

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

Lockport Municipal Building

Regular Meeting  
Official Record

January 16, 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**

**MAYOR'S UPDATE**

**RECESS**

Recess for public input.

**011619.1**

**APPROVAL OF MINUTES**

On motion of Alderman Devine, seconded by Alderman Oates, the minutes of the Regular Meeting of January 2, 2019 are hereby approved as printed in the Journal of Proceedings. Ayes 6. Carried.

**FROM THE MAYOR**

**Appointments:**

1/2/19 Under and by virtue of the authority conferred on me by the Charter of the City of Lockport, I, Michelle M. Roman, Mayor of the City of Lockport, do hereby make the following appointments:

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

President of the Common Council	Mark S. Devine
Corporation Counsel	Allen D. Miskell
Deputy Corporation Counsel	David J. Haylett, Jr.
Deputy Corporation Counsel	Jason J. Cafarella
Traffic Advisory Committee	David J. Haylett, Jr.

**2019 Common Council Standing Committees:**

**Finance Committee-** Alderman Oates, Chairman  
Members: Aldermen Eggert, Farrell, Abbott, Devine, Wohleben  
City Treasurer, Director of Finance

**Public Health & Safety Committee-** Alderman Eggert, Chairman  
Members: Aldermen Abbott  
Fire Chief, Police Chief, and Chief Building Inspector

**Highways & Parks Committee-** Alderman Oates, Chairman  
Members: Alderman Wohleben, Eggert, Farrell, Abbott, Devine  
City Engineer, Director of Streets and Parks, Director of Public Works

**Water & Sewer Committee-** Alderman Devine, Chairman  
Members: Alderman Eggert, Wohleben, Farrell, Abbott, Oates  
City Engineer, Sr. Building Inspector, Chief Operator/WWTP, Chief Operator Water,  
Water Distribution Maintenance Supervisor, Director of Public Works

**Youth Committee-** Alderman Farrell, Chairman  
Members: Aldermen Abbott and Oates  
City Engineer

**Personnel Committee-** Alderman Eggert, Chairman  
Members: Alderman Wohleben, Farrell, Oates, Abbott.  
City Clerk, Personnel Officer

**Washington Hunt Committee-** Mayor Roman, Chairman  
Members: Aldermen Wohleben and Abbott

**Commissioner of Deeds:**

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

Paul M. Beakman Jr, 104 Caledonia St, Lockport, NY 14094  
Amy S. Bonnett, 97 Webb St., Lockport, NY 14094  
Mark S. Devine, 110 Corinthia St., Lockport, NY 14094  
Roxanne M. Devine, 114 Maple St., Lockport, NY 14094  
Erik A. Herbert, 1049 E. Thomas Fox Dr., N. Tonawanda, NY 14120  
Amanda J. Irons-Rindfleisch, 5785 Tonawanda Creek Rd., Lockport, NY 14094  
Thomas E. Lupo, 17 Bobolink Ln., Lockport, NY 14094  
Anita Mullane, 93 Lindhurst Dr., Lockport, NY 14094  
Anthony J. Nemi, 67 S. New York St., Lockport, NY 14094  
Douglas C. Nicholson, 22 Roosevelt Dr., Lockport, NY 14094  
Jean A. Page, 532 Irving St., Lewiston, NY 14092  
Kevin W. Pratt, 97 Adam St., Lockport, NY 14094  
Cynthia R. Ransom, 7900 Buffalo Ave., Niagara Falls, NY 14304  
Christopher W. Robbins, 1507 100<sup>th</sup> St., Niagara Falls, NY 14304  
Michelle M. Roman, 30 Cherry St., Lockport, NY 14094  
William C. Rutland, 5798 Locust St., Lockport, NY 14094  
Carla L. Speranza, 6438 Lincoln Ave., Lockport, NY 14094  
Wendy Guild-Swearingen, 3705 N. Creek Rd., Youngstown, NY 14174

Ryan J. Undercoffer, 655 Orchard Pkwy., Niagara Falls, NY 14301  
Kevin M. Watier, 784 East Ave., Lockport, NY 14094

1/2/19 Charles J. Morello, Sr., 643 Market Street, Lockport, NY – appointed as a member of the Fire Board. Said term expires December 31, 2022.  
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)

11/26/18 Ed Sandusky, Vice President of Optimist Club of Lockport – request permission to conduct the 44<sup>th</sup> annual Lockport Optimist Outdoor Arts & Craft Festival on June 29<sup>th</sup> & 30<sup>th</sup>, 2019.  
Referred to the Committee of the Whole.

10/4/18 Ann Murphy, Owner Shamus Restaurant, 98 West Avenue, Lockport, NY – request permission to conduct the Shamus 2<sup>nd</sup> annual St. Patrick's Party on March 16, 2019.  
Referred to the Committee of the Whole.

8/17/18 Ken Genewick, Co-Race Director, Great Lakes Racing LLC, Lockport, NY – request permission to conduct the 10<sup>th</sup> annual Beast of Burden Ultra Marathon Race Series on Feb. 16<sup>th</sup> & 17<sup>th</sup> and Aug. 10<sup>th</sup> & 11<sup>th</sup>, 2019.  
Referred to the Committee of the Whole.

