CITY OF LOCKPORT

**CORPORATION PROCEEDINGS**

Lockport Municipal Building

Regular Meeting

Official Record

August 15, 2018

5:30 P.M.

Mayor David R. Wohleben called the meeting to order.

**ROLL CALL**

The following Common Council members answered the roll call:

Aldermen Abbott, Devine, Eggert, Farrell and Oates.

**SWEARING IN CEREMONY**

**MAYOR’S UPDATE**

**RECESS**

Recess for public input.

**081518.1** **APPROVAL OF MINUTES**

On motion of Alderman Abbott, seconded by Alderman \_\_\_\_\_\_\_, the minutes of the Regular Meeting of August 1, 2018 are hereby approved as printed in the Journal of Proceedings. Ayes \_\_\_\_\_. Carried.

**PUBLIC HEARING**

The Mayor announced a public hearing on a request for a Special Use Permit to house homing pigeons in the detached garage located at 353 Prospect Street.

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

8/7/18 Charlene Seekins-Smith, Chairman, Lockport Planning and Zoning Board – the board recommends the request be denied.

Recess for public input.

The Mayor closed the public hearing.

**FROM THE MAYOR**

**Appointments:**

8/8/18 Richard E. Abbott, 93 Lewis Street, Lockport, NY – appointed as Common Council President effective August 8, 2018 for the term expiring December 31, 2018.

Received and filed.

8/8/18 Richard E. Abbott, 93 Lewis Street, Lockport, NY – appointed as a member of the Police Board to fill the unexpired term of David R. Wohleben. Said term expires December 31, 2019.

Received and filed.

8/13/18 Mark A. Smith, 2 East Park Drive, Lockport, NY – appointed as a Water Treatment Plant Operator for the Water Filtration Department effective August 14, 2018. Said appointment is permanent and subject to the City of Lockport Municipal Civil Service Rules and Regulations.

Received and filed.

8/13/18 Scott A. Sakellaris, 17 Elmira Street, Lockport, NY – appointed as a Tree Trimmer for the Highways and Parks Department for the City of Lockport effective August 10, 2018. Said appointment is provisional and subject to the City of Lockport Municipal Civil Service Rules and Regulations.

Received and filed.

8/13/18 Teresa M. Rucci, 359 East Union Street, Lockport, NY – appointed as Deputy City Treasurer for the City of Lockport effective August 13, 2018. Said appointment is provisional 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)

8/7/18 Melissa L. Dunlap, Executive Director, Niagara County Historical Society – requests permission to hold “Treasures Under the Tent” Gala on August 18.

Referred of the Committee of the Whole.

7/16/18 Mark Seider, Niagara County Soil & Water Conservation District Engineer – requests permission to treat for invasive species on City of Lockport properties.

Referred to the Committee of the Whole.

8/13/18 Richelle J. Pasceri, City Clerk – notification that the Lockport Municipal Offices will be closed as follows in the month of September in observance of Labor Day.

Monday, September 4

Garbage will be collected on the day following regularly scheduled collection that week.

Referred to the media.

8/10/18 Richelle J. Pasceri, City Clerk – notification of bids received on August 10, 2018 for the Grant Street Sewer Rehabilitation Project are as follows:

United Survey, Inc Total $ 132,015.00

Cleveland, OH Alternate 1 $ 53,410.00

Alternate 2 $ 20,900.00

Alternate 3 $ 19,800.00

Alternate 4 $ 19,800.00

Alternate 5 $ 6,169.00

Alternate 6 $ 5,664.00

National Water Main Cleaning Co. Total $ 118,550.04

Canton, MA Alternate 1 $ 35,987.02

Alternate 2 $ 7,475.00

Alternate 3 $ 7,475.00

Alternate 4 $ 7,475.00

Alternate 5 $ 5,750.00

Alternate 6 $ 5,300.00

Kenyon Pipeline Inspection, LLC Total $ 118,425.00

Queensbury, NY Alternate 1 $ 36,100.00

Alternate 2 $ 23,000.00

Alternate 3 $ 22,500.00

Alternate 4 $ 22,500.00

Alternate 5 $ 5,275.00

Alternate 6 $ 4,850.00

Referred to the Committee of the Whole.

**Notice of Defect:**

8/2/18 Waterman St.- potential damage to infrastructure / heavy construction trucks

8/7/18 78-81 Irving St. – tree

8/9/18 196 Elmwood Ave. – tree

8/10/18 113 Jackson St. – tree

8/10/18 22 W. High St. – tree

8/13/18 33 Webb St. - tree

Referred to the Director of Streets and Parks.

