

**CITY OF LOCKPORT**  
**CORPORATION PROCEEDINGS**

Lockport Municipal Building

Regular Meeting  
Official Record

March 21, 2018  
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, Eggert, Farrell, Oates, and Wohleben.

Absent Alderman Abbott

**MAYOR'S UPDATE**

**RECESS**

Recess for public input.

**032118.1**

**APPROVAL OF MINUTES**

On motion of Alderman Wohleben, seconded by Alderman Eggert, the minutes of the Regular Meeting of March 7, 2018 are hereby approved as printed in the Journal of Proceedings. Ayes 5. Carried.

**PUBLIC HEARING**

The Mayor announced a public hearing on the Public Employment Relations Board Fact Finding Report.

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

3/13/18      Dominic Luna, Labor Relations Specialist, CSEA – declined the Fact Finders report in its entirety.

Recess for public input.

The Mayor closed the public hearing.

## FROM THE MAYOR

### Appointments:

3/14/18 Under 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:

### Commissioner of Deeds:

For the term of term of one year expiring on December 31, 2018

Scott Kiedrowski, 1253 Bowen Court, North Tonawanda, New York, 14120

3/7/18 David Sholk, 432 Willow Street, Lockport, NY – appointed as Water and Sewer Billing and Service Coordinator for the Water Department effective February 23, 2018. Said appointment is provisional and subject to the City of Lockport Municipal Civil Service Rules and Regulations.  
Received and filed.

3/7/18 Jennifer L. Torrey, 54 Regent Street, Lockport, NY – appointed as Senior Account Clerk for the Clerk's Office. Effective March 5, 2018. Said appointment is provisional and subject to the City of Lockport Municipal Civil Service Rules and Regulations.  
Received and filed.

3/7/18 Demetrius J. Grant, 102 Bridlewood Drive, Lockport, NY – appointed as Account Clerk for the Clerk's/Treasurer's Office effective March 5, 2018. Said appointment is provisional and subject to the City of Lockport Municipal Civil Service Rules and Regulations.  
Received and filed.

3/8/18 Andrew Rosenberg, 268 Genesee Street, Lockport, NY – appointed to the Zoning Board of Appeals. Said term expires November 15, 2020.  
Received and filed.

3/8/18 Sheila Tracy, 19 Grosvenor Street, Lockport, NY - appointed to the Zoning Board of Appeals. Said term expires November 15, 2020.  
Received and filed.

3/14/18 Jason Hunt, 644 Old Niagara Road, Lockport, NY – appointed as Senior Water and Sewer Maintenance Worker for Water Distribution Department effective March 12, 2018. Said appointment is provisional and subject to the City of Lockport Municipal Civil Service Rules and Regulations.  
Received and filed.

3/14/18 Mark P. Davis, Jr., 8464 Ridge Road, Gasport, NY - appointed as Senior Water and Sewer Maintenance Worker for Water Distribution Department effective March 12, 2018. Said appointment is provisional and subject to the City of Lockport Municipal Civil Service Rules and Regulations.  
Received and filed.

**Resignations:**

**3/13/18** Larry Eggert – resigned as member of the Board of Directors of the Lockport Housing Authority effective April 1, 2018.  
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)

**3/16/18** Richelle J. Pasceri, City clerk – notification that the Lockport Municipal Offices will be closed as follows in the month of March in observance of Good Friday

Friday, March 30

Garbage collection for Friday March 30 remains the same.

**3/13/18** Polla Milligan, Director of Marketing and Development, Niagara County SPCA – request permission to use Wide Waters to conduct the NCSPCA Hound Hike on August 19, 2018.  
Referred to the Committee of the Whole

**Notice of Defect:**

Referred to the Director of Streets and Parks.

