

CITY OF LOCKPORT
CORPORATION PROCEEDINGS

Lockport Municipal Building

Regular Meeting
Official Record

August 1, 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 Abbott, Devine, Eggert, Farrell, Oates and Wohleben.

INVOCATION

MAYOR'S UPDATE

RECESS

Recess for public input.

080118.1

APPROVAL OF MINUTES

On motion of Alderman Wohleben, seconded by Alderman _____, the minutes of the Regular Meeting of July 18, 2018 are hereby approved as printed in the Journal of Proceedings. Ayes _____. Carried.

PUBLIC HEARING

The Mayor announced a public hearing on a Local Law to establish a Moratorium on the acceptance/processing of all applications related to the placement or installation of wireless telecommunications towers or facilities and antennae on new or existing structures and poles, within public rights-of-ways within the City of Lockport.

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

Recess for public input.

The Mayor closed the public hearing.

FROM THE MAYOR

Resignations:

7/26/18 Anne E. McCaffrey – resigned from the Office of Mayor effective August 8, 2018
Received and filed.

Appointments:

7/26/18 Michael D. Cutter, 5934 Locust Street Extension, Lockport, NY – appointed as a Water and Sewer Maintenance Worker for the Water Distribution Department effective July 27, 2018. Said appointment is permanent 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)

Notice of Defect:

7/27/18 168 Lock Street – tree's
7/26/18 141 Grant Street - tree
Referred to the Director of Streets and Parks.

Notice of Claim:

7/17/18 Geico General Insurance Co., Macon, GA
Referred to the Corporation Counsel.

Notice of Petition: (To review real property tax assessment pursuant to Article 7 of the Real Property Tax Law)

7/27/18 104 Old Niagara Road LLC -vs- Assessor, City of Lockport, and The Board of Assessment Review of the City of Lockport and the City of Lockport

7/27/18 Chetan, LLC -vs- Assessor, City of Lockport, and The Board of Assessment Review of the City of Lockport and the City of Lockport

7/27/18 Lockport Professional Park, LLC -vs- City of Lockport

7/27/18 Lock City Metals, Inc. -vs- Assessor, City of Lockport, and The Board of Assessment Review of the City of Lockport, County of Niagara and State of New York

Referred to the City Assessor.

MOTIONS & RESOLUTIONS

080118.2

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 August 3, 2018 as follows:

General Fund	Fund A	\$
Water Fund	Fund FX	\$
Sewer Fund	Fund G	\$
Capital Projects	Fund	\$
Refuse Fund	Fund CL	\$
Self Insurance	Fund MS	\$
Worker's Comp	Fund S	\$
Payroll	Pay Date 7/19/18	\$ 525,658.16

Seconded by Alderman _____ and adopted. Ayes _____.

080118.3

By Alderman Abbott:

Resolved, that the Mayor and Common Council do hereby extend congratulations and appreciation to the following City employees for their years of dedicated service to the City of Lockport:

<u>Employee</u>	<u>Years of Service</u>	<u>Title</u>
Warren D. Hale	25	Police Detective
Richard A. Provenzano	25	Police Officer
Salvatore Licata	20	Police Lieutenant

Seconded by Alderman _____ and adopted. Ayes _____.

080118.4

By Alderman Wohleben: NYCLASS agreement – Being Prepared

080118.5

By Alderman Farrell:

Resolved, that pursuant to their request, Lockport Public Arts Council and Lockport Blue is hereby granted permission to erect a banner across East Avenue at Davison Road at least 17 feet from the ground to promote the Lockport Blue Awareness for the month of November 2018. Said permission is subject to the Lockport Public Arts Council filing a certificate of insurance with the City Clerk naming the City of Lockport as additional insured and a fee of \$50.00 made payable to 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 _____.

080118.6

By Alderman Abbott:

LOCAL LAW NO. 2 OF THE YEAR 2018

CITY OF LOCKPORT

COUNTY OF NIAGARA, STATE OF NEW YORK

**A LOCAL LAW IMPOSING A TEMPORARY MORATORIUM ON THE
ACCEPTANCE/PROCESSING OF ALL APPLICATIONS RELATED TO THE PLACEMENT
OR INSTALLATION OF WIRELESS TELECOMMUNICATION TOWERS OR FACILITIES
AND ANTENNAE ON NEW OR EXISTING STRUCTURES AND POLES, WITHIN PUBLIC
RIGHTS-OF-WAYS WITHIN THE CITY**

Be it enacted by the Common Council of the City of Lockport as follows:

Section 1. Title

This chapter shall be referred to as "A Local Law Imposing A Temporary Moratorium On The Acceptance/Processing Of All Applications Related To The Placement Or Installation Of Wireless Telecommunication Towers Or Facilities And Antennae On New Or Existing Structures And Poles, Within Public Rights-Of-Ways Within The City."

Section 2. Legislative Findings and Intent.

