

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

Lockport Municipal Building

Regular Meeting  
Official Record

October 17, 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, Oates and VanDeMark.

**MAYOR'S UPDATE**

**RECESS**

Recess for public input.

**101718.1**

**APPROVAL OF MINUTES**

On motion of Alderman Abbott, seconded by Alderman Oates, the minutes of the Regular Meeting of October 3, 2018 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 made by Michael Ulrich, for approval to erect a double-sided billboard located at 616 West Avenue, situated in a I-3 Zone.

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

10/2/18 Charlene Seekins-Smith, Chairman, Lockport Planning and Zoning Board – the board recommends the request be denied.

10/15/18 William J. Kelley, President, Lock City Supply Co. – opposing the proposed installation.

Recess for public input.

The Mayor closed the public hearing.

## **PUBLIC HEARING**

The Mayor announced a public hearing on Confirming Refuse & Recycling Re-levy.

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

Recess for public input.

The Mayor closed the public hearing.

## **FROM THE MAYOR**

### **Appointments:**

10/12/18 Under and by virtue of the authority conferred on me by the Charter of the City of Lockport, I, David R. Wohleben, Mayor of the City of Lockport, do hereby make the following appointments:

### **Commissioner of Deeds:**

For the term of one year expiring on December 31, 2019

Patti Shea, 190 Locust Street, Lockport, NY 14094  
Christopher Prucha, 10 Berkley Drive, Lockport, NY 14094  
Ellen Schratz, 390 Locust Street, Lockport, NY 14094  
Anne E. McCaffrey, 556 Willow Street, Lockport, NY 14094  
Mary Wohleben, 145 Lincoln Avenue, Lockport, NY 14094  
Kelly VanDeMark, 587 Pine Street, NY 14094

### **Planning and Zoning Board:**

Re-appoint for a term of three years expiring on October 14, 2021

Terry Harmon, 57 Regent Street, Lockport, NY 14094  
Jeff Tracy, 5 Cherry Street, Lockport, NY 14094  
Marshall Roth, 110 Locust Street, Lockport, NY 14094

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:**

10/12/18 564-578 Willow St. – Streetlights  
10/11/18 1020 Old Niagara St. – Guardrail  
10/16/18 289 Locust St. - tree

Referred to the Director of Streets and Parks.

10/17/18 Richelle J. Pasceri, City Clerk – notification that the Lockport Municipal Offices will be closed the following days in November:

Tuesday, November 6 <sup>th</sup>	Election Day
Monday, November 12 <sup>th</sup>	Veteran's Day
Thursday & Friday, November 22 <sup>nd</sup> & 23 <sup>rd</sup>	Thanksgiving Holiday

The garbage collection schedule will remain the same for November 6<sup>th</sup> and 12<sup>th</sup>.

For the Thanksgiving Holiday, garbage collection will be as follows:

<u>Normal Pick Up Day</u>	<u>Holiday Pick Up Day</u>
Thursday, November 22 <sup>nd</sup>	Friday, November 23 <sup>rd</sup>
Friday, November 23 <sup>rd</sup>	Saturday, November 24 <sup>th</sup>

Referred to the Media

## **MOTIONS & RESOLUTIONS**

### **101718.2**

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 October 19, 2018 as follows:

General Fund	Fund A	\$ 97,500.73
Water Fund	Fund FX	\$ 37,338.80
Sewer Fund	Fund G	\$ 15,603.76
Capital Projects	Fund	\$650,375.06
Refuse Fund	Fund CL	\$ 93,103.26
Self Insurance	Fund MS	\$ 1,401.80
Payroll	Pay Date 10/11/18	\$445,697.85

Seconded by Alderman Oates and adopted. Ayes 6.

### **101718.3**

By Alderman Oates:

Resolved, that pursuant to their request, Laura Duquette is hereby granted permission to place a crane and dumpster in front of 12 Grain Studio located at 17 West Main Street beginning November 1, 2018 for a period of one week for a masonry and roofing project being completed on the building. 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 Eggert and adopted. Ayes 6.

### **101718.4**

By Alderman Oates:

Whereas, the City of Lockport, through its Audit Committee, has solicited proposals for professional, independent accounting and audited services; and

Whereas, the City has received six proposals of generally equal value from competent firms for services for three years beginning with fiscal year 2018 with two optional one-year extensions; and

Whereas, the Audit Committee has reviewed these proposals and has recommended that the City Council award a contract to Lumsden McCormick, LLP in order to promote the most independent relationship while taking advantage of the firms' knowledge of the City's processes and finances; now therefore be it

Resolved that the Mayor subject to Corporation Counsel is hereby authorized and directed to enter into contract with Lumsden McCormick, LLP, 369 Franklin Street, Buffalo, NY for a minimum period of three years but not to exceed 5 years for independent accounting and audit services in accordance with the terms, conditions and fees established in their response to the City's Request for Proposal dated October 4, 2018.

