RECESS**

Recess for public input.

**110117.1** **APPROVAL OF MINUTES**

On motion of Alderman Wohleben, seconded by Alderman Oates, the minutes of the Regular Meeting of October 18, 2017 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)

**Notice of Defect:**

10/17/17 13 Harding Avenue – tree

10/17/17 203 Union Street – tree

Referred to the Director of Streets and Parks.

**Notice of Claim:**

10/24/17 Sterling Pierce, Jr., 117 Vine Street, Lockport, NY

Referred to the Corporation Counsel.

10/30/17 Richelle J. Pasceri, City Clerk – notification that the Lockport Municipal Offices

will be closed the following days in November:

Tuesday, November 7th Election Day

Friday, November 10th Veteran’s Day

Thursday & Friday, November 23rd & 24th Thanksgiving Holiday

The garbage collection schedule will remain the same for November 7th and 10th.

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

Normal Pick Up Day Holiday Pick Up Day

Thursday, November 23rd Friday, November 24th

Friday, November 24th Saturday, November 25th

Referred to the Media

## 11/1/17 Gabriel F. Deyo, Deputy Comptroller, Office of the State Comptroller - Notification that the City of Lockport 2018 Budget review is complete.

Referred to the Committee of the Whole

## MOTIONS & RESOLUTIONS

**110117.2**

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 3, 2017 as follows:

General Fund Account #001 $ 112,508.38

Water Fund Account #002 $ 54,042.75

Sewer Fund Account #003 $ 47,657.15

Capital Projects Account #004 $ 169,069.53

Refuse Fund Account #012 $ 90,720.49

Self Insurance Account #015 $ 283.67

Payroll Pay Date 10/26/2017 $ 477,861.73

Seconded by Alderman Oates and adopted. Ayes 5.

**110117.3**

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

Clifford J. Holmes 30 Firefighter

Seconded by Alderman Devine and adopted. Ayes 5.

**110117.4**

By Alderman Oates:

Resolved, that a public hearing be held at the Common Council Meeting of Wednesday, November 8, 2017 starting at 5:00 P.M. in the Common Council Chambers, Lockport Municipal Building, One Locks Plaza, Lockport, NY relative to the proposed 2018 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 Wohleben and adopted. Ayes 5.

**110117.5**

By Alderman Wohleben:

**Whereas**, the City has solicited proposals from two firms to improve its internet and social media presence, including web hosting; and

**Whereas**, the City currently has determined that the proposal from J. Fitzgerald Group, Inc. provides the best website and social media development capabilities to significantly improve the City’s website, on-line services and social media presence; and

**Whereas,** the 2017 General Fund budget needs to be amended to fund the website redesign and social media development in the amount of $10,500;

Now, therefore, be it

**Resolved**, that the Mayor, subject to Corporation Counsel approval, is hereby authorized and directed execute agreement with J. Fitzgerald Group, Inc. 12 West Main Street, Lockport, NY in the amount of $10,500 for the redevelopment of the City’s website and creation of a social media platform and a subsequent hosting and maintenance agreement in an amount not to exceed $15,000 annually; and Be it further

**Resolved,** that the 2017 General Fund Budget is hereby amended as follows:

Expense:

Decrease:

001.1900.1990 Contingency $10,500

Increase:

001.1680.4231 Internet Services $10,500

Seconded by Alderman Oates and adopted. Ayes 5.

**110117.6**

By Alderman Abbott:

**Whereas**, the City Council and the Police Department has identified a need for additional public safety cameras; and

**Whereas,** the City has also incurred costs for the geotechnical study of the soil at Scalzo Park along Market Street in connection to a failed retaining wall; and

**Whereas,** the 2017 General Fund budget must be amended to accommodate these projects;

Now, therefore, be it

**Resolved,** that the 2017 General Fund Budget is hereby amended as follows:

Expense:

Decrease:

001.1900.1990 Contingency $ 32,000

Increase:

001.3120.0250 Equipment $ 16,000

001.3120.4427 Engineering Services $ 16,000

Seconded by Alderman Mullane and adopted. Ayes 5.