## MOTIONS & RESOLUTIONS

**081518.2**

By Alderman Abbott:

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 17, 2018 as follows:

General Fund Fund A $ 94,245.80

Water Fund Fund FX $ 29,084.87

Sewer Fund Fund G $ 15,836.51

Capital Projects Fund $934,350.80

Refuse Fund Fund CL $ 93,939.93

Payroll Pay Date 8/2/18 $ 500,238.33

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

**081518.3**

By Alderman Abbott:

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 18, 2018 until Sunday, August 19, 2018 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 four to six barricades and traffic cones to aid in traffic flow to said area prior to event.

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

**081518.4**

By Alderman Eggert:

Whereas, the City of Lockport (City) supports clean energy actions and improving the environment; and

Whereas, the City applied for a 2017 Zero-Emission Vehicle (ZEV) Clean Vehicle Infrastructure Grant administered by the New York State (State) Department of Environmental Conservation (NYSDEC) for the installation of an electric vehicle (EV) charging station at the Municipal Building at an estimated total project cost of $26,000; and

Whereas, the City has been awarded $16,000 from the grant program for the eligible system components and executed a contract from the State; and

Whereas, the City’s consulting engineering firm Nussbaumer & Clarke, Inc. prepared design documents for installation of an EV charging station at the municipal building; and

Whereas, ChargePoint, Inc. submitted a quotation dated June 18, 2018 to furnish and connect a dual port EV charge station and provide 5 years of support services for $11,958; and

Whereas, the City is a member of the National Joint Powers Alliance (NJPA) which has competitively bid and awarded ChargePoint equipment and New York State has authorized cooperative purchasing agreements,

Whereas, the Engineering Department requested quotes to install electrical conduit and build a foundation for the charging station and received proposals as follows: O’Regan’s Blacktop $3,645, and Custom Crews Inc. $4,389; now, therefore, be it

Resolved, that the Mayor, subject to Corporation Counsel approval, is hereby authorized to sign an agreement with ChargePoint, Inc., 254 East Hacienda Avenue, Campbell, CA 95008 for a fee of $11,958.00 for the Scope of Work included in their June 18, 2018 quotation to the City; and be it further

Resolved, authorize the Mayor to accept O’Regan’s Blacktop 3170 Hess Road, Appleton, NY 14008 proposal for a fee of $3,645 to perform the scope of work included in their August 2, 2018 quote.

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

**081518.5**

By Alderman Farrell:

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 with Highland Masonry Restoration, Inc. by resolution 032118.11 dated March 21, 2018 to work in the restoration of the building as indicated in the contract signed on March 27, 2018; and

Whereas, Nussbaumer & Clarke, City’s Consultant Engineer, has recommended to perform additional work that includes rebuilding sections of the building walls and repointing cracks in an approximate area of 800 square feet; and

Whereas, Highland Masonry Restoration, Inc. has submitted a proposal for $48,140.00 to complete the additional work required to stabilize the building; now, therefore, be it

Resolved, that the Mayor, subject to Corporation Counsel approval, is hereby authorized to amend the agreement with Highland Masonry, 33 Ransier Drive, West Seneca, New York 14224 in the amount of $48,140.00 to be charged to Capital Projects.

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

**081518.6**

By Alderman Oates:

Whereas, the Niagara County Soil and Water Conservation District has a program to eradicate the invasive species Japanese knotweed in Niagara County; now, therefore be it

Resolved, that pursuant to their request to eradicate the invasive species in the City of Lockport, Niagara County Soil & Water Conservation District is hereby granted blanket permission to treat any infestation on the City of Lockport properties and road right of way 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 \_\_\_\_\_.

**081518.7**

Alderman Devine:

Whereas, the owner of 353 Prospect Street in the City of Lockport filed an application with the Planning Board for a special use permit to house homing pigeons in the detached garage located at 353 Prospect Street, and

Whereas, on August 7, 2018, the Planning Board convened, deliberated and denied the application for said special use permit, and

Whereas, on August 15, 2018, the Common Council in accordance with the City Code, conducted a public hearing in the Common Council chambers. Now, therefore be it

Resolved, that upon receiving the denial from the planning board for a special use permit to house homing pigeons in the detached garage at 353 Prospect Street and upon having held a public hearing with respect to the same the Common Council hereby denies the request for said special use permit.

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

**081518.8**

Alderman Farrell:

Whereas, the City of Lockport (City) combined sewer system infrastructure is aging and deteriorating as evidenced by identified infiltration into the system; and

Whereas, the City must report annually to the New York State Department of Environmental Conservation actions taken to identify system deficiencies and system improvements accomplished; and

Whereas, the City and their retained engineer Nussbaumer & Clarke, Inc. (Nussbaumer) have been proactively investigating the sewer system to identify deficiencies and to provide recommendations for prioritized improvements to the sewer system; and

Whereas, sewer system rehabilitation in the Grant Street area has been identified as high priority; and

Whereas, Nussbaumer & Clarke, Inc. submitted a proposal dated March 20, 2018 to prepare design and bidding documents for rehabilitation of the sewers in the Grant Street area; now, therefore, be it

Resolved, that the Mayor, subject to Corporation Counsel approval, is hereby authorized to execute an agreement with Nussbaumer & Clarke, Inc. for a fee Not-to-Exceed of $20,560 for the Scope of Work included in their March 20, 2018 proposal to the City to be charged to Capital Projects.