Seconded by Alderman Farrell and adopted. Ayes 6.

#### **101718.5**

By Alderman Abbott:

WHEREAS, the City of Lockport is in the process of searching for a full time Police Chief; and

WHEREAS, the City of Lockport desires to enter into an interim Employment Agreement with Steven Preisch to serve as interim Police Chief for an indefinite period concluding upon the hiring of a new Police Chief for the sum of \$4,000 per pay period.

NOW, THEREFORE, BE IT

RESOLVED, that the Mayor be and is hereby directed and authorized to enter into an interim Employment Agreement with Steven Preisch for an indefinite period concluding upon the hiring of a new Police Chief for the sum of \$4,000 per pay period.

Seconded by Alderman Eggert and adopted. Ayes 6.

#### **101718.6 WITHDRAWN (Budget Amendment Re: Sale of Vehicles)**

By Alderman VanDeMark:

Resolved, that the foregoing resolution be amended to include the purchase of a John Deere Snowblower and plow attachment for Buildings and Grounds.

Seconded by Alderman Farrell and adopted. Ayes 6.

#### **101718.7**

By Alderman Oates:

Whereas, the City Council wishes to extend the employment of one temporary marina attendant to wash and stain the docks and piers at the marina, and

Whereas, the 2018 General Fund budget must be amended to accommodate this; Now, therefore, be it

Resolved, that the 2018 General Fund Budget is hereby amended as follows:

Expense:

Decrease:

A.1900.51990	Contingency	<del>\$ 3,000</del>
		\$ 8,900

Increase:

A.7185.51060	Seasonal/Temporary	\$ 3,000
A.1620.52025	Bldg & Grounds Equip.	\$ 5,900

Seconded by Alderman Devine 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 Eggert and adopted. Ayes 6.

#### **101718.8**

By Alderman Eggert:

WHEREAS, the 2018-2019 State Budget included a requirement that all employers adopt and provide a sexual harassment prevention policy to all employees, and

WHEREAS, New York State provided a "Model Policy" that contains the minimum standards required by the new law.

NOW, THEREFORE, BE IT

RESOLVED, that the following Sexual Harassment Policy be and is hereby adopted by the City of Lockport:

### **CITY OF LOCKPORT SEXUAL HARRASSMENT POLICY**

*The City of Lockport* is committed to maintaining a workplace free from sexual harassment. Sexual harassment is a form of workplace discrimination. All employees are required to work in a manner that prevents sexual harassment in the workplace. This Policy is one component of The City of Lockport's commitment to a discrimination-free work environment. Sexual harassment is against the law and all employees have a legal right to a workplace free from sexual harassment and employees are urged to report sexual harassment by filing a complaint internally with *the City of Lockport*. Employees can also file a complaint with a government agency or in court under federal, state or local antidiscrimination laws.

#### **Policy:**

1. *The City of Lockport's* policy applies to all employees, applicants for employment, interns, whether paid or unpaid, contractors and persons conducting business, regardless of immigration status, with the City of Lockport. In the remainder of this document, the term "employees" refers to this collective group.
2. Sexual harassment will not be tolerated. Any employee or individual covered by this policy who engages in sexual harassment or retaliation will be subject to remedial and/or disciplinary action (e.g., counseling, suspension, termination).
3. Retaliation Prohibition: No person covered by this Policy shall be subject to adverse action because the employee reports an incident of sexual harassment, provides information, or otherwise assists in any investigation of a sexual harassment complaint. The City of Lockport will not tolerate such retaliation against anyone who, in good faith, reports or provides information about suspected sexual harassment. Any employee of the City of Lockport who retaliates against anyone involved in a sexual harassment investigation will be subjected to disciplinary action, up to and including termination. All employees, paid or unpaid interns, or non-employees working in the workplace who believe they have been subject to such retaliation should inform a supervisor, manager, or Corporation Counsel's Office. All employees, paid or unpaid interns or non-employees who believe they have been a target of such retaliation may also seek relief in other available forums, as explained below in the section on Legal Protections.