**Notice of Claim:**

**3/12/18** Susan Wolf, 2785 Albright Rd., Ransomville, NY -vs- City of Lockport  
Referred to the Corporation Counsel.

**3/8/18** Karen Kilbury-Mensch, 52 Ambelside Road, Lockport, NY.  
Referred to the Corporation Counsel

**3/19/18** Dawn Johnson, 175 South Transit St. Apt.2, Lockport, NY -vs- City of Lockport  
Referred to the Corporation Counsel

**MOTIONS & RESOLUTIONS**

**032118.2**

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 15 & 21, 2018 as follows:

|                |                  |               |
|----------------|------------------|---------------|
| General Fund   | Fund A           | \$ 73,431.39  |
| Water Fund     | Fund FX          | \$ 36,322.19  |
| Sewer Fund     | Fund G           | \$ 32,713.66  |
| Refuse Fund    | Fund CL          | \$ 179,297.01 |
| Self Insurance | Fund MS          | \$ 1,380.30   |
| Worker's Comp. | Fund S           | \$ 6,075.00   |
| Payroll        | Pay Date 3/15/18 | \$ 458,701.69 |

Seconded by Alderman Oates and adopted. Ayes 5.

### **032118.3**

By Alderman Oates:

Resolved, that pursuant to the request of "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 April 10, 2018.

Seconded by Alderman Wohleben and adopted. Ayes 5.

### **032118.4**

By Alderman Wohleben:

Whereas, City of Lockport Police Station facilities, including supervisor's office and locker room, men's bathroom, and officers' locker room located at the basement of the Municipal Building were determined to be in need of renovation to replace furnishings and finishes that have reached the end of their service life; and

Whereas, the City prepared an application for an State and Municipal Facilities Program ("SAM") Grant to perform the required renovations and it was subsequently awarded a DASNY grant of \$200,000; and

Whereas, the City entered into agreement with Nussbaumer & Clarke, Inc. (Nussbaumer) for \$10,000 to develop plans and bid documents for the renovations; and

Whereas, the City advertised a Notice to Bidders and accepted bids from contractors on February 2, 2018, which were publicly opened and read as follows: Walter S. Johnson Bldg. Co. \$187,710.00; R.B. Mac Construction Co. \$197,500.00; Sicoli Construction \$202,085.00; TELCO Construction \$210,400.00; and Willett Builders \$251,287.25; and

Whereas, Nussbaumer reviewed the contractor bids and references and recommends that the City awards the contract to the low bidder, Walter S. Johnson Building Company, including alternate bid item #1 for a total amount of \$187,710.00; now, therefore, be it

Resolved, that the Mayor, subject to Corporate Counsel approval, is hereby authorized to execute an Agreement with Walter S. Johnson Building Company, 6638 Mooradian Drive, Niagara Falls, New York 14302 in the amount of \$187,710.00. The total cost of the project \$197,710.00 which includes engineering fees and the cost of renovations will be funded with the \$200,000 awarded DASNY grant.

Seconded by Alderman Eggert and adopted. Ayes 5.

**032118.5**

By Alderman Oates:

Whereas, the City of Lockport Outwater Memorial Park Stone Shelter Building was determined to be in need of renovation in order to replace furnishings and finishes that have reached the end of their service life; and

Whereas, the City prepared an application for an State and Municipal Facilities Program ("SAM") Grant to perform the required renovations and it was subsequently awarded a DASNY grant of \$250,000; and

Whereas, the City entered into agreement with Nussbaumer & Clarke, Inc. (Nussbaumer) for \$30,000 to develop plans and bid documents for the renovations; and

Whereas, the City advertised a Notice to Bidders and accepted bids from contractors on February 2, 2018, which were publicly opened and read as follows: Walter S. Johnson Bldg. Co. \$300,440.00; R.B. Mac Construction Co. \$340,600.00; and Sicoli Construction \$350,414.00; and

Whereas, the total cost of the project exceeds the grant funds available for the project necessitating a City share of approximately \$80,000 which is best funded through the issuance of a bond; and

Whereas, Nussbaumer reviewed the contractor bids and references and recommends that the City awards the contract to the low bidder, Walter S. Johnson Building Company, including alternate bid item #1, for a total amount of \$300,440.00; now, therefore, be it

