

CITY OF LOCKPORT
CORPORATION PROCEEDINGS

Lockport Municipal Building

Regular Meeting
Official Record

October 3, 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, Oates and VanDeMark.

Absent: Alderman Farrell

INVOCATION

MAYOR'S UPDATE

TREASURER'S REPORT

RECESS

Recess for public input.

100318.1

APPROVAL OF MINUTES

On motion of Alderman Abbott, seconded by Alderman VanDeMark, the minutes of the Regular Meeting of September 19, 2018 are hereby approved as printed in the Journal of Proceedings. Ayes 5. Carried.

FROM THE MAYOR

Appointments:

6/22/18 Gary Terwilliger, 65 Regent Street, Lockport, NY – re-appointed as a member of the Civil Service Commission for a term of 6 years. Said term expires May 31, 2024.
Received and filed.

9/25/18 Under and by virtue of the authority conferred on me by the Charter of the City of Lockport, New York, I, David R. Wohleben, Mayor of said City, do hereby appoint the following as members of the License Revocation Board:

Joseph Oates, Alderman
Brian Bull, 179 Irving Street, Lockport, NY

James M. Palladino, 101 Webb Street, Lockport, NY
Jason Dool, Chief Building Inspector

Said term expires March 21, 2019.
Received and filed.

9/25/18 William Kevin Foltz, 94 N. Transit Street, Lockport, NY – re-appointed as a member of the Zoning Board of Appeals. Said term expires November 15, 2021.
Received and filed.

9/25/18 Lynn Harper, 30 Corinthia Street, Lockport, NY – re-appointed as a member of the Zoning Board of Appeals. Said term expires November 15, 2021.
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)

9/22/18 Richelle J. Pasceri, City Clerk – notification that bid proposals for Market Street Segmental Block Retaining Wall were received on September 21, 2018 as follows:

Scott Lawn Yard, Inc. Niagara Falls, NY	\$ 406,590.00
4 th Generation Construction Niagara Falls, NY	\$ 296,000.00
Nichols Long & Moore Construction, Corp. Tonawanda, NY	\$ 265,525.78
Hewitt Young Electric, LLC Rochester, NY	\$1,003,750.00
Nova Site Company, LLC West Seneca, NY	\$ 272,000.00
Gardenville Landscape & Nursery, LLC West Seneca, NY	\$ 249,000.00

Referred to the Committee of the Whole

10/1/18 Richelle J. Pasceri, City Clerk – notification that the Lockport Municipal Offices will be closed as follows in the month of October in observance of Columbus Day.

Monday, October 8th

There will be no change in the garbage pickup schedule.
Referred to the Media.

Notice of Defect:

9/24/18 29 Carolina Avenue – tree
9/26/18 194 Church Street – street, water drainage and tree
9/26/18 275 Pine Street – tree
9/28/18 212 Elmwood Avenue - tree

Referred to the Director of Streets and Parks.

MOTIONS & RESOLUTIONS

100318.2

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 5, 2018 as follows:

General Fund	Fund A	\$139,188.45
Water Fund	Fund FX	\$ 19,513.07
Sewer Fund	Fund G	\$ 20,116.25
Capital Projects	Fund	\$ 90,718.64
Refuse Fund	Fund CL	\$ 268.28
Self Insurance	Fund MS	\$149,139.43
Worker's Comp	Fund S	\$ 7,500.00
Payroll	Pay Date 9/27/18	\$436,722.05

Seconded by Alderman Oates and adopted. Ayes 5.

100318.3

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>
George W. Wiley IV	10	Senior Water Maintenance Worker

Seconded by Alderman VanDeMark and adopted. Ayes 5.

100318.4

By Alderman Eggert:

WHEREAS, the United States Army Donation Program requires a resolution from the City of Lockport to accept a donation of combat material, and

WHEREAS, the Veterans of Foreign Wars desires to facilitate the donation of a tank to the City of Lockport for display in Veteran's Park. NOW, THEREFORE, BE IT

RESOLVED, that the City of Lockport hereby requests, authorizes and accepts a donation of a tank from the United States Army Donation Program and Veterans of Foreign Wars.

Seconded by Alderman VanDeMark and adopted. Ayes 5.

100318.5

By Alderman Devine:

Resolved, that a public hearing be held at the Common Council Meeting of October 17, 2018 starting at 5:30 P.M. in the Common Council Chambers, Lockport Municipal Building, One Locks Plaza, Lockport, NY relative to a request for a Special Use Permit made by Michael Ulrich, for approval to erect a double-sided billboard to be located at 616 West Avenue, situated in a I-3 Zone, 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 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.