4. Sexual harassment is offensive, is a violation of our policies, is unlawful, and may subject the City of Lockport to liability for harm to targets of sexual harassment. Harassers may also be individually subject to liability. Employees of every level who engage in sexual harassment, including managers and supervisors who engage in sexual harassment or who allow such behavior to continue, will be penalized for such misconduct.
5. The City of Lockport will conduct a prompt and thorough investigation that ensures due process for all parties, whenever management receives a complaint about sexual harassment, or otherwise knows of possible sexual harassment occurring. The City of Lockport will keep the investigation confidential to the extent possible. Effective corrective action will be taken
6. Whenever sexual harassment is found to have occurred. All employees, including managers and supervisors, are required to cooperate with any internal investigation of sexual harassment.
7. All employees are encouraged to report any harassment or behaviors that violate this policy. The City of Lockport will provide all employees a complaint form for employees to report harassment and file complaints.
8. Managers and supervisors are **required** to report any complaint that they receive, or any harassment that they observe or become aware of, to Corporation Counsel's Office.
9. This policy applies to all employees, paid or unpaid interns, and non-employees and all must follow and uphold this policy. This policy must be provided to all employees and should be posted prominently in all work locations to the extent practicable (for example, in a main office, not an offsite work location) and be provided to employees upon hiring.

### **What Is "Sexual Harassment"?**

Sexual harassment is a form of sex discrimination and is unlawful under federal, state, and (where applicable) local law. Sexual harassment includes harassment on the basis of sex, sexual orientation, self-identified or perceived sex, gender expression, gender identity and the status of being transgender.

Sexual harassment includes unwelcome conduct which is either of a sexual nature, or which is directed at an individual because of that individual's sex when:

- Such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile or offensive work environment, even if the reporting individual is not the intended target of the sexual harassment;
- Such conduct is made either explicitly or implicitly a term or condition of employment; or

- Submission to or rejection of such conduct is used as the basis for employment decisions affecting an individual's employment.

A sexually harassing hostile work environment includes, but is not limited to, words, signs, jokes, pranks, intimidation or physical violence which are of a sexual nature, or which are directed at an individual because of that individual's sex. Sexual harassment also consists of any unwanted verbal or physical advances, sexually explicit derogatory statements or sexually discriminatory remarks made by someone which are offensive or objectionable to the recipient, which cause the recipient discomfort or humiliation, which interfere with the recipient's job performance.

Sexual harassment also occurs when a person in authority tries to trade job benefits for sexual favors. This can include hiring, promotion, continued employment or any other terms, conditions or privileges of employment. This is also called "quid pro quo" harassment.

Any employee who feels harassed should report so that any violation of this policy can be corrected promptly. Any harassing conduct, even a single incident, can be addressed under this policy.

### **Examples of sexual harassment**

The following describes some of the types of acts that may be unlawful sexual harassment and that are strictly prohibited:

- Physical acts of a sexual nature, such as:
  - Touching, pinching, patting, kissing, hugging, grabbing, brushing against another employee's body or poking another employee's body;
  - Rape, sexual battery, molestation or attempts to commit these assaults.
- Unwanted sexual advances or propositions, such as:
  - Requests for sexual favors accompanied by implied or overt threats concerning the target's job performance evaluation, a promotion or other job benefits or detriments;
  - Subtle or obvious pressure for unwelcome sexual activities.
- Sexually oriented gestures, noises, remarks or jokes, or comments about a person's sexuality or sexual experience, which create a hostile work environment.
- Sex stereotyping occurs when conduct or personality traits are considered inappropriate simply because they may not conform to other people's ideas or perceptions about how individuals of a particular sex should act or look.
- Sexual or discriminatory displays or publications anywhere in the workplace, such as:
  - Displaying pictures, posters, calendars, graffiti, objects, promotional material, reading materials or other materials that are sexually demeaning or pornographic. This includes such sexual displays on workplace computers or cell phones and sharing such displays while in the workplace.

- Hostile actions taken against an individual because of that individual's sex, sexual orientation, gender identity and the status of being transgender, such as:
  - Interfering with, destroying or damaging a person's workstation, tools or equipment, or otherwise interfering with the individual's ability to perform the job;
  - Sabotaging an individual's work;
  - Bullying, yelling, name-calling.

### **Who can be a target of sexual harassment?**

Sexual harassment can occur between any individuals, regardless of their sex or gender. New York Law protects employees, paid or unpaid interns, and non-employees, including independent contractors, and those employed by companies contracting to provide services in the workplace. Harassers can be a superior, a subordinate, a coworker or anyone in the workplace including an independent contractor, contract worker, vendor, client, customer or visitor.