Resolved, that the Mayor, subject to Corporation Counsel approval, is hereby authorized to execute an Agreement with Walter S. Johnson Building Company, 6638 Mooradian Drive, Niagara Falls, New York 14302 in the amount of \$300,440.00. The total cost of the project \$330,400.00, which includes engineering fees and cost of renovations of the building, to be funded with the awarded DASNY grant (\$250,000.00) and be it further

RESOLVED, that the City Council hereby authorizes and directs the City Attorney and City Treasurer to prepare any and all documents necessary to issue a bond in the amount not to exceed \$80,000 for the City's share of this project.

Seconded by Alderman Devine and adopted. Ayes 5.

**032118.6**

By Alderman Devine:

Whereas, the emergency power generator at the City of Lockport Wastewater Treatment Plant is a critical component to ensure continuous proper treatment of the City's Wastewater; and

Whereas, the generator has reached the end of its service life and been determined by City staff and the City's consulting engineer that it must be replaced; and

Whereas, the City entered into agreement with Nussbaumer & Clarke, Inc. (Nussbaumer) for a not exceed fee of \$12,000 to develop plans and bid documents for the generator replacement; and

Whereas, the City publicly advertised a Notice to Bidders and subsequently accepted bids from contractors on February 16, 2018 at 11:00 a.m. which were publicly opened and read as follows: Frey Electric Const. Co. \$310,000.00; Ferguson Electric Const. Co. \$369,900.00; Weydman Electric Const. Co. \$382,945.00; CIR Electrical Const. Co. \$389,000.00; and O'Connell Electric Company, Inc. \$427,400.00; and

Whereas, Nussbaumer reviewed the contractor bids and references and recommends that the City award the contract to the low bidder, Frey Electric Construction Company, including all alternate bid items for a total amount of \$310,000.00; now, therefore, be it

Resolved, that the Mayor, subject to Corporation Counsel approval, is hereby authorized to execute an Agreement with Frey Electric Construction Company, Inc., 100 Pearce Avenue, Tonawanda, NY 14150 in the amount of \$310,000.00. The total cost of the project \$322,000.00, which includes engineering fees, will be funded with Capital Projects.

Seconded by Alderman Farrell and adopted. Ayes 5.

**032118.7 WITHDRAWN** (Establish Standard Work Day)

**032118.8**

By Alderman Farrell:

Resolved, that pursuant to their request, permission is hereby granted to Events and Planning Committee to conduct an Easter egg hunt on Saturday, March 31, 2018 beginning at 12:00 p.m. at Outwater Park, 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 Wohleben and adopted. Ayes 5.

**032118.9**

By Alderman Devine:

Whereas, The City of Lockport is contemplating replacement of an approximately two-mile segment of its Raw Water Supply Main and replacement of approximately 2000 feet of the 24-inch water main parallel to the Raw Water Supply Main on Summit Street; and

Whereas, The City previously determined that the proposed two-mile replacement of the Raw Water Supply Main is a Type II action pursuant to NYCRR 617.5(c)(1) as defined under SEQRA; considered Parts 1, 2 and 3 of the Full Environmental Assessment Form prepared for this action; declared itself as Lead Agency for the Raw Water Supply Main Replacement Project, and issued a Negative Declaration for the work on the Raw Water Supply Main; and

Whereas, it was subsequently determined that a 2000-foot section of the 24-inch water main on Summit Street is in deteriorated condition and likely to fail as a result of the work required to replace the Raw Water Supply Main; and

Whereas, The City intends to replace the 24-inch water main on Summit Street and has amended the previous SEQRA forms to consider the impacts of replacing the 24-inch water main as part of the project, now therefore be it

Resolved, that the City of Lockport declares that based on the amended Full Environmental Assessment Form which has been prepared, the project will result in no significant environmental impacts and, therefore, a Negative Declaration under SEQRA is issued for this project to replace the two-mile segment of the Raw Water Supply Main and the parallel 24-inch water main on Summit Street.

