

CITY OF LOCKPORT
CORPORATION PROCEEDINGS

Lockport Municipal Building

Regular Meeting
Official Record

February 13, 2019
5:30 P.M.

Mayor Michelle M. Roman 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

STATE OF THE CITY

RECESS

Recess for public input.

021319.1

APPROVAL OF MINUTES

On motion of Alderman Devine, seconded by Alderman Oates, the minutes of the Regular Meeting of January 16, 2019 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 to utilize the property at 32 S. Niagara Street for an auto sales and repair shop.

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

1/8/19 Charlene Seekins-Smith, Chairman, Lockport Planning and Zoning Board – the board recommends the request be approved with stipulations.

Recess for public input.

The Mayor closed the public hearing.

FROM THE MAYOR

Appointments:

1/16/19 Greg Zakrzewski, 5715 Royalton Center Road, Gasport, NY – appointed as a member of the Plumbing Board. Said term expires December 31, 2021.
Received and filed.

1/18/19 Mayor Michele M. Roman – recommendation that Anthony J. Sammarco, 8 Harding Avenue, Lockport, NY be appointed as member of the Lockport Community Cable Commission. Referred to the Committee of the Whole.

1/25/19 Carrie A. Gugliuzza, 7158 Northview Drive, Lockport, NY – appointed as Program Coordinator, Community Development, effective January 23, 2019. Said appointment is permanent and subject to the City of Lockport Municipal Civil Service rules and regulations.
Received and filed.

1/25/19 Anthony J. Cercone, 243 South Niagara Street, Lockport, NY – appointed as Public Works Mechanic, Highways and Parks, effective January 23, 2019. Said appointment is permanent and subject to the City of Lockport Municipal Civil Service rules and regulations.
Received and filed.

1/28/19 Joelle Waters, 81 Corinthia Street, Lockport, NY - appointed as a member of the Youth Board. Said term expires December 31, 2021.
Received and filed.

1/29/19 Adam J. Heiman, 727 Walnut Street, Lockport, NY – appointed as WWTP Operator Trainee, Wastewater Department, effective January 30, 2019. Said appointment is permanent and subject to the City of Lockport Municipal Civil Service rules and regulations.
Received and filed.

1/31/19 Under and by virtue of the of the authority conferred on me by the Charter of the City of Lockport, New York, I, Michelle M. Roman, Mayor of said City, do hereby make the following appointment:

Commissioner of Deeds:

For the term of two years expiring on December 31, 2020

Molly A. Lawson, 24 Grosvenor Street, Lockport, NY
James G. Budde, 7665 Highland Drive, Gasport, NY

Tree Advisory Committee:

Steven P. Allore, 154 Locust Street #2, Lockport, NY
Rebecca L. Wilson, 56 High Street, Lockport, NY

Environmental Advisory Committee:

For the term of three years expiring on February 1, 2021

Joyce A. Hagen, 22 Fairway Drive, Lockport, NY

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)

1/7/19 Katie Constantino, Catholic Charities – request permission to conduct a “Healthy Baby Festival” at Altro Park on July 29, 2019.
Referred to the Committee of the Whole.

1/10/19 Neal Turvey, Niagara Jr. Thunderwolves – request permission to conduct the 2019 Youth Baseball Tournaments in Outwater Park.
Referred to the Committee of the Whole.

1/29/19 Richelle J. Pasceri, City Clerk – notification the Lockport Municipal Offices will be closed as follows in the month of February in observance of the President’s Birthdays:

Monday, February 11th

Monday, February 18th

There will be no change in the garbage pickup schedule.

1/28/19 Richelle J. Pasceri, City Clerk – notification of bid received on January 25, 2019 for Municipal Building Entrance Door Replacement are as follows:

Cavlee Development, Inc. Lockport, NY	\$39,980.00
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1/28/19 Richelle J. Pasceri, City Clerk – notification of bids received on January 25, 2019 for Engineering Services for evaluation of Gulf Interceptor Sewer are as follows:

Nussbaumer & Clarke, Inc. Lockport, NY	\$20,700.00
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Barton & Loguidice Tonawanda, NY	\$35,000.00
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Referred to the Committee of the Whole.

Notice of Defect:

2/7/19 340 Green Street – tree
Referred to the Director of Streets and Parks.