### **Where can sexual harassment occur?**

Unlawful sexual harassment is not limited to the physical workplace itself. It can occur while employees are traveling for business or at employer sponsored events or parties. Calls, texts, emails, and social media usage by employees can constitute unlawful workplace harassment, even if they occur away from the workplace premises, on personal devices or during non-work hours.

## **Retaliation**

Unlawful retaliation can be any action that could discourage a worker from coming forward to make or support a sexual harassment claim. Adverse action need not be job-related or occur in the workplace to constitute unlawful retaliation (e.g., threats of physical violence outside of work hours).

Such retaliation is unlawful under federal, state, and (where applicable) local law. The New York State Human Rights Law protects any individual who has engaged in "protected activity." Protected activity occurs when a person has:

- made a complaint of sexual harassment, either internally or with any anti-discrimination agency;
- testified or assisted in a proceeding involving sexual harassment under the Human Rights Law or other anti-discrimination law;
- opposed sexual harassment by making a verbal or informal complaint to management, or by simply informing a supervisor or manager of harassment;
- reported that another employee has been sexually harassed; or
- encouraged a fellow employee to report harassment.

Even if the alleged harassment does not turn out to rise to the level of a violation of law, the individual is protected from retaliation if the person had a good faith belief that the practices



were unlawful. However, the retaliation provision is not intended to protect persons making intentionally false charges of harassment.

### **Reporting Sexual Harassment**

**Preventing sexual harassment is everyone's responsibility.** The City of Lockport cannot prevent or remedy sexual harassment unless it knows about it. Any employee, paid or unpaid intern or non-employee who has been subjected to behavior that may constitute sexual harassment is encouraged to report such behavior to a supervisor, manager or Corporation Counsel's Office. Anyone who witnesses or becomes aware of potential instances of sexual harassment should report such behavior to a supervisor, manager or Corporation Counsel's Office.

Reports of sexual harassment may be made verbally or in writing. A form for submission of a written complaint is attached to this Policy, and all employees are encouraged to use this complaint form. Employees who are reporting sexual harassment on behalf of other employees should use the complaint form and note that it is on another employee's behalf.

Employees, paid or unpaid interns or non-employees who believe they have been a target of sexual harassment may also seek assistance in other available forums, as explained below in the section on Legal Protections.

### **Supervisory Responsibilities**

All supervisors and managers who receive a complaint or information about suspected sexual harassment, observe what may be sexually harassing behavior or for any reason suspect that sexual harassment is occurring, **are required** to report such suspected sexual harassment to Corporation Counsel's Office.

In addition to being subject to discipline if they engaged in sexually harassing conduct themselves, supervisors and managers will be subject to discipline for failing to report suspected sexual harassment or otherwise knowingly allowing sexual harassment to continue.

Supervisors and managers will also be subject to discipline for engaging in any retaliation.

### **Complaint and Investigation of Sexual Harassment**

**All** complaints or information about sexual harassment will be investigated, whether that information was reported in verbal or written form. Investigations will be conducted in a timely manner, and will be confidential to the extent possible.

An investigation of any complaint, information or knowledge of suspected sexual harassment will be prompt and thorough, commenced immediately and completed as soon as possible. The investigation will be kept confidential to the extent possible. All persons involved, including

complainants, witnesses and alleged harassers will be accorded due process, as outlined below, to protect their rights to a fair and impartial investigation.

Any employee may be required to cooperate as needed in an investigation of suspected sexual harassment. The City of Lockport will not tolerate retaliation against employees who file complaints, support another's complaint or participate in an investigation regarding a violation of this policy.

While the process may vary from case to case, investigations should be done in accordance with the following steps:

- Upon receipt of complaint, Corporation Counsel's Office will conduct an immediate review of the allegations, and take any interim actions (e.g., instructing the respondent to refrain from communications with the complainant), as appropriate. If complaint is verbal, encourage the individual to complete the "Complaint Form" in writing. If he or she refuses, prepare a Complaint Form based on the verbal reporting.
- If documents, emails or phone records are relevant to the investigation, take steps to obtain and preserve them.
- Request and review all relevant documents, including all electronic communications.
- Interview all parties involved, including any relevant witnesses;
- Create a written documentation of the investigation (such as a letter, memo or email), which contains the following:
  - A list of all documents reviewed, along with a detailed summary of relevant documents;
  - A list of names of those interviewed, along with a detailed summary of their statements;
  - A timeline of events;
  - A summary of prior relevant incidents, reported or unreported; and
  - The basis for the decision and final resolution of the complaint, together with any corrective action(s).
- Keep the written documentation and associated documents in a secure and confidential location.
- Promptly notify the individual who reported and the individual(s) about whom the complaint was made of the final determination and implement any corrective actions identified in the written document.
- Inform the individual who reported of the right to file a complaint or charge externally as outlined in the next section.