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

**081518.9**

By Alderman Oates:

WHEREAS, the City of Lockport has been utilizing professional consultants for position searches, legal arbitration and labor relations matters, and for temporary financial and accounting assistance; and

WHEREAS, the City has experienced an inordinate volume of vehicle repairs; and

WHEREAS, the City has received unanticipated revenue to offset some of these associated expenses; and

WHEREAS, these unanticipated revenues and expenses necessitate budget amendments within various departments within the General Fund; NOW THEREFORE, BE IT

RESOLVED, that the 2018 Budget is hereby amended as follows:

Increase:

Revenue A.0000.32680 Insurance Recoveries $11,250

Expense A.1640.54300 Vehicle Repair $11,250

Revenue A.7185.32012 Gas Sales $ 3,500

Expense A.7185.54078 Gasoline $ 3,500

Expense A.1010.54055 Professional Services $28,000

Expense A.1310.54055 Professional Services $15,000

Expense A.1420.54055 Professional Services $50,000

Expense A.1430.54055 Professional Services $ 5,000

Decrease:

Expense A.3120.51010 Personal Services – FT $28,000

Expense A.8021.51010 Personal Services – FT $15,000

Expense A.9901.59000 (H) Interfund Transfer – Capital $55,000

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

**081518.10**

By Alderman Eggert:

Whereas, there is an alley that consists of approximately 15 feet by 323 feet between Russell Street and Cedar Street in the City of Lockport that is no longer used or needed for municipal or public purpose, and

Whereas, the adjoining property owners have agreed to accept title to the same. Now therefore be it,

Resolved, that the Common Council hereby finds, in accordance with §159 of the City Charter, that the best interest of the public will be served by the abandonment of an alley that consisting of approximately 15 feet by 323 feet between Russell Street and Cedar Street as set forth in more detail in a survey by McIntosh & McIntosh, P.C., Job NO. 9244 date June 7, 2018, a true copy of the legal description and map of such premises attached to the original of this resolution and also on file in the office of the City Clerk, and be it further

Resolved, that the Mayor of the City of Lockport is authorized and directed, subject to approval of the Corporation Counsel, to execute and deliver a quit claim deed subject to a utility (telephone, electric, gas and cable) and any and all other documents necessary and reasonable to accomplish this abandonment and transfer to the adjoining owners, and be it further

Resolved that such transfer and abandonment be in the best interests of the City of Lockport and, accordingly hereby dispenses with public bidding in connection with this abandonment.

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

**081518.11 WITHDRAWN**

**081518.11A**

By Alderman Farrell:

Resolved, that pursuant to their request, Solarize Lockport is hereby granted permission to erect a banner across East Avenue at Davison Road at least 17 feet from the ground to promote the Solarize Lockport Program. Said permission is subject to the Solarize Lockport 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\_\_\_\_\_\_\_.

**081518.11B**

By Alderman Devine:

Resolved, that pursuant to Corporation Counsel approval, the Chief Operator- Water Filtration Plant is authorized to enter into a cooperative purchasing group with the Niagara Falls Water Board for the purchase of chemicals.

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

**081518.11C**

By Alderman Farrell:

WHEREAS, the City of Lockport completed a Community Needs Assessment through the New York State Office of Community Renewal, and

WHEREAS, the Community Needs Assessment recommended an action plan that identified the need to offer grants to homeowners for making significant housing improvements, and

WHEREAS, the New York State Office of Community Renewal offers a Home Improvement Program through the Affordable Housing Corporation that offers grants for significant housing improvements, and

WHEREAS, the City of Lockport applied for and was awarded a $500,000 grant through the Office of Community Renewal for a Home Improvement Program, therefore let it be

RESOLVED, that the City of Lockport accept the $500,000 Affordable Housing Corporation grant for a Home Improvement Program, and let if further be

RESOLVED, that the mayor is authorized to execute documents related to the program.

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

**081518.11D**

By Alderman Abbott:

Resolved, that pursuant to their request, permission is hereby granted to Open Arms of WNY to barricade the city parking lot on South Street on Saturday, August 18, 2018 for the Tools for Schools project, 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\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ and adopted. Ayes\_\_\_\_\_\_\_.

**081518.12** **ADJOURNMENT**

At \_\_\_\_\_\_ P.M. Alderman Abbott moved the Common Council be adjourned until 5:30 P.M., Wednesday, September 5, 2018.

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

RICHELLE J. PASCERI

City Clerk