Notice of Claim:

1/15/19 Eugenio Antongiorgi, 472 Prospect Street, Lockport, NY
Referred to the Corporation Counsel.

MOTIONS & RESOLUTIONS

021319.2

By Alderman Oates:

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 6 & 13, 2019 as follows:

2018 Expenses

General Fund	Fund A	\$ 65,463.33
Water Fund	Fund FX	\$ 19,509.35
Sewer Fund	Fund G	\$ 16,803.73
Capital Projects	Fund H	\$ 76,914.76

2019 Expenses

General Fund	Fund A	\$ 130,518.58
Water Fund	Fund FX	\$ 1,926.60
Sewer Fund	Fund G	\$ 9,610.40
Refuse Fund	Fund CL	\$ 386.45
Self Insurance	Fund MS	\$ 53,416.95
Worker's Comp	Fund S	\$ 13,725.00
Payroll	Pay Date 1/17	\$ 608,864.12
Payroll	Pay Date 1/31	\$ 569,067.39

Seconded by Alderman Farrell and adopted. Ayes 6.

021319.3

By Alderman Eggert:

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>
Rodney Peters	20	Police Lieutenant
Nicholas A. Rubert	20	Municipal Worker
Kevin L. Schrader	20	Police Detective
Randy S. Szymanski	15	Municipal Worker

Seconded by Alderman Oates and adopted. Ayes 6.

021319.4

By Alderman Devine:

Resolved, that pursuant to their request, the Lockport Monday Night Cruise Optimist Club is hereby granted permission to conduct Monday night car cruises in Ida Fritz Park beginning May 13th through September 9th, 2019 from 6:00 p.m. to 9:00 p.m., (Memorial Day and Labor Day Super Cruise begin at 3:00 p.m.) and be it further

Resolved, that said permission includes the following:

1. to operate a market place at the park for the sale of food and drink items, crafts, and related items.
2. barricade West Avenue and Park Avenue at Hawley Street to North Transit Street and Hawley Street between Park Avenue and West Avenue

and, be it further

Resolved, that said permission is subject to the Lockport Monday Night Cruise Optimist Club filing a certificate of insurance with the City Clerk naming the City of Lockport as additional insured, and be it further

Resolved, that the Director of Streets and Parks is hereby authorized and directed to arrange for delivery of barricades, traffic cones, street closed signs and extra picnic tables to the area prior to the events, and be it further

Resolved, that the City of Lockport hereby prohibits entry to Ida Fritz Park of all bicycles, skateboards, and dogs on Cruise Nights during the events due to the expected heavy pedestrian traffic.

Seconded by Alderman Oates and adopted. Ayes 6.

021319.5

By Alderman Farrell:

Resolved, that pursuant their request, Catholic Charities of Buffalo, NY is hereby granted permission to hold a free Healthy Baby Festival to celebrate World Breastfeeding Week at Altro Park on July 29, 2019 from 11 a.m. – 1 p.m. Permission is subject to Catholic Charities filing a certificate of insurance with the City Clerk naming the City of Lockport as additional insured.

Seconded by Alderman Wohleben and adopted. Ayes 6.

021319.6

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 2019 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.

By Alderman Farrell:

Resolved, that the reading of the foregoing resolution be and the same is hereby waived.

Seconded by Alderman Eggert and adopted. Ayes 6.

021319.7

By Alderman Oates:

WHEREAS, the Town of Lockport (the "Town") was the recipient of New York State administered Grant #664ED431-02 from the New York State Housing Trust Fund Corporation represented by the Governor's Office for Small Cities through the Community Development Block Grant (CDBG) Program (the "CDBG Grant"), and

WHEREAS, the use of the CDBG Grant by the Town resulted in the generation of Program Income, as defined in the CDBG regulations ("Program Income") which is subject to certain rules and regulations promulgated by the United States Department of Housing and

Urban Development (hereinafter "HUD") and the New York State Office of Community Renewal (hereinafter "OCR") regarding its use, and

WHEREAS, OCR has notified the Town and other recipients of CDBG funds that it is requiring that all Program Income not spent on, or committed to, CDBG-eligible activities by March 31, 2019 be paid to the OCR by April 30, 2019, and