## Legal Protections And External Remedies

Sexual harassment is not only prohibited by the City of Lockport but is also prohibited by state, federal, and, where applicable, local law.

Aside from the internal process at the City of Lockport employees may also choose to pursue legal remedies with the following governmental entities. While a private attorney is not required to file a complaint with a governmental agency, you may seek the legal advice of an attorney.

In addition to those outlined below, employees in certain industries may have additional legal protections.

### State Human Rights Law (HRL)

The Human Rights Law (HRL), codified as N.Y. Executive Law, art. 15, § 290 et seq., applies to all employers in New York State with regard to sexual harassment, and protects employees, paid or unpaid interns and non-employees, regardless of immigration status. A complaint alleging violation of the Human Rights Law may be filed either with the Division of Human Rights (DHR) or in New York State Supreme Court.

Complaints with DHR may be filed any time **within one year** of the harassment. If an individual did not file at DHR, they can sue directly in state court under the HRL, **within three years** of the alleged sexual harassment. An individual may not file with DHR if they have already filed a HRL complaint in state court.

Complaining internally to the City of Lockport does not extend your time to file with DHR or in court. The one year or three years is counted from date of the most recent incident of harassment.

You do not need an attorney to file a complaint with DHR, and there is no cost to file with DHR.

DHR will investigate your complaint and determine whether there is probable cause to believe that sexual harassment has occurred. Probable cause cases are forwarded to a public hearing before an administrative law judge. If sexual harassment is found after a hearing, DHR has the power to award relief, which varies but may include requiring your employer to take action to stop the harassment, or redress the damage caused, including paying of monetary damages, attorney's fees and civil fines.

DHR's main office contact information is: NYS Division of Human Rights, One Fordham Plaza, Fourth Floor, Bronx, New York 10458. You may call (718) 741-8400 or visit: [www.dhr.ny.gov](http://www.dhr.ny.gov).

Contact DHR at (888) 392-3644 or visit [dhr.ny.gov/complaint](http://dhr.ny.gov/complaint) for more information about filing a complaint. The website has a complaint form that can be downloaded, filled out, notarized and mailed to DHR. The website also contains contact information for DHR's regional offices across New York State.

## **Civil Rights Act of 1964**

The United States Equal Employment Opportunity Commission (EEOC) enforces federal anti-discrimination laws, including Title VII of the 1964 federal Civil Rights Act (codified as 42 U.S.C. § 2000e et seq.). An individual can file a complaint with the EEOC anytime within 300 days from the harassment. There is no cost to file a complaint with the EEOC. The EEOC will investigate the complaint, and determine whether there is reasonable cause to believe that discrimination has occurred, at which point the EEOC will issue a Right to Sue letter permitting the individual to file a complaint in federal court.

The EEOC does not hold hearings or award relief, but may take other action including pursuing cases in federal court on behalf of complaining parties. Federal courts may award remedies if discrimination is found to have occurred. In general, private employers must have at least 15 employees to come within the jurisdiction of the EEOC.

An employee alleging discrimination at work can file a "Charge of Discrimination." The EEOC has district, area, and field offices where complaints can be filed. Contact the EEOC by calling 1-800-669-4000 (TTY: 1-800-669-6820), visiting their website at [www.eeoc.gov](http://www.eeoc.gov) or via email at [info@eeoc.gov](mailto:info@eeoc.gov).

If an individual filed an administrative complaint with DHR, DHR will file the complaint with the EEOC to preserve the right to proceed in federal court.

## **Local Protections**

Many localities enforce laws protecting individuals from sexual harassment and discrimination. An individual should contact the county, city or town in which they live to find out if such a law exists. For example, employees who work in New York City may file complaints of sexual harassment with the New York City Commission on Human Rights. Contact their main office at Law Enforcement Bureau of the NYC Commission on Human Rights, 40 Rector Street, 10th Floor, New York, New York; call 311 or (212) 306-7450; or visit [www.nyc.gov/html/cchr/html/home/home.shtml](http://www.nyc.gov/html/cchr/html/home/home.shtml).

## **Contact the Local Police Department**

If the harassment involves unwanted physical touching, coerced physical confinement or coerced sex acts, the conduct may constitute a crime. Contact the local police department.

Seconded by Alderman Farrell and adopted. Ayes 6.

