

CITY OF LOCKPORT
CORPORATION PROCEEDINGS

Lockport Municipal Building

Regular Meeting
Official Record
July 20, 2016
5:30 P.M.

Mayor Anne E. McCaffrey called the meeting to order.

ROLL CALL

The following Common Council members answered the roll call:

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

INVOCATION

MAYOR'S UPDATE

TREASURER'S REPORT

RECESS

Recess for public input.

072016.1

APPROVAL OF MINUTES

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

PUBLIC HEARING

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

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

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

Recess for public input.

The Mayor Closed the Public Hearing.

FROM THE CITY CLERK

The Clerk submitted payrolls, bills for services and expenses, and reported that the Department Heads submitted reports of labor performed in their departments. Referred to the Finance Committee.

Communications (which have been referred to the appropriate City officials)

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

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

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

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

Notice of Defect:

7/7/16 5 Bright Street - tree
7/11/16 4 Park Lane Circle - trees
7/12/16 150 Washington Street - tree
Referred to the Director of Streets and Parks.

MOTIONS & RESOLUTIONS

072016.2

By Alderman Wohleben:

Resolved, that the Mayor and City Clerk be authorized to issue orders in favor of the claimants for payrolls, bills, and services to be paid on July 22, 2016 as follows:

General Fund	Account #001	\$ 151,591.70
Water Fund	Account #002	\$ 21,111.97
Sewer Fund	Account #003	\$ 45,526.07
Capital Projects	Account #004	\$ 101,935.47
Refuse Fund	Account #012	\$ 93,027.69
Self Insurance	Account #015	\$ 78,281.70
Payroll	Pay Date 7/7/16	\$ 501,646.81

Seconded by Alderman Oates and adopted. Ayes 6.

072013.3

By Alderman Wohleben:

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

The special use permit shall go to the applicant only and shall terminate on the sale or transfer of the property, and further it terminates if the use permitted is abandoned for more than one year, if any of the conditions enumerated herein have changed, and in the discretion of the Common Council make such use unsuitable.

Seconded by Alderman Mullane and adopted. Ayes 6.

072016.4

By Alderman Wohleben:

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

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

Seconded by Alderman Oates and adopted. Ayes 6.

072016.5

By Alderman Devine:

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

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

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

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

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

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

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

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

072016.6

By Alderman Oates:

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

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

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

Whereas, Granzow Construction LLC, 4542 Main Street, Gasport, NY submitted its bid to repair the existing damaged roof and replace with lifetime Standing Seam Hi-Lock Metal Panels, installing all matching appurtenances including drip edge, Hip Cap, trims, and snow retention, for a cost of \$32,158.59, and be it further

Resolved, that the Mayor, subject to Corporation Counsel approval, is hereby authorized and directed enter into contract with Granzow Construction, 4542 Main Street, Gasport, NY, for an amount of \$32,158.49 to be charged to Municipal Building Roof Repair account # 004.0004.0520.4112.

Seconded by Alderman Wohleben and adopted. Ayes 6.

072016.7

By Alderman Abbott:

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

Seconded by Alderman Devine and adopted. Ayes 6.

072016.8

By Alderman Abbott:

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

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

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

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

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

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

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

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

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

NOW THEREFORE BE IT

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

Seconded by Alderman Oates and adopted. Ayes 6.

072016.9

By Alderman Wohleben:

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

WHEREAS, among other provisions, this legislation will:

- Require the majority of banks that are first lien mortgage holders to maintain vacant and abandoned one- to four-family residential properties or be subject to fines of up to \$500 per day;
- Provide for an expedited foreclosure process in certain circumstances involving bank foreclosures of vacant and abandoned property;
- Establish a vacant and abandoned property registry which will be maintained by the NYS Department of Financial Services and to which local officials will have access; and
- Create a toll free hotline for people to report potentially vacant and abandoned properties, and

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

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

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

NOW THEREFORE, BE IT

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

Seconded by Alderman Devine and adopted. Ayes 6.

072016.10

By Alderman Wohleben:

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

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

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

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

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

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

NOW THEREFORE BE IT

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

Seconded by Alderman Mullane and adopted. Ayes 6.

072016.11

By Alderman Abbott:

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

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

1. HLMR, Inc. will have a non-exclusive right of way to ensure access by use of the driveway and land that sits to the West of the LG&E building to ensure the driveway is open for access to the building. The lease prohibits any alteration to the right of way by HLMR without City approval, nor can HLMR prohibit access by third parties (including the public).
 - a. Paragraph 17(d) is intended to provide the City with the ability to evict if HLMR does not meaningful pursue repair and restoration of the LG&E building. The

language is broad, but implied in the provision is the City's ability to exercise some additional general oversight to ensure that HLMR is progressing as intended toward its goals.

NOW THEREFORE BE IT

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

Seconded by Alderman Oates and adopted. Ayes 6.

072016.12

By Alderman Wohleben:

Resolved, that pursuant to their request, permission is hereby granted to Presidential City Barber Shop to barricade a portion of Saxton Street on September 17, 2016, for an event, and be it further

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

Seconded by Alderman Oates and adopted. Ayes 6.

072016.13

By Alderman Devine:

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

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

072016.14

By Alderman Wohleben:

Whereas, the City of Lockport placed a number of vehicles in an online auction, and Whereas, a portion of the proceeds from the sale of this equipment is needed within the Parks and Streets budgets, not therefore be it

Resolved, that 2016 Budget be amended as follows:

Increase:

Revenue

001.0001.2665	Sale of Equipment	\$14,200
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Expense

001.5130.4725	Repair of Equipment	\$7,000
001.7110.4703	Janitorial	\$1,200
001.5142.4560	Snow Removal Chemicals	\$6,000

Seconded by Alderman Oates and adopted. Ayes 6.

072016.15

By Alderman Devine:

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

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

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

RESOLVED that the Mayor is authorized to execute a Grant Agreement with the NYS Environmental Facilities Corporation and any and all other contracts, documents and instruments necessary to bring about the Project and to fulfill the City of Lockport's obligations under the Engineering Planning Grant Agreement.

Seconded by Alderman Mullane and adopted. Ayes 6.

072016.15A

By Alderman Abbott:

Resolved, that pursuant to their request, permission is hereby granted the residents of Grant Street to barricade Grant Street from Beattie Avenue to Washburn on August 13, 2016, for a block party, and be it further

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

Seconded by Alderman Mullane and adopted. Ayes 6.

072016.15B

By Alderman Abbott:

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

Seconded by Alderman Devine and adopted. Ayes 6.

072016.15C

By Alderman Wohleben:

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

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

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

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

Seconded by Alderman Mullane and adopted. Ayes 6.

072016.16

ADJOURNMENT

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

Seconded by Alderman Devine and adopted. Ayes 6.

RICHELLE J. PASCERI
City Clerk