**110117.7**

By Alderman Devine:

**Whereas**, the Wastewater Treatment Plant (WWTP) Chief Operator has informed the Mayor that the existing 12” “cement lined” chimney for the steam boiler located at the basement of the Main Building of the WWTP is damaged and in need of replacement, and

**Whereas**, the WWTP Chief Operator has requested quotes to replace the deteriorated chimney with a new 8” VANPACKER DW stainless steel chimney, and three proposals were received as follows: Custom Sheet Metal Contracting, LLC $10,600.00; Northeast Mechanical Inc., $13,750.00; and Mazza Mechanical Services, $16,984.00;

**Whereas**, the WWTP Chief Operator considers that the materials, warranty, and technical services for installation and maintenance contained in the quote from Northeast Mechanical Inc. fully meets the requirements for the chimney replacement, and subsequently, it is the piece of equipment with more added value for this purchase; now, therefore, be it

**Resolved**, that the Mayor, subject to Corporation Counsel approval, is hereby authorized and directed enter into contract with Northeast Mechanical Inc., 139 Sawyer Avenue, Depew, New York 14043, for an amount of $13,750.00; and be it further

Resolved, that the 2017 Sewer Fund Budget is hereby amended as follows:

Expense:

Decrease:

003.8130.4851 Utilities $ 13,750

Increase:

003.8130.4706 Building Repairs $ 13,750

Seconded by Alderman Mullane and adopted. Ayes 5.

**110117.8**

By Alderman Devine:

**Whereas**, the Wastewater Treatment Plant (WWTP) Chief Operator has previously solicited proposals for telemetry equipment and connectivity; and

**Whereas**, the City currently has established a relationship with Opferbeck Consulting, Inc. for telemetry at the Hoover lift station and wishes to expand the service to the filter building and the Davison Road lift station; and

**Whereas,** proposals were received from Opferbeck Consulting for the filter building and the Davison Road lift station for $4,200 and $5,500 respectively; and

**Whereas,** the 2017 Sewer Fund budget must be amended to accommodate these projects; and

**Whereas**, the WWTP Chief Operator considers that the materials, warranty, and technical services for installation and maintenance contained in the quote from Opferbeck Consulting, Inc. acceptable; Now, therefore, be it

**Resolved**, that the Mayor, subject to Corporation Counsel approval, is hereby authorized and directed execute agreements with Opferbeck Consulting, Inc. 30 West Street, Cattaraugus, NY for $4,200 and $5,500 for telemetry services at the filter building and Davison Road lift stations, respectively; and Be it further

**Resolved,** that the 2017 Sewer Fund Budget is hereby amended as follows:

Expense:

Decrease:

003.8130.0113 Seasonal Employees $ 9,700

Increase:

003.8130.0250 Equipment $ 9,700

Seconded by Alderman Abbott and adopted. Ayes 5.

**110117.8A**

By Alderman Wohleben:

**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 8, 2017, starting at approximately 5:00 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 Oates and adopted. Ayes 5.

**110117.9** **ADJOURNMENT**

At 7:00 P.M. Alderman Wohleben moved the Common Council be adjourned until 5:00 P.M., Wednesday, November 8, 2017.

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

November 15, 2017

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, Farrell, Oates, Mullane, and Wohleben.

**INVOCATION**

**MAYOR’S UPDATE**

**RECESS**

Recess for public input.

**111517.1** **APPROVAL OF MINUTES**

On motion of Alderman Wohleben, seconded by Alderman Devine, the minutes of the Regular Meeting of November 1, 2017 are hereby approved as printed in the Journal of Proceedings. Ayes 6. Carried.

**FROM THE MAYOR**

**Resignation:**

11/8/17 R. Joseph O’Shaughnessy resigned as Alderman At-Large.

Received and filed.

**Appointments:**

11/9/17 Amanda Farrell, 50 Independence Drive, Lockport, NY – appointed as Alderman At-Large. 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)

**Notice of Defect:**

11/6/17 51 Canal Street parking area – pothole

Referred to the Director of Streets and Parks.

## MOTIONS & RESOLUTIONS

**111517.2**

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 17, 2017 as follows:

General Fund Account #001 $ 109,290.33

Water Fund Account #002 $ 12,749.90

Sewer Fund Account #003 $ 17,265.47

Capital Projects Account #004 $ 167,265.94

Refuse Fund Account #012 $ 631.60

Self Insurance Account #015 $ 145,314.69

Payroll Pay Date 11/9/17 $ 467,766.47

Seconded by Alderman Oates and adopted. Ayes 6.

