

**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.

**INVOCATION**

**MAYOR'S UPDATE**

**TREASURER'S REPORT**

**RECESS**

Recess for public input.

**090617.1**

**APPROVAL OF MINUTES**

On motion of Alderman Wohleben, seconded by Alderman \_\_\_\_\_, the minutes of the Regular Meeting of August 16, 2017 are hereby approved as printed in the Journal of Proceedings. Ayes \_\_\_\_\_. Carried.

**FROM THE MAYOR**

**Appointments:**

8/17/17 Lisa Burruano, 708 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 4<sup>th</sup>, 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
Payroll	Pay Date 8/17/17	\$ 494,737.75
	Pay Date 8/31/17	\$ 480,539.83

Seconded by Alderman \_\_\_\_\_ and adopted. Ayes \_\_\_\_\_.

9/6/17

**090617.3**

By Alderman O'Shaughnessy:

WHEREAS, Section C-62 (45) states that "the Common Council may make and establish ordinances, regulations and bylaws as may be necessary and proper and necessary for the health, safety, advantage and good government of the city, and

WHEREAS, Section C-175 states "The Common Council shall have power to enact ordinances and bylaws pertaining to streets, highways, parks and other public places in the city, and to make or order and direct the making of such general or local improvements in the streets, lanes, alleys, open courts, squares, marketplaces, parks or public grounds of said city as it shall deem for the best interests of the said city. The Common Council may make, regulate, repair, amend, alter, and clean the streets, alleys, highways, bridges, side- and crosswalks, wharves, piers, docks, canals and slips in said city and prevent the encumbering of the same in any manner, and protect the same from encroachments and injury; it may reduce, excavate, fill, level, pitch, plank, pave, repave, macadamize, or cover with stone, gravel or other material, make, curb, gutter or flag any of the streets, alleys, lanes, sidewalks, wharves, docks, roads, open courts, squares or public places in said city, and direct the making and repairing of railings at exposed places in the streets; it may direct and regulate the planting, rearing and preserving of ornamental trees, shrubs and plants in the streets and parks; it may make, regulate and repair wells, pumps, reservoirs of water, ditches, gutters, public sewers, drains and vaults, extend water mains in said city; and generally it may order and direct all public improvements and expenditures in the streets, sidewalks, squares and public places in said city, and appropriate and expend all moneys raised by tax, issue and sale of bonds, or assessment for such purposes in said city. But nothing herein contained shall prevent the improving of highways by local assessment," and

WHEREAS, Section C-178. Sprinkling and cleaning, improved streets, states: "An additional sum in this section authorized to be levied shall include an amount to be used for the sprinkling of such improved street with water to lay the dust therein when necessary. The Common Council may let by contract to the lowest bidder, for any period not, however, in excess of three years, the cleaning of such improved streets as it shall, be resolution, designate, and the expense thereof shall be paid from the Highway Fund. Nothing in this section contained, however, shall be construed to prevent the cleaning of such improved streets or any part thereof by and under the direction of the Mayor and Superintendent of Streets as herein otherwise provided, " and

WHEREAS, the condition of city streets are among the most common complaints heard by Alderman/Alderwomen/Council, and

WHEREAS, the Common Council desires to regulate when city streets are cleaned by Ward location and date for the betterment of the city.

NOW, THEREFORE, BE IT

RESOLVED, that the Superintendent of Streets prepare and submit to the Common Council a plan for when Streets can be cleaned/swept by Ward, Street, and date determined by the total number of street and highway miles in each Ward, largest to smallest, for consideration by the Common Council for either adoption of said plan by resolution or amendment of sections C-175 and or 178 by ordinance or local law, and be it further

RESOLVED, that in the interim, the Common Council requests the Mayor having the supervisory authority over the Superintendent of Streets to direct the Superintendent of Streets to begin sweeping said City streets by the plan presented to the Common Council as prepared by the Superintendent of Streets.

Seconded by Alderman \_\_\_\_\_ and adopted. Ayes \_\_\_\_\_.

**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 \_\_\_\_\_ and adopted. Ayes \_\_\_\_\_.

**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:

<u>Project #</u>	<u>Sponsor Fund</u>	<u>Project Title</u>	<u>Funding Source(s)</u>	<u>Cash Balance</u>
#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
<b>TOTAL</b>				<b>\$83,153.10</b>

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
<b>TOTAL</b>	<b>\$83,153.10</b>

Seconded by Alderman \_\_\_\_\_ and adopted. Ayes \_\_\_\_\_.

**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 \_\_\_\_\_ and adopted. Ayes \_\_\_\_\_.

**090617.7**

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 \_\_\_\_\_ and adopted. Ayes \_\_\_\_\_.

**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
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Decrease:

Expense

001.1900.1990	Contingency	\$22,500
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Seconded by Alderman \_\_\_\_\_ and adopted. Ayes \_\_\_\_\_.

**090617.9 WITHDRAWN** (Establish standard work day for elected and appointed officials)

**090617.10**

By Alderman Devine:

Whereas, on January 4, 2017, City fire hydrant #735 was struck and damaged by a vehicle causing \$5,841.72 in damage, and

Whereas, on July 26, 2015, City fire hydrant #376 was struck and damaged by a vehicle causing \$1,849.14 in damage, and

Whereas, on January 15, 2017, City fire hydrant #933 was struck and damaged by a vehicle causing \$1,129.67 in damage, and

Whereas, the City received insurance checks in the amount of \$8,850.53, now therefore be it

Resolved, that the 2017 budget be amended as follows:

Increase

Expense:

002-8340-4722-0203	Hydrants & Parts	\$8,850.53
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Seconded by Alderman \_\_\_\_\_ and adopted. Ayes \_\_\_\_\_.

**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 \_\_\_\_\_ and adopted. Ayes \_\_\_\_\_.

#### **090617.11A**

By Alderman \_\_\_\_\_:

**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 30<sup>th</sup>, 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 2<sup>nd</sup> Phase of Constructions that rehabilitates Lock 68 of the Flight of Five.

Seconded by Alderman \_\_\_\_\_ and adopted. Ayes \_\_\_\_\_.

#### **090617.12**

#### **ADJOURNMENT**

At \_\_\_\_\_ P.M. Alderman Wohleben moved the Common Council be adjourned until 6:30 P.M., Wednesday, September 20, 2017.

Seconded by Alderman \_\_\_\_\_ and adopted. Ayes \_\_\_\_\_.

RICHELLE J. PASCERI  
City Clerk