

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

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 _____, the minutes of the Regular Meeting of April 19, 2017 are hereby approved as printed in the Journal of Proceedings. Ayes _____. 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 _____ and adopted. Ayes _____.

050317.3

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:

<u>Employee</u>	<u>Years of Service</u>	<u>Title</u>
Mark F. Sobieraski	20	Municipal Worker

Seconded by Alderman _____ and adopted. Ayes _____.

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 _____ and adopted. Ayes _____.

050317.5

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"

Seconded by Alderman _____ and adopted. Ayes _____.

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 _____ and adopted. Ayes _____.

050317.7

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 discretion of the Finance Director and City Treasurer. 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 _____ and adopted. Ayes _____.

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 10th, and be it further

Resolved, that permission is also granted to hang signs advertising the event on the four Historic Lockport entrance signs beginning June 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 _____ and adopted. Ayes _____.

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 _____ and adopted. Ayes _____.

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 _____ and adopted. Ayes _____.

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 _____ and adopted. Ayes _____.

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 _____ and adopted. Ayes _____.

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 _____ and adopted. Ayes _____.

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 _____ and adopted. Ayes _____.

050317.14A

By Alderman _____:

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 _____ and adopted. Ayes _____.

050317.14B

By Alderman _____:

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 _____ and adopted. Ayes _____.

050317.14C

By Alderman _____:

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

Seconded by Alderman _____ and adopted. Ayes _____.

050317.14D

By Alderman _____:

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 _____ and adopted. Ayes _____.

050317.14E

By Alderman _____:

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 _____ and adopted. Ayes _____.

050317.14F

By Alderman _____:

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 _____ and adopted. Ayes _____.

UPDATED MINUTES -- INCLUDES ADDENDUM ITEMS

050317.15

ADJOURNMENT

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

Seconded by Alderman _____ and adopted. Ayes _____.

RICHELLE J. PASCERI
City Clerk

UPDATED MINUTES – INCLUDES ADDENDUM ITEMS