**111517.3**

By Alderman Devine:

**Whereas**, the City of Lockport has finalized the inspection of its raw waterline and it’s Consultant Engineer has recommended the replacement of the original steel lock bar section located at the northern end of the raw waterline, and

**Whereas**, the City’s raw water line is approximately 13 miles long and provides on average approximately 5 million gallons per day of raw water from the Niagara River, and

**Whereas**, the raw water line is comprised of approximately 11 miles of pre-stressed concrete cylinder pipe installed in between 1970 and 1995, and 2 miles of original steel lock bar pipe installed circa 1907, and

**Whereas**, the New York State Water Infrastructure Improvement Act Grant Program and the New York State Revolving Fund Program, awarded a grant and loan to the City of Lockport for the replacement of the approximately two-mile section of steel lock bar pipe, and

**Whereas**, on August 2, 2017, the City of Lockport authorized the Mayor to sign an agreement with GHD Consulting Services Inc. for Professional Engineering Services to design the steel lock bar replacement by Resolution 080217.10, and

**Whereas**, during a recent routine area inspection near Hinman Road, surface water was observed and suspected to be the result of a leak in the original steel lock bar pipe intended for replacement, and

**Whereas**, City staff and engineering representatives from GHD and Nussbaumer & Clarke examined the site and concluded that there is a leak or leaks in the original steel lock bar section of the raw waterline, the precise location of which is indeterminable without excavation, and

**Whereas**, the location of the leak and or leaks is in a densely vegetated area and construction access will be extremely difficult due to natural ponding and heavy foliage, and

**Whereas**, the repair of the leak or leaks will very difficult due to a lack of operable proximate valves for isolation and dewatering, and

**Whereas**, due to the age and style of the pipe, repair materials are not readily available and poor pipe condition may cause leak migration or new leaks to develop during any attempted repair, and

**Whereas**, due to these many complications, City staff in consultation with the City’s Engineering Consultants have determined that repairing the leak/leaks will be very costly; and

**Whereas**, due to the age and condition of the steel lock bar pipe, the City cannot rule out the possibility of a progressive catastrophic leak that would cause damage to the immediate surrounding area and force the City to take emergency supply from the Niagara County Water District, and

**Whereas**, the City has never taken all of its water supply from the Niagara County Water District for an extended period and by doing so may face other difficulties such as reduced available volumes for firefighting, and

**Whereas**, General Municipal Law Section 103 (4) states “Notwithstanding the provisions of subdivision one of this section, in the case of a public emergency arising out of an accident or other unforeseen occurrence or condition whereby circumstances affecting public buildings, public property or the life, health, safety or property of the inhabitants of a political subdivision or district therein, require immediate action which cannot await competitive bidding or competitive offering, contracts for public work or the purchase of supplies, material or equipment may be let by the appropriate officer, board or agency of a political subdivision or district therein”, and

**Whereas**, General Municipal Law Section 6-e (1)(i) states “Public emergency” means an epidemic, conflagration, riot, storm, flood or other sudden, unforeseen or unexpected occurrence or condition which requires the immediate expenditure of moneys to protect the public health, safety or welfare of the inhabitants of the municipal corporation”, and

**Whereas**, the City and its Engineering Consultants have discussed the situation with the New York State Department of Health and the New York State Environmental Facilities Corporation and understand that an emergency response to the current condition by accelerating the raw waterline steel lock bar replacement project will not jeopardize the project funding; and

**Whereas**, the City has concluded that the leak or leaks in the raw waterline represent a Public Emergency, now, therefore be it

**Resolved**, that the Mayor, declare that the replacement of the original steel lock bar section of the raw waterline is a Public Emergency, and be it

**Further Resolved**, that the Mayor direct its engineering staff and consultants to take all practical means to accelerate the design and construction of the replacement for the original raw waterline relative to Resolution 080217.10 including all services and materials required for temporary repair(s) as deemed necessary to protect the City’s primary source of raw water supply.

Seconded by Alderman Wohleben and adopted. Ayes 6.

**111517.4**

By Alderman Wohleben:

WHEREAS, the City of Lockport held its annual in rem tax foreclosure auction on November 4, 2017; and

WHEREAS, by public auction, the City of Lockport accepted bids on several parcels which were foreclosed upon by a Court ordered Judgement; and

WHEREAS, pursuant to paragraph 4 of the Terms of the Sale approval of the governing body of the tax district is required; and

NOW THEREFORE BE IT RESOLVED, the City of Lockport does hereby approve and confirm by ratification the sale of the properties listed below.