100318.6

By Alderman Abbott:

WHEREAS, section 155-7 A (Solid Waste) of Chapter 158 of the City Code states that unpaid residential and commercial user fees for collection of refuse and recycling shall be the personal liability of the owner, and

WHEREAS, any delinquent assessment, penalty, charge or fee remaining unpaid by May 15 is added to the upcoming year's tax bill for the parcel of property against which it is a lien, and

WHEREAS, the amount added to taxes shall include late payment charges accrued through June 30 plus an additional administrative charge equal to \$15 for each delinquent account, and

WHEREAS, late payment charges shall not continue to accrue after June 30 against any assessment, penalty, charge or fee which is added to taxes, and

WHEREAS, the City Treasurer will submit to the City Council all delinquent assessments, penalties, charges or fees and any other amounts to be added to taxes, and

WHEREAS, upon receipt of such delinquent amounts the Council must hold a public hearing, and

WHEREAS, after making any amendments or corrections to the list of delinquent accounts the Common Council will by resolution confirm said amounts, and

WHEREAS, upon confirmation of said amounts the City will insert the delinquent accounts in the annual tax rolls and which shall become a part of the annual tax upon the respective parcels against which such amounts are charged and shall be subject to all the provisions of the City Charter. NOW THEREFORE BE IT

RESOLVED, that the Corporation Counsel is hereby authorized and directed to prepare a resolution listing the re-levees and the dollar amount to be added to the tax rolls, and be it further

RESOLVED, that a public hearing be held at the Common Council meeting on Wednesday, October 17, 2018, starting at approximately 5:30 P.M. in the Common Council

Chambers, Lockport Municipal Building, One Locks Plaza, Lockport, New York relative to said resolution for re-levy, 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 5.

100318.7

By Alderman Devine:

WHEREAS, the City of Lockport (City) Wastewater Treatment Plant (WWTP) provides essential round the clock treatment of the City's wastewater; and

WHEREAS, the WWTP has a single source of electric supply which is backed up by an on-site power generator for use during a power outage; and

WHEREAS, an engineering study revealed that the on-site power generator no longer functions and that City staff and the City's consulting engineer have determined that the generator has reached the end of its anticipated service life; and

WHEREAS, Nussbaumer & Clarke, Inc, (Nussbaumer) was previously authorized to prepare documents required to obtain emergency quotes for contractors to furnish and install a new generator at the WWTP; and

WHEREAS, contractor bids have been received and a contract has been issued for the generator replacement under the budget established for the project; and

WHEREAS, Nussbaumer's original Scope of Work did not include construction administration services, construction inspection, and preparation of record drawings; and

WHEREAS, these services have been deemed necessary by the City and funding is available within the project budget; and

WHEREAS, Nussbaumer submitted a proposal dated April 3, 2018 to provide construction administration services, construction inspection and preparation of record drawings; 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 amount of \$37,400 for the Scope of Work included in their April 3, 2018 proposal to the City and to be charged to Capital Projects.

Seconded by Alderman VanDeMark and adopted. Ayes 5.

100318.7A

By Alderman Abbott:

Resolved, that the Mayor and Common Council do hereby extend condolences to the family of Dennis J. Costello, a retired City of Lockport Public Works Supervisor who recently passed away.

Seconded by Alderman Devine and adopted. Ayes 5.

100318.7B

By Alderman Abbott:

Resolved, that pursuant to the recommendation of Mayor Wohleben, Henry W. Schmidt, 578 Willow Street, Lockport, NY is hereby re-appointed to the Lockport Assessment Review Board for a five-year term expiring on September 30, 2023.

Seconded by Alderman VanDeMark and adopted. Ayes 5.

100318.7C

By Alderman VanDeMark:

Resolved, that Wednesday, October 31, 2018 is hereby designated as Halloween Day in the City of Lockport with the hours for trick or treating scheduled from 4:00 p.m. to 7:00 p.m.
Seconded by Alderman Oates and adopted. Ayes 5.

100318.7D

By Alderman Oates:

Resolved, that pursuant to their request, permission is hereby granted to the Events Committee to barricade portions of Park Avenue, West Avenue, and Hawley Street surrounding Ida Fritz Park for a Downtown Trick or Treating Celebration on Friday, October 26, 2018 between 5:00 p.m. and 7:00 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 of barricades, picnic tables, and trash receptacles to said area prior to said event.

Seconded by Alderman Abbott and adopted. Ayes 5.

100318.7E

By Alderman Oates:

Resolved, that the bid proposal by Belmont Housing, received on September 19, 2018 for program delivery services for the completion of the City's Home Improvement Program under the administration of the New York State Affordable Housing Corporation, be accepted in the amount of up to \$3,510 per residence. and be it further

Resolved, that the Mayor, subject to Corporation Counsel approval, be and the same is hereby authorized and directed to execute a contract with Belmont Housing for program delivery services for the completion of the City's Home Improvement Program under the administration of the New York State Affordable Housing Corporation.

Seconded by Alderman Eggert and adopted. Ayes 5.

100318.8

ADJOURNMENT

At 5:47 P.M. Alderman Abbott moved the Common Council be adjourned until 5:30 P.M., Wednesday, October 17, 2018.

Seconded by Alderman Devine and adopted. Ayes 5.

RICHELLE J. PASCERI
City Clerk