WHEREAS, any proposed use of Program Income prior to March 31, 2019 must be approved by OCR, and

WHEREAS, the City of Lockport (the "City") has been systematically evaluating its combined sewer system to reduce inflow and infiltration and to improve conveyance to the City's wastewater treatment plant ("WWTP") and wishes to evaluate the condition and flow of the Gulf Interceptor Sewer, which carries combined flows from the western portion of the City and the adjacent portion of the Town to the WWTP, for the purpose of obtaining recommendations regarding the reduction of inflow and infiltration and the improvement of conveyance of the Gulf Interceptor Sewer in order to improve water quality conditions and protect public health, and

WHEREAS, the City has requested that the Town provide funding for an engineering study and monitoring of the Gulf Interceptor Sewer, which would constitute an eligible use of CDBG Program Income, and

WHEREAS, the Town proposes to provide the Program Income to the City in the form of a grant to fund a CDBG-eligible engineering study and monitoring of the Gulf Interceptor Sewer.

NOW, THEREFORE, BE IT

RESOLVED, that, subject to the approval of OCR and the Town's adoption of an authorizing resolution, the City receive a grant of Program Income in an amount not to exceed \$83,295.00, less eligible administrative expenses of the Town, from the Town (the "Grant") to be used to fund a CDBG-eligible engineering study and monitoring of the Gulf Interceptor Sewer, and be it further

RESOLVED, that the City enter into a Grant Agreement with the Town which shall provide for the disbursement and use of the Grant proceeds in a manner consistent with CDBG program requirements and applicable statutes, rules and regulations, such Grant Agreement to be subject to the approval of the Corporation Counsel, and be it further

RESOLVED, that following the Corporation Counsel's review, the Mayor be, and hereby is, authorized to execute the Grant Agreement with the Town and such other documentation as is required to effectuate the actions approved in this Resolution.

Seconded by Alderman Wohleben and adopted. Ayes 6.

021319.8

By Alderman Oates:

Resolved, that pursuant to their request, the Cystic Fibrosis Foundation is hereby granted permission to use the pavilion at Nelson C. Goehle Park for their annual Great Strides Walk Event on Saturday, May 18, 2019.

Seconded by Alderman Abbott and adopted. Ayes 6.

021319.9

By Alderman Devine:

WHEREAS, the City entered into an agreement with National Water Main Cleaning Company on September 7, 2018, under resolution No. 090518.8, to perform sewer rehabilitation work on various streets of the City of Lockport; and

WHEREAS, the Engineering Department and the Department of Highways and Parks have determined that sections of sanitary sewers on Tudor Lane (from the Villager Apartments to Tudor Lane), Park Lane Circle (from the Park Lane Apartments to Park Lane Circle), Briarwood Drive (from Akron Street to Willow Street), Garden Street (from Adam Street to Chapel Street), and McIntosh Drive (from Jesson Parkway to Willow Street) are in need of sediment removal and video inspection to correct reported issues related to sewer overflows and basement backups; and

WHEREAS, per Engineering Department request, National Water Main Cleaning Company has submitted a change order in the amount of \$28,900.00 to perform sediment removal and video inspection on said sections of sanitary sewers; now, therefore, be it

RESOLVED, that the Mayor, subject to Corporation Counsel Approval, is hereby authorized to approve Change Order No. 2 submitted by National Water Main Cleaning Co., 25 Marshall Street, Canton, MA 02021 to amend the original contract in the amount of \$28,900.00 for the scope of work included in its proposal dated January 16, 2018 and to be charged to Capital Projects.

Seconded by Alderman Eggert and adopted. Ayes 6.

021319.10

By Alderman Wohleben:

Resolved, that pursuant to the recommendation of Mayor Roman, Anthony J. Sammarco, 8 Harding Drive, Lockport, NY is hereby appointed to the Lockport Community Cable Commission for a three-year term expiring on December 31, 2021.

Seconded by Alderman Oates and adopted. Ayes 6.

021319.11

By Alderman Eggert:

Resolved, that the Mayor and Common Council do hereby extend condolences to the family of Robert E. Spencer, a City of Lockport Building Maintenance employee who recently passed away.

Seconded by Alderman Abbott and adopted. Ayes 6.