|  |  |  |  |
| --- | --- | --- | --- |
| **PARCEL ID** | **Address** | **Purchaser** | **Purchase Price** |
| 2015-017 | 362 GREEN STREET | Alan Campisano | $ 7,750.00 |
| 2015-018 | 323 GREEN STREET | Gale Rutherford | $ 18,000.00 |
| 2015-043 | 233 JACKSON STREET | Affordable Living NY | $ 9,000.00 |
| 2015-045 | 158 JACKSON STREET | Joseph Greenwald | $ 300.00 |
| 2015-051 | 358 PROSPECT STREET | Robert Schaffer | $ 15,000.00 |
| 2015-053 | 80 JACKSON STREET | Scott Greig | $ 600.00 |
| 2015-062 | 26 REED STREET | Erik Michaelsen | $ 18,000.00 |
| 2015-064 | 199 ELMWOOD AVENUE | 2020 Street LLC | $ 21,000.00 |
| 2015-068 | 134 STATE ROAD | Yussett Ramirez | $ 1,500.00 |
| 2015-076 | 277 WASHBURN STREET | Matthew Martin | $ 14,000.00 |
| 2015-090 | 101 OLCOTT STREET | Affordable Living NY | $ 5,631.71 |
| 2015-091 | 105 OLCOTT STREET | Affordable Living NY | $ 368.29 |
| 2015-100 | 141 WASHINGTON STREET | 2020 Street LLC | $ 20,750.00 |
| 2015-101 | 190 GOODING STREET | Daniel Sherwood | $ 7,500.00 |
| 2015-107 | 131 GOODING STREET | Curtis Pugh | $ 22,000.00 |
| 2015-111 | 30 ROGERS AVENUE | Kenneth Howard | $ 37,000.00 |
| 2015-128 | 43 ADAM STREET | Affordable Living NY | $ 14,000.00 |
| 2015-134 | 346 SOUTH STREET | Kenneth Howard | $ 25,250.00 |
| 2015-140 | 11 SOUTH STREET | John Chandler | $ 1,000.00 |
| 2015-142 | 45 SOUTH STREET | Matthew Martin | $ 12,000.00 |
| 2015-147 | 16 EVANS STREET | 2020 Street LLC | $ 9,500.00 |
| 2015-148 | 26 EVANS STREET | Seanserre Hawkins | $ 9,000.00 |
| 2015-152 | 403 SOUTH STREET | Anthony Mullen | $ 7,000.00 |
| 2015-162 | 161 COTTAGE STREET | 2020 Street LLC | $ 16,500.00 |
| 2015-165 | 156 COTTAGE STREET | Matthew Martin | $ 17,000.00 |
| 2015-168 | 107 SPALDING STREET | Jolene Angevine | $ 28,000.00 |
| 2015-173 | 310 HIGH STREET | James Benedict | $ 10,000.00 |
| 2015-174 | 184 SAXTON STREET | Scott Colby | $ 32,000.00 |
| 2015-177 | 183 SAXTON STREET | 2020 Street LLC | $ 20,250.00 |
| 2015-178 | 219 COTTAGE STREET | Charles Johnson Jr. | $ 22,000.00 |
| 2015-179 | 410 WASHBURN STREET | Matthew Martin | $ 13,000.00 |
|  |  | Total | $434,900.00 |

Seconded by Alderman Oates and adopted. Ayes 6.

**111517.5**

By Alderman Wohleben:

Resolved, that the City tax budget for fiscal year 2018, containing appropriations for operating City departments, be and the same is hereby adopted as follows:

**CITY OF LOCKPORT, NEW YORK**

**2018 GENERAL FUND BUDGET SUMMARY**

Budget Appropriations:

Personal Services $11,239,736

Equipment 129,962

Contractual 1,776,123

Fringe Benefits 9,317,411

Undistributed 1,300,792

Debt Service 917,610

Total Appropriations: $24,681,634

LESS: Estimated Revenues: $12,280,804

Estimated Fund Balance:

Amount to be raised through property taxation: $ 12,400,830

Assessed Valuation: $700,508,192

REAL PROPERTY TAX RATE: $17.7026 per $1,000 ASSESSED VALUATION

Seconded by Alderman Abbott and adopted. Ayes 4. No 2.

Aldermen Mullane and Devine voted no.

**111517.6**

By Alderman Devine:

Resolved, that the City of Lockport 2018 Water Fund Budget containing appropriations for operating the City's Water Department, be and the same is hereby adopted as follows:

**CITY OF LOCKPORT, NEW YORK**

**2018 WATER FUND BUDGET SUMMARY**

Appropriations:

Personal Services $1,248,100

Equipment  72,300

Contractual                                         975,661

           Fringe Benefits                         1,062,767

            Debt Services                          804,495

Special Items                                     141,177

Total Appropriations:                    $4,304,500

Estimated Revenues:                           $4,304,500

Seconded by Alderman Oates and adopted. Ayes 6.