### **101718.9**

By Alderman Devine:

WHEREAS, the City entered into an agreement on September 7, 2018 under resolution No. 090518.8, with National Water Main Cleaning Company to perform sewer rehabilitation work on Grant, Elmira, and Pine Streets;

WHEREAS, the Engineering Department has determined that sections of sanitary sewers on Lincoln Avenue (S Transit St. to Hamilton Dr.) and West Avenue (West of Crosby St.) are in need of heavy cleaning and video inspection, and that sections of collapsed sewers

on Prospect Street (Corinthia St. to John Henry Park) and North Transit Street (Charlotte St. to Monroe St.) are in need of repair;

WHEREAS, National Water Main Cleaning Company has submitted a change order in the amount of \$51,665.00 to perform additional sewer work that includes sediment removal, video inspections, and lining of collapsed pipes on Prospect and N. Transit St.;

WHEREAS, Nussbaumer & Clarke has submitted a proposal for a not-to exceed fee of \$4,848.00 for additional professional engineering services for the rehabilitation of sewers at the above mentioned locations; now, therefore, be it

RESOLVED, that the Mayor, subject to Corporation Counsel Approval, is hereby authorized to approve the change order submitted by National Water Main Cleaning Co. 25 Marshall Street, Canton, MA 02021 in the amount of \$51,665.00 for the scope of work included in its October 5, 2018 proposal to the City and to be charged to Capital Projects; and be it further

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 \$4,848.00 for the scope of work included in their October 8, 2018 proposal to the City to be charged to Capital Projects.

Seconded by Alderman VanDeMark and adopted. Ayes 6.

#### **101718.10**

By Alderman Eggert:

WHEREAS, Title 315.4 of the New York Compilation of Codes, Rules and Regulations, entitled Regulation on Reporting for Elected or Appointed Officials requires the reporting of time for certain elected or appointed officials participating in the New York State Retirement System, and

WHEREAS, Title 315.4 required the Common Council establish by resolution a standard work day for each Elected or Appointed official serving the City of Lockport, and

WHEREAS, newly elected or appointed offices must prepare and file a time record for the first 180 days of taking office which is good for a period of eight years, and

WHEREAS, section 315.3 of Chapter VI, Title 2 of the New York Code of Rules and Regulations require the Common Council establish by resolution a standard work day for each elective or appointed official, and

WHEREAS, none of the participants listed below are in Tier 1, and

WHEREAS, all of the participants below have submitted their respective Record of Activities to the City Clerk.

NOW, THEREFORE, BE IT

RESOLVED, that the City of Lockport, a municipal corporation located at one Locks Plaza, Lockport, New York 14094 hereby establishes the following standard work days for these titles for the calendar year 2018 and will report the officials to the New York State and Local Retirement System based on their record of activities:

**Location Code: 20028**

<u>Title</u>	<u>Std. Work Day</u>	<u>Name</u>	<u>SS#</u>	<u>Req#</u>	<u>Term</u>	<u>Record Activity Results</u>
Corporation Counsel	7	John Ottaviano	7132	36131837	1/1/2018- 12/31/18	21.78
Deputy Corp. Counsel	7	David Blackley	0877	38261640	1/1/2018- 12/31/2018	9.7
Deputy Corp Counsel	7	David Haylett	8794	43436013	1/1/2018- 12/31/2018	11.19
City Clerk	7	Richelle Pasceri	1852	50575463	7/1/2017- 6/30/2022	22.64
Treasurer	7	Sue Mawhiney	3378	61319620	1/1/2016- 12/31/2019	28.18

Seconded by Alderman Abbott and adopted. Ayes 6.

#### **101718.11**

By Alderman VanDeMark:

WHEREAS, on October 10, 2018, the Mayor and Common Council received a letter from the Board of Trustees of Emmanuel United Methodist Church seeking a revocable permit to place five pipe bollards within the City Right of Way on the northern boundary of the church parking lot to restrict vehicular traffic to the pavement and not the adjacent green area.

NOW, THEREFORE, BE IT

RESOLVED, that pursuant to the request of Emmanuel United Methodist Church property owner of 75 East Avenue, Lockport, New York permission is hereby granted to erect and maintain five (5) bollards within the City Right of Way on the north end of the church parking lot subject to the following provisions:

that upon motion of the Common Council, duly adopted by a majority vote only, and thirty days' notice from the City Clerk, the five (5) bollards must be removed,

filing a certificate of insurance with the City Clerk naming the City of Lockport as additional insured, leaving the City free and clear of all liability in connection therewith,

payment of the revocable permit fee of \$100.00 renewable annually,

that the location and material used be approved by the Chief Building Inspector for the City of Lockport.