021319.12

By Alderman Wohleben:

WHEREAS, the City of Lockport received a grant for \$1,315,000 from Empire State Development and a \$200,000 National Maritime Heritage grant through the National Park Service for continued rehabilitation of the historic Erie Canal Flight of Five locks, and

WHEREAS, the City of Lockport completed the final design, Phase 2 (Lock 68), of the Flight of Five rehabilitation project, and

WHEREAS, the Dormitory Authority has notified the City that it has been awarded a \$250,000 grant for the Phase II rehabilitation, NOW THEREFORE BE IT

RESOLVED that the City of Lockport accepts the \$250,000 Dormitory Authority of the State of New York and authorizes the Mayor to execute all related grant documents.

Seconded by Alderman Oates and adopted. Ayes 6.

021319.13

By Alderman Abbott:

Resolved, that the Mayor, subject to Corporation Counsel approval, be and the same is hereby authorized and directed to execute a contract with Domino's Pizza LLC. for funds to fill potholes in the City of Lockport under their "Paving for Pizza Program".

Seconded by Alderman Farrell and adopted. Ayes 6.

021319.14

By Alderman Farrell:

Resolved, that pursuant to their request, Kenan Center, Inc. is hereby granted permission to erect a banner across East Avenue at Davison Road at least 17 feet from the ground to promote the 49th Annual 100 American Craftsman event from May 24th through June 2nd, 2019. Said permission is subject to the Kenan Center 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 Eggert and adopted. Ayes 6.

021319.15

By Alderman Abbott:

WHEREAS a proposal has been made by Troy and Banks Energy Services for an energy audit for the City of Lockport; and

WHEREAS, such proposed audit is without cost to the City and could result in cost savings to the City; NOW THEREFORE BE IT

RESOLVED that the Mayor is hereby authorized to enter into a contract for such audit with Troy and Banks Energy Services, subject to Corporation Counsel approval.

Seconded by Alderman Oates and adopted. Ayes 6.

021319.16

By Alderman Wohleben:

Resolved, that the request for a special use permit made by Ahmed Eldhany to utilize property for auto sales and repair, located at 32 S. Niagara Street, situated in a I-2 Zone, be and the same is hereby approved, subject to the following provisions:

No change in character of neighborhood.

No excessive noise or disturbance of neighborhood.

No appreciable change in traffic.

No outside storage of materials.

Special permits can be indefinite or limited to a specific time.

There shall be no dismantling of vehicles on the property.

There shall be no outdoor storage of loose parts or tires.

The special permit shall go to the applicant only and shall terminate on the sale or transfer of the property, and further it terminates if the use permitted is abandoned for more than one year, if any of the conditions enumerated herein have changed, and in the discretion of the Common Council make such use unsuitable.

Seconded by Alderman Eggert and adopted. Ayes 6.

021319.17

By Alderman Wohleben:

WHEREAS, pursuant to Section 61 of the City of Lockport Charter when the Common Council has determined and so declared that real or personal property owned by the City of Lockport, New York, should be sold or conveyed for the interest of the City, the City of Lockport may sell and/or convey such personal or real property, for a valuable consideration, at public sale or by a negotiated private sale, and

WHEREAS, pursuant to Section 279-B of the City Charter no such sale shall be effective unless and until it has been reviewed by the City of Lockport Property Management Committee and has been approved and confirmed by a majority vote of the Common Council for sale or disposition by sealed bid; negotiated sale under provisions of the City's Best Use Policy; Homestead Policy; or negotiated sale; except that no such approval shall be required when the property is sold at public auction to the highest bidder, and

WHEREAS, the Real Property Management Committee met and determined that the following properties are not needed for municipal purposes, have little market value due to their irregular size and location and recommended that the properties be offered for sale to either the adjoining owners or other interested parties, and

WHEREAS, the following purchasers submitted a proposal offering to acquire each property for nominal consideration, and

WHEREAS, the City of Lockport desires to return said parcels to the tax rolls.

NOW THEREFORE BE IT

RESOLVED, that the Mayor be and is hereby authorized to enter into a Contract of Sale and execute a quit claim deed and related title documents necessary for the sale of the following properties to the following purchasers for nominal consideration.