**111517.7**

By Alderman Devine:

Resolved, that the City of Lockport 2018 Sewer Fund Budget containing appropriations for operating the City's Wastewater Treatment and Compost Facility, be and the same is hereby adopted as follows:

**CITY OF LOCKPORT, NEW YORK**

**2018 SEWER FUND BUDGET SUMMARY**

Appropriations:

Personal Services $1,125,424

Equipment 52,250

Contractual 1,097,265

Fringe Benefits 1,070,512

Debt Service 864,680

Special Items 65,029

Total Appropriations: $4,275,160

Estimated Revenues: $4,275,160

Seconded by Alderman Farrell and adopted. Ayes 6.

**111517.8**

By Alderman Wohleben:

Resolved, that the City of Lockport 2018 Budget containing appropriations for operating the City's Refuse & Recycling, be and the same is hereby adopted as follows:

**CITY OF LOCKPORT, NEW YORK**

**2018 SPECIAL REVENUE FUND – RECYCLING & REFUSE SUMMARY**

Appropriations:

Personal Services $ 0

Equipment 20,000

Contractual 1,159,483

Fringe Benefits 0

Debt Service 36,427

Interfund 73,090

Total Appropriations: $1,289,000

Estimated Revenues: $1,289,000

Seconded by Alderman Oates and adopted. Ayes 6.

**111517.9**

By Alderman Wohleben:

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

**WHEREAS,** the Common Council conducted a public hearing on November 8, 2017 at 5:00 P.M. in the Common Council Chambers, Lockport Municipal Building, One Locks Plaza, Lockport, New York in accordance with section 155-7 A (Solid Waste) of Chapter 158 of the City Code to confirm the delinquent accounts to re-levy.

**NOW THEREFORE BE IT**

**RESOLVED,** that the following delinquent refuse accounts totaling $209,835.80 are hereby confirmed and shall be inserted in the annual tax rolls and be a part of the annual tax upon said parcels against which such amounts are charged and shall be subject to all the provisions of the City Charter:

**Account                                                        Amount**

            Refuse $ 192,495.80

Relevy Fee  $ 17,340.00

            And Be it further

**RESOLVED,** that the following delinquent Water & Sewer Accounts totaling $798,036.68 are hereby confirmed and shall be inserted in the annual tax rolls and be a part of the annual tax upon said parcels against which such amounts are charged and shall be subject to all the provisions of the City Charter:

**Account                                                        Amount**

            Water                                                 $ 431,689.60

            Sewer                                                            $ 328,344.35

Late fees $ 38,002.73

Seconded by Alderman Oates and adopted. Ayes 6.

**111517.10**

By Alderman Abbott:

Resolved, that the Mayor, subject to Corporation Counsel approval be and the same is hereby authorized and directed to renew the contract with Lockport City School District for continuation of a School Resource Officer.

Seconded by Alderman Devine and adopted. Ayes 6.

**111517.11**

By Alderman Abbott:

Whereas, the City of Lockport Common Council authorized the Lockport Police Department to auction off vehicles, and

Whereas, one of the vehicles was in such poor condition that there was no interested bidder, and

Whereas, the Town of Somerset is in need of this vehicle for parts, now therefore be it

Resolved, that the Mayor, subject to Corporation Counsel approval is hereby authorized to enter into an intermunicipal donation agreement with Town of Somerset as it relates to said vehicle.

Seconded by Alderman Farrell and adopted. Ayes 6.

**111517.12**

By Alderman Wohleben:

Whereas, the Grigg Lewis Foundation donated over 80 wreaths for Lockport Main Street for the 2017 holiday season, and

Whereas, there are light poles that need additional hardware to support the lighting of the wreaths, and

Whereas, the 2017 budget needs to be amended to allow for the additional hardware, now therefore be it

Resolved that the 2017 budget be amended as follows:

Decrease:

001-1900-1190 Contingency $11,820.00

Increase:

001-5182-4725 Maintenance and Repair of Equipment $11,820.00

Seconded by Alderman Devine and adopted. Ayes 6.

**111517.13** **ADJOURNMENT**

At 7:07 P.M. Alderman Wohleben moved the Common Council be adjourned until 6:30 P.M., Wednesday, December 6, 2017.

Seconded by Alderman Abbott and adopted. Ayes 6.

RICHELLE J. PASCERI

City Clerk