Seconded by Alderman Eggert and adopted. Ayes 5.

**032118.10**

By Alderman Oates:

Resolved, that pursuant to their request, the Niagara County SPCA be and the same is hereby given permission to use Nelson C. Goehle Park (Wide Waters) for the NCSPCA Hound Hike on Saturday, August 19, 2018, 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 Farrell and adopted. Ayes 5.

**032118.11**

By Alderman Wohleben:

Whereas, the City of Lockport (City) received a \$300,000 Dormitory Authority of the State of New York (DASNY) Grant for the stabilization of the former Holly Edison Gas and Electric Building which is in a continually deteriorating condition; and

Whereas, the City entered into agreement for a not to exceed amount of \$15,000.00 with Nussbaumer & Clarke, Inc. (Nussbaumer) to develop plans and bid documents for the stabilization of the Gas and Electric Building; and

Whereas, the City publicly advertised a Notice to Bidders and subsequently accepted bids from contractors on March 2, 2018 at 11:00 a.m. which were publicly opened and read as follows, including Base Bid and lower Alternate Bid: Morris Masonry \$272,425.00; FSR Contracting \$225,000.00; Horizon Masonry \$189,300.00; and Highland Masonry \$164,595.00; and

Whereas, Nussbaumer reviewed the contractor bids and references and recommends that the City awards the contract to the low bidder including Alternate Bid Item #1, Highland Masonry, for a total amount of \$164,595.00; and

Whereas, the City elected to award the bid to the low bidder for the Base Bid and Alternate 1, and

Whereas, the low bid for the Base Bid and Alternate Bid 1 contained a minor mathematical error; now, therefore, be it

Resolved, that the mathematical error of Highland Masonry, 33 Ransier Drive, West Seneca, New York 14224 be and is hereby waived; and be it further

Resolved, that the Base Bid and Alternate Bid be and is hereby awarded to the lowest Base Bid and Alternate Bid #1 Highland Masonry, 33 Ransier Drive, West Seneca, New York 14224 in the amount of \$164,595.00, The total cost of the project \$179,595.00, which includes engineering fees, will be funded with the \$300,000 DASNY grant; and be it further

Resolved, that the Mayor, subject to Corporation Counsel approval, be and is hereby authorized to execute an Agreement with Highland Masonry, 33 Ransier Drive, West Seneca, New York 14224 in the amount of \$164,595.00, The total cost of the project \$179,595.00, which includes engineering fees, will be funded with the \$300,000 DASNY grant.

Seconded by Alderman Eggert and adopted. Ayes 5.

**032118.12**

By Alderman Eggert:

Resolved, that the Mayor, subject to Corporation Counsel approval, be and the same is hereby authorized to enter into an agreement with Steve Abbott for Information Technology Services for the City of Lockport, at a cost of \$15 per hour.

Seconded by Alderman Farrell 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 Oates and adopted. Ayes 5.

**032118.13**

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

BOND ORDINANCE DATED MARCH 21, 2018.

AN ORDINANCE AUTHORIZING THE ISSUANCE OF AN ADDITIONAL \$400,000 BONDS OF THE CITY OF LOCKPORT, NIAGARA COUNTY, NEW YORK, TO PAY PART OF THE COST OF THE RECONSTRUCTION OF A WATER LINE, FOR SAID CITY.

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 adverse significant environmental effect; and

WHEREAS, it is now desired to authorize additional bonds for 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. For the specific object or purpose of paying part of the cost of the reconstruction of a water line running from the Niagara River to the City's Water Treatment Plant, including reconstruction of a parallel high pressure distribution line, together with original furnishings, equipment, apparatus, appurtenances, and incidental improvements and expenses in connection therewith, in and for



the City of Lockport, Niagara County, New York, there are hereby authorized to be issued an additional \$400,000 bonds pursuant to the provisions of the Local Finance Law. Said specific object or purpose is hereby authorized at the new maximum estimated cost of \$6,500,000.