PARCEL ID	Address	Purchaser
109.48-2-65	12 McCollum St	Katherine Sexton & Kenneth Smith

Seconded by Alderman Abbott and adopted. Ayes 6.

021319.18

By Alderman Wohleben:

Whereas, on January 16, 2019, the Common Council adopted Resolution No. 011619.14 requesting the State of New York Legislature draft companion bills for the purpose of increasing the existing Bed Tax by 1% to be designated specifically to the Discover Niagara Shuttle or other entities for transportation or economic development purposes pursuant to New York State Tax Law Article 29, § 1201-d(a), Authority to Impose Tax: and

Whereas, Senate Bill 2080 and Assembly Bill 2236 were recently introduced in the Senate and Assembly to impose an additional 1% bed tax on rooms located in the City of Lockport to be dedicated to the Discovery Niagara Shuttle. Now, therefore be it

Resolved, that pursuant to Section 3 of Article IX of the New York State Constitution and Section 2 of the Municipal Home Rule Law of the State of New York the City of Lockport hereby requests enactment of Senate Bill 2080 and Assembly Bill 2236 entitled "An Act to amend the tax law, in relation to imposing an additional one percent occupancy tax in the City of Lockport, Niagara County to be dedicated to the operation of the Discovery Niagara Shuttle, and be it further

Resolved, that a necessity exists for the enactment of such legislation, and that the facts establishing such necessity are that the City of Lockport does not have the power to enact such legislation by local law, and be it further

Resolved, that such request is hereby made by the Mayor of the City of Lockport and the Common Council.

Seconded by Alderman Farrell and adopted. Ayes 6.

021319.19

By Alderman Wohleben:

WHEREAS, the Building Maintenance Supervisor has informed the Mayor that three door entrances to the Municipal Building are in need of replacement; and

WHEREAS, the City publicly advertised a Notice to Bidders and accepted bids from contractors on January 25, 2019 which were publicly opened and read as follows: Cavlee Development, Inc. \$39,980.00; and

WHEREAS, the Engineering Department has reviewed the submitted proposal and recommends that the City awards a contract to Cavlee Development, Inc., for a total amount of \$39,980.00; and

WHEREAS, the 2019 General Fund budget needs to be amended to fund this project as it was not included in the adopted budget; now, therefore, be it

RESOLVED, that the Mayor, subject to Corporation Counsel Approval, is hereby authorized to execute an Agreement with Cavlee Development, Inc., 5730 Keck Road, Lockport NY 14094 in the amount of \$39,980.00; and be it further

RESOLVED, that the 2019 General Fund Budget is hereby amended as follows:

Expense:

Decrease:

A1990.54775	Contingency	\$40,000
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Increase:

A1620.52411	Building Improvements	\$40,000
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Seconded by Alderman Eggert and adopted. Ayes 6.

021319.19A

By Alderman Wohleben:

WHEREAS, on February 1, 2019, New York State Governor Andrew Cuomo signed into law Senate (S.02523) and Assembly (A.02852) bills which add a new section, Real Property Tax Law 925-e, to allow furloughed federal taxpayers in the City of Lockport an extended period of ninety days from the end of the furlough to pay property taxes without interest and penalty, and

WHEREAS, a furloughed federal taxpayer or designated non-pay federal employee must provide documentation to the collecting officer no later than the thirtieth day following the last day for paying such taxes without incurring interest or penalty.

NOW, THEREFORE, BE IT

RESOLVED, that the City of Lockport hereby elects to grant furloughed federal taxpayer or designated non-pay federal employees a ninety-day interest and penalty free period to pay City real property taxes contingent on said employees providing proof of furlough to the City Treasurer in a form acceptable to the City Treasurer no later than March 1, 2019 and; be it further

RESOLVED, the City Treasurer is hereby authorized under New York State Real Property Law section 925-e, and this resolution, to extend the interest free period until April 19, 2019; and be it further

RESOLVED, that certified copies of this resolution be forwarded to the City of Lockport School District and County of Niagara.

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

021319.20

ADJOURNMENT

At 6:23 P.M. Alderman Devine moved the Common Council be adjourned until 5:30 P.M., Wednesday, February 20, 2019.

Seconded by Alderman Eggert and adopted. Ayes 6.

RICHELLE J. PASCERI
City Clerk