Seconded by Alderman Oates and adopted. Ayes 6.

**101718.12**

By Alderman Devine:

WHEREAS, the City of Lockport requested its consulting engineer Nussbaumer and Clarke, Inc. to perform a condition assessment of the Plank Road culvert; and

WHEREAS, Nussbaumer determined that the culvert superstructure should be replaced in order to maintain the culverts integrity and safety, and subsequently prepared design documents in order to obtain a construction contractor; and

WHEREAS, the City publicly advertised a Notice to Bidders and accepted bids from contractors on July 6, 2018 at 2:00 p.m. which were publicly opened and read as follows: Edbauer Construction, \$207,300.00; BVR Construction, Inc., \$291,852.00; and 4<sup>th</sup> Generation Construction, \$289,790.00; and

WHEREAS, Nussbaumer reviewed the contractor bids and recommends that the City awards the contract to the low bidder, Edbauer Construction, for a total amount of \$207,300; now, therefore, be it

RESOLVED, that the Mayor, subject to Corporation Counsel approval, is hereby authorized to execute an agreement Edbauer Construction, 2790 Clinton Street, West Seneca, New York 14224 in the amount of \$207,300 and to be charged to Capital Projects.

Resolved, that the City Attorney and City Treasurer are hereby directed to prepare the necessary Bond Ordinances to authorize the issuance of debt to fund said project in an amount not to exceed \$276,400.00.

Seconded by Alderman VanDeMark and adopted. Ayes 6.

**101718.13**

By Alderman Abbott:

WHEREAS, the City of Lockport held its annual in rem tax foreclosure auction on October 11, 2018; and

WHEREAS, by public auction, the City of Lockport accepted bids on several parcels which were foreclosed upon by a Court ordered Judgement; and

WHEREAS, pursuant to paragraph 4 of the Terms of the Sale approval of the governing body of the tax district is required; and

NOW THEREFORE BE IT

RESOLVED, the City of Lockport does hereby approve and confirm by ratification the sale of the properties listed below.

PARCEL ID	Address	Purchaser	Purchase Price
2016-002	341 MICHIGAN STREET	RONN EDWARDS	\$25.00
2016-011	36 SO BRISTOL AVENUE	EDWARD W. WEBBER, III	\$40,000.00
2016-029	31 CROSBY AVENUE	WAYNE R. PENWRIGHT	\$36,000.00
2016-059	95 CLINTON STREET	SCOTT R. HERALD	\$ 325.00
2016-064	177 DAVISON ROAD	ENRIQUE REYES JR	\$2,400.00
2016-072	172 SOUTH STREET	MATTHEW MARTIN	\$18,000.00
2016-086	66 LEWIS STREET	JOLEEN PICKLES	\$14,500.00
2016-108	218 GREEN STREET	SCOTT M. & LISA K. COLBY	\$34,750.00
2016-112	295 HAWLEY STREET	CURTIS R. JOHNSON	\$13,000.00
2016-143	63 ELMWOOD AVENUE	MATTHEW MARTIN	\$36,500.00
2016-176	6 CAROLINA AVENUE	BRIAN BAILEY	\$325.00
LAST YEAR	80 JACKSON STREET	FOMBENS SEJOUR	\$25.00
LAST YEAR	134 STATE ROAD	RYAN KAHLE	\$1,000.00
ADDITION	232 SOUTH STREET	MATTHEW MARTIN	\$32,500.00

ADDITION	62 TROWBRIDGE STREET	ADAM GOFF & BRIANNA DANIELS	\$18,000.00
CITY OWNED	203 GOODING STREET	DAVID W. KIRKPATRICK	\$6.48
CITY OWNED	207 GOODING STREET	DAVID W. KIRKPATRICK	\$9.26
CITY OWNED	209 GOODING STREET	DAVID W. KIRKPATRICK	\$9.26
CITY OWNED	211 FAYETTE STREET	PATRICK WILLIAM ACKROYD	\$100.00
CITY OWNED	201 FAYETTE STREET	PATRICK WILLIAM ACKROYD	\$100.00
CITY OWNED	232 GOODING STREET	CHARLES GLANDER	\$74.47
CITY OWNED	150 OLCOTT STREET	ROBERT LINDEMUTH	\$25.00
CITY OWNED	505 PARK LANE CIRCLE	ALMA LILLIAN LAFFERTY, ESQ.	\$529.67
CITY OWNED	230 GOODING STREET	CHARLES GLANDER	\$175.53
CITY OWNED	36 SCOVELL STREET	FOMBENS SEJOUR	\$50.00
CITY OWNED	507 PARK LANE CIRCLE	ALMA LILLIAN LAFFERTY, ESQ.	\$686.60
CITY OWNED	419 MILL STREET	TOMAS MARTINEZ	\$1,600.00
CITY OWNED	503 PARK LANE CIRCLE	ALMA LILLIAN LAFFERTY, ESQ.	\$2,883.73
CITY OWNED	1 BRISTOL AVENUE	PAUL J. TRINKWALDER	\$1,100.00
CITY OWNED	499 PARK AVENUE	LAPORTS STORAGE LLC	\$250.00
CITY OWNED	340 HINMAN ROAD	ANDRE B. CLOUTIER	\$25.00
CITY OWNED	129 GLENWOOD AVE	CHARLES GLANDER	\$275.00
TOTAL			\$255,250.00