Pursuant to the statutory powers vested in the City Council of the City of Lockport and pursuant to the inherent police powers of the City in order to protect the health, safety and welfare of its residents, the City Council of the City of Lockport hereby declares a temporary moratorium on the acceptance/processing of all applications related to the placement or installation of wireless telecommunication towers or facilities and antennae on new or existing structures and poles, within public rights-of-ways within the City.

The emergence of wireless communications services, the increased number of telecommunications providers and the growing demand for better coverage have led to the rapid deployment of wireless telecommunication facilities in the public-rights-of-way.

The City of Lockport needs time to review, consider, and modify the processes for adoption and implementation of regulations pertaining to the deployment of such wireless telecommunication towers and antennae in the public-right-of-way.

The purpose of this moratorium is to provide notice that the City seeks to undertake a thorough analysis of the City's regulations of telecommunication towers, facilities and antennae consistent with State and Federal Laws and develop a comprehensive strategy on the placement of these facilities addressing public health and safety issues, aesthetics and service in the public-rights-of-ways within the City.

Section 3. Imposition of Stay.

This Local Law shall be effective for 6 months from the date on which it is heard and adopted by the City of Lockport City Council. Provision is made in this Local Law to allow for the extension of the 6 month moratorium if necessary. During this period, the Building Inspection Department is directed to study appropriate standards and/or restrictions on the placement of new telecommunication towers and related facilities in the public-rights-of-way. The Building Inspection Department will report its findings and recommendations to the Common Council.

Section 4. Scope of Stay

City staff shall not accept/process any applications, of any form, or issue any permits, of any form, relating to the placement or installation of telecommunication towers, facilities and antennae within the public rights-of-ways within the City until the moratorium is rescinded and/or a Local Law addressing this matter is adopted.

During the effective period of this Local Law, the Common Council, the Planning Board, the Zoning Board of Appeals, and the Building Inspection Department shall not permit, accept, process,

interpret, deliberate upon, decide or approve any application for the placement or installation of wireless telecommunication towers or facilities and antennae on new or existing structures and poles, within public rights-of-ways within the City.

Section 5. Hardship.

Should any owner of property affected by this Local Law suffer any unnecessary hardship in the way of carrying out the strict letter of this Local Law, then the owner of said property may apply to the Common Council of the City of Lockport in writing for a waiver from strict compliance with this Local Law upon submission of proof of such unnecessary hardship. For the purposes of this Local Law, unnecessary hardship shall not be the mere delay in being permitted to make an application or waiting for a decision on the application for a special permit, site plan, subdivision, variance or other permit during the period of the moratorium imposed by this Local Law.

Upon submission of a written application to the City Clerk by the property owner seeking a waiver from this Local Law, the Common Council shall, within thirty (30) days of receipt of said application, schedule a Public Hearing on said application upon five (5) days written notice in the official newspaper of the City. Notice of said public hearing by regular mail, shall be provided to abutting property owners at the address shown on the tax rolls.

At said Public Hearing, the property owner and any other parties wishing to present evidence with regard to the application shall have an opportunity to be heard, and the Common Council shall, within fifteen (15) days of the close of said Public Hearing, render its decision either granting or denying the application for variation from the strict requirements of this Local Law.

If the Common Council determines that a property owner will suffer an unnecessary hardship if this Local Law is strictly applied to a particular property, then the Common Council shall waive the application to this Local Law to the minimum extent necessary to provide the property owner relief from strict compliance with this Local Law.

Section 6. Penalties for Offenses.

Any person, firm, entity or corporation that shall place or install telecommunication towers, facilities and antennae within the public rights-of-ways within the City in violation of the provisions of this Local Law or shall otherwise violate any of the provisions of this Local Law shall be guilty of a violation and subject to a fine of not less than \$500.00 nor more than \$2,000.00. Each day that the violation continues shall be a separate offense.

Section 7. Validity.

This Local Law is adopted under the authority granted to the Common Council of the City of Lockport pursuant to Sections 20 and 27 of the Municipal Home Rule Law. The invalidity of any provision of this Local Law shall not affect the validity of any other provision of this Local Law which can be given effect without such invalid provision.

Section 8. Severability.

If a court of competent jurisdiction finds any provision(s) of this law invalid, in whole or in part, the effect of such decision shall be limited to those provisions which are expressly stated in the decision to be invalid, and all other provisions of the law shall continue to be separately and fully effective.

If a court of competent jurisdiction finds the application of any provision of this law to any building, other structure or tract of land to be invalid, in whole or in part, the effect of such decisions shall be limited to the person, property or situation involved in the controversy, and the application of any such provision to any other person, property or situation shall not be affected.

The provisions of this Local Law are separable and if any provision, clause, sentence, subsection, word or part thereof is held illegal, invalid or unconstitutional, or inapplicable to any person or

circumstance, such illegality, invalidity, or unconstitutionality, or inapplicability, shall not affect or impair any of the remaining provisions, clauses, sentences, subsections, words or parts of this Local Law or their application to other persons or circumstances. It is hereby declared to be the legislative intent of the Common Council of the City of Lockport that this Local Law would have been adopted if such illegal, invalid or unconstitutional provision, clause, sentence, subsection, word or part had not been included therein, and if such person or circumstance to which the Local Law or part thereof is held inapplicable had been specifically exempt therefrom.

