

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 field 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