Seconded by Alderman Farrell and adopted. Ayes 6.

#### 101718.14

By Alderman Oates:

Resolved, that a public hearing be held at the Common Council Meeting of Wednesday, November 7, 2018 starting at 5:30 P.M. in the Common Council Chambers, Lockport Municipal Building, One Locks Plaza, Lockport, NY relative to the proposed 2019 budget, and be it further

Resolved, that the City Clerk is hereby authorized and directed to advertise notice of said public hearing.

Seconded by Alderman Eggert and adopted. Ayes 6.



**101718.14A**

By Alderman Oates:

Resolved, that pursuant to their request, permission is hereby granted to Emmanuel United Methodist Church to barricade Wakeman Alley on Saturday, October 20, 2018, for a "Trunk or Treat" 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 and traffic cones to said area prior to said event.

Seconded by Alderman Abbott and adopted. Ayes 6.

**101718.14B**

By Alderman Farrell:

WHEREAS, the City of Lockport Common Council wishes to assess the advisability of submitting a NYS HOME Local Program (HOME) grant application to the New York State Office of Homes and Community Renewal (the "OCR") for a grant to fund incentives supporting first-time homebuyers purchasing homes within the City of Lockport, and

WHEREAS, the City of Lockport is required to hold a public hearing to provide information to the public and to consider citizen comments regarding community needs and the plan proposal prior to submitting an application for HOME funding, now;

THEREFORE, BE IT RESOLVED, that the Common Council hereby calls for a Public Hearing whereat all interested parties shall be heard regarding the HOME program, the City's community development programs, and the proposed funding application. Such Public Hearing to be held on November 7, 2018, at 5:30 pm in the Common Council Chambers at One Locks Plaza, Lockport, New York; and be it further

RESOLVED, that at least eight (8) days' notice of such hearing shall be given by publishing such notice at least once in the official newspaper of the City.

Seconded by Alderman VanDeMark and adopted. Ayes 6.

**101718.14C**

By Alderman Abbott:

Whereas, the City has solicited applicants for Director of Public Works, and  
Whereas, the City has received numerous applications, interviewed six candidates and the Mayor has selected Brian Gazda, Elma, NY to the Director of Public Works position, and  
Whereas, the appointee, the Department Head Association and the City wish to memorialize the terms and conditions of employment; now therefore, be it

Resolved, that the City agrees that the appointee will reside in the City of Lockport. In consideration of this, the City will grant, as allowed by the Collective Bargaining Agreement between the City and Department Head Association, ten days' vacation to accommodate this move. In addition, in agreement with the Department Head Association, the appointee shall be compensated at step 2 of the grade for a period of 4 years then in accordance with the step movement provisions contained in the Collective Bargaining Agreement; and be it further

Resolved, that all other terms and conditions of employment for the appointee will be in accordance with the Collective Bargaining Agreement between the City and the Department Head Association as it may be amended by the parties from time to time.

Seconded by Alderman VanDeMark and adopted. Ayes 5. Alderman Oates voted no.

**101718.14D**

By Alderman Abbott:

Resolved, that pursuant to their request, permission is hereby granted to Hairs To You at 6 Market Street to barricade the 2 parking spaces directly in front of their salon on November 8, 2018, 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 Devine and adopted. Ayes 6.

**101718.15**

**ADJOURNMENT**

At 6:37 P.M. Alderman Abbott moved the Common Council be adjourned until 5:30 P.M., Wednesday, November 7, 2018.

Seconded by Alderman Farrell and adopted. Ayes 6.

RICHELLE J. PASCERI  
City Clerk