Section 9. Term.

This Local Law shall remain in force for a period of 6 months from its effective date. This local law is subject to review and renewal by the Common Council of the City of Lockport for two (2) additional 3 month extensions by Common Council Resolution.

Section 10. Effective Date.

This Local Law shall take effect immediately when it is filed in the Office of the Secretary of State in accordance with Section 27 of the Municipal Home Rule Law.

Seconded by Alderman _____. A roll call vote was taken which resulted as follows:

Alderman Abbott	VOTING	_____
Alderman Devine	VOTING	_____
Alderman Eggert	VOTING	_____
Alderman Farrell	VOTING	_____
Alderman Oates	VOTING	_____
Alderman Wohleben	VOTING	_____

The Local Law was thereupon declared duly adopted.

080118.7

By Alderman Devine:

WHEREAS, sludge produced at the City of Lockport (City) Waste Water Treatment Plant (WWTP) is currently being composted by a City owned and operated facility, which is located remote from the WWTP, to generate Class A Bio-solids; and

WHEREAS, the processing equipment at the compost facility has reached the end of its service life; and

WHEREAS, City WWTP operations staff and its consulting Engineer Nussbaumer & Clarke, Inc. (Nussbaumer) evaluated replacement of the compost processing equipment as well as alternatives to generate Class A Bio-solids from the City's WWTP sludge; and

WHEREAS, the evaluation considered construction costs as well as operation and maintenance costs and concluded with the recommendation to construct a natural gas sludge drying system at on the site of the WWTP; and

WHEREAS, the recommended alternative is anticipated to result in significant life cycle cost savings relative to replacing the composting equipment in its current location; and

WHEREAS, Nussbaumer submitted a proposal dated July 5, 2018 for Task 1 – Design Phase, which consists in the preparation of the design and contract documents required for obtaining contractor bids for construction of a sludge drying system at the WWTP; bid process, construction support, and inspection are not included in this proposal; now, therefore, be it

RESOLVED, that the Mayor, subject to Corporate Counsel approval, is hereby authorized to execute an agreement with Nussbaumer & Clarke, Inc., 3556 Lake Short Road, Suite 500, Buffalo, NY 14219, for a fee Not-to-Exceed of \$150,000 for the Scope of Work included in their proposal to the City to be charged to Capital Projects .

Seconded by Alderman _____ and adopted. Ayes _____.

080118.8

By Alderman Devine:

WHEREAS, on resolution 030117.8 dated March 1, 2017, the Common Council authorized the NYS Canal Corporation access though State Road, parcel # 33, to the Barge Canal for sediment removal at the Lockport Transit Street Former MGP Site (NYDEC Site #932098), and

WHEREAS, AECOM Technical Services, Inc., a consultant engineering company responsible for the Barge Canal Sediment Removal Project, has requested an authorization to allow discharge of pre-treated water in the Lockport sewer system, and

WHEREAS, the Engineering Department has evaluated AECOM request for pre-treated water discharge and it has determined that the most convenient place to allow such discharge in the sewer system is a manhole located at the north side of the intersection of State Road and East High Street; now, therefore, be it

RESOLVED, authorize AECOM Technical Services, Inc. to discharge pre-treated water from the sediment removal project in the City sewer system during the construction period (approximately from December 2018 to March 2019); water discharges have to be coordinated with the Lockport Waste Water Treatment Plant (WWTP).

Seconded by Alderman _____ and adopted. Ayes _____.

080118.9

By Alderman Wohleben: Cappy's Boat – Being Prepared

080118.10

By Alderman Wohleben: Asset Forfeiture – Being Prprepared

080118.11

By Alderman Wohleben:

Resolved, that the Director of Community Development is hereby authorized and directed to prepare bid specifications for program management and delivery services to implement the City of Lockport New York State Affordable Housing Corporation (AHC) Home Improvement Program, and be it further

Resolved, that upon receipt of said specifications, the City Clerk is authorized and directed to advertise for bid proposals for same.

Seconded by Alderman _____ and adopted. Ayes _____.

080118.12

By Alderman Wohleben:

Resolved, that pursuant to the recommendation of the Building Inspector, Raymond E. Kelley, Inc, Building Restoration and Specialty Contractors are hereby granted permission to

place an aerial man lift in the city's right of way around the perimeter of the building located at 50 Main St. for a Masonry restoration project. The work will be completed over a matter of 4 months with work taking place Monday – Friday between the hours of 7:00 a.m. – 5:00 p.m. Said permission is subject to filing a certificate of insurance with the City Clerk naming the City of Lockport as additional insured.

Seconded by Alderman _____ and adopted. Ayes _____.

080118.13

ADJOURNMENT

At _____ P.M. Alderman Wohleben moved the Common Council be adjourned until 5:30 P.M., Wednesday, August 15, 2018.

Seconded by Alderman _____ and adopted. Ayes _____.

RICHELLE J. PASCERI
City Clerk