Section 2. The plan for the financing of such \$6,500,000 maximum estimated cost is as follows:

- a) By the issuance of the \$6,100,000 bonds of said City heretofore authorized to be issued therefor pursuant to a bond ordinance dated April 6, 2016; and
- b) By the issuance of the additional \$400,000 bonds of said City herein authorized; provided, however, that the amount of obligations ultimately to be issued will be reduced by any State and/or Federal grants-in-aid to be received by said City for said purpose.

Section 3. Section 2 of the bond ordinance dated April 6, 2016 hereinabove described is hereby amended to read as follows:

Section 2. The plan for the financing of the aforesaid maximum estimated cost is by the issuance of \$6,100,000 serial bonds of said City, hereby authorized to be issued therefor pursuant to the provisions of the Local Finance Law.

Section 4. It is hereby determined that the period of probable usefulness of the aforesaid specific object or purpose is forty years, pursuant to subdivision 1 of paragraph a of Section 11.00 of the Local Finance Law.

Section 5. 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 6. 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 bonds

herein authorized, including renewals of such notes, is hereby delegated to the Treasurer, the chief fiscal officer. such notes shall be of such terms, form and contents, and shall be sold in such manner, as may be prescribed by said Treasurer, consistent with the provisions of the Local Finance Law.

Section 7. Such bonds shall be in fully registered form and shall be signed in the name of the City of Lockport, Niagara County, New York, by the manual or facsimile signature of the Treasurer and a facsimile of its corporate seal shall be imprinted or impressed thereon and may be attested by the manual or facsimile signature of the City Clerk.

Section 8. 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 she 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, she 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 9. All other matters, except as provided herein relating to such bonds, including determining whether to issue such bonds having substantially level or declining debt service and all matters related thereto, prescribing whether manual or facsimile signatures shall appear on said bonds, prescribing the method for the recording of ownership of said bonds, appointing the fiscal agent or agents for said bonds, providing for the printing and delivery of said bonds (and if said bonds are to be executed in the name of the City by the facsimile signature of the City Treasurer, providing for the manual countersignature of a fiscal agent or of a designated official of the City), the date, denominations, maturities and interest payment dates, place or places of payment, and also including the consolidation with other issues, shall be determined by the Treasurer. It is hereby determined that it is to the financial advantage of the City not to impose and collect from registered owners of such serial bonds

any charges for mailing, shipping and insuring bonds transferred or exchanged by the fiscal agent, and, accordingly, pursuant to paragraph c of Section 70.00 of the Local Finance Law, no such charges shall be so collected by the fiscal agent. 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 Treasurer shall determine.

Section 10. 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 Health 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 11. 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 12. 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 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 13. 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 14. This ordinance, which takes effect immediately, shall be published in summary form in the official newspaper, 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 | Absent |
| Alderman Devine   | VOTING | Yes    |
| Alderman Eggert   | VOTING | Yes    |
| Alderman Farrell  | VOTING | Yes    |
| Alderman Oates    | VOTING | Yes    |
| Alderman Wohleben | VOTING | Yes    |

The ordinance was thereupon declared duly adopted.

**032118.14**

By Alderman Oates:

Resolved, that pursuant to their request, permission is hereby granted to Groff's Tavern to barricade Union Street from Washburn Street to Ann Street on July 7, 2018 for a fundraising event from 10:00 a.m. – 8:00 p.m. 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 barricades and refuse containers to said area prior to said event.

Seconded by Alderman Devine and adopted. Ayes 5.

**032118.15 WITHDRAWN (Microenterprise)**

**032118.16**

**ADJOURNMENT**

At 6:06 P.M. Alderman Wohleben moved the Common Council be adjourned until 5:30 P.M., Wednesday, April 11, 2018.

Seconded by Alderman Eggert and adopted. Ayes 5.

RICHELLE J. PASCERI  
City Clerk