12/7/18 Jeff Tracy, Race Director, Score This!!! – on behalf of the Historic Palace Theater requests permission to conduct the 48<sup>th</sup> annual Lockport 10 Open Road Race on Feb. 9, 2019.  
Referred to the Committee of the Whole.

1/3/19 Rachel Zwitzer, Brand Ambassador of Soccer Shots Buffalo – request permission to use Altro Park for their upcoming 2019 season.  
Referred to the Committee of the Whole.

#### **Notice of Defect:**

1/4/19 7 Lakeview Pkwy – trees  
Referred to the Director of Streets and Parks.

### MOTIONS & RESOLUTIONS

#### **011619.2**

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 January 16, 2019 as follows:

General Fund	Fund A	\$ 205,306.48
Water Fund	Fund FX	\$ 30,559.61
Sewer Fund	Fund G	\$ 80,826.66

Capital Projects	Fund H	\$ 311,490.22
Refuse Fund	Fund CL	\$ 94,301.25
Self Insurance	Fund MS	\$ 86,939.60
Payroll	Pay Date 1/3/19	\$ 450,072.15

Seconded by Alderman Farrell and adopted. Ayes 6.

**011619.3**

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>
Thomas M. LaSpada	20	Heavy Equip. Operator
Megan K. Brewer	10	Inspection Data Coord/Zoning Officer
Tricia K. Vosburgh	10	Police Officer

Seconded by Alderman Wohleben and adopted. Ayes 6.

**011619.4**

By Alderman Devine:

Resolved, that a public hearing be held at the Common Council Meeting of February 6, 2019 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 Ahmed Eldhany, for approval for an auto sales and repair shop to be located at 32 South Niagara Street, situated in a I-2 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 6.

**011619.5**

By Alderman Eggert:

Resolved, that permission is hereby granted the Optimist Club of Lockport to conduct their 44<sup>th</sup> Annual Lockport Optimists Arts and Craft Festival on June 29<sup>th</sup> and 30<sup>th</sup> 2019 from 10:00 A.M. until 5:00 P.M. (street closing from 8:00 A.M. until 7:00 P.M.) with the following provisions:

- (1) The Lockport Optimist Club shall issue exhibitor's permits to arts and crafts exhibitors, vendors and peddlers, and to insure public safety and order and to avoid overcrowding of the exhibit areas, no other exhibits, displays, vendors or peddlers shall be permitted within the show area, whether located on public or private property, and the Lockport Optimist Club shall enforce this ban with the cooperation of the Lockport Police Department.
- (2) The Police Department is hereby directed to enforce the removal of all concessionaires, vendors, or peddlers from the show area not possessing an exhibitor's permit.

- (3) The show area shall include the blocks on Main Street from Washburn Street west to Saxton Street and Market Street from Main Street north to Chestnut Street.
- (4) The Lockport Optimist Club shall file a certificate of insurance with the City Clerk naming the City of Lockport as additional insured, subject to the approval of the Corporation Counsel, and be it further

Resolved, that the Director of Streets and Parks is hereby authorized and directed to arrange for delivery and pick-up of City barricades and trash receptacles as needed, and be it further

Resolved, that permission is granted the Optimist Club to use the Police Garage for storage of a golf cart overnight on Friday and Saturday night, June 28<sup>th</sup> and 29<sup>th</sup> subject to the approval of the Chief of Police.

Seconded by Alderman Farrell and adopted. Ayes 6.

#### **011619.6**

By Alderman Wohleben:

Resolved, that pursuant to their request, the Shamus Restaurant, is hereby granted permission to conduct their second annual St. Patrick's Day Event on March 16, 2019, and be it further

Resolved, that permission is hereby granted to barricade Hawley Street from Genesee Street to West Avenue for said event, and be it further

Resolved, that permission is hereby granted to allow the sale of crafts, food and alcoholic beverages during said event, and be it further

Resolved, that permission to erect a tent in the case of inclement weather be granted, and be it further

Resolved, that said permission is subject to The Shamus Restaurant 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, and street closed signs to the area prior to the event.

Seconded by Alderman Oates and adopted. Ayes 6.

#### **011619.7**

By Alderman Oates:

Resolved, that pursuant to their request, Great Lakes Racing, LLC is hereby granted permission to use the rest room facilities and pavilion at Nelson C. Goehle Wide Waters Marina on Saturday, February 16, and Saturday, August 10, 2019, for the annual Winter and Summer Beast of Burden Ultra Marathons. Said permission is subject Great Lakes Racing, LLC 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 the preparation of the restroom facilities for said event and to arrange for delivery of barricades to close off the parking lot.

Seconded by Alderman Wohleben and adopted. Ayes 6.

**011619.8**

By Alderman Eggert:

Resolved, that pursuant to their request, Score This!!! is hereby granted permission to conduct the Lockport 10 Open Road Race. Closing Market Street during the race and closing East Avenue from Washburn Street to Elm Street at the beginning and end of the race on Saturday, February 9, 2019, subject to approval of the race route by the Police Chief and subject to Score This!!! 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 salting the streets in the City's portion of the race route if necessary, and to deliver barricades, cones, and "street closed" signs as required, and be it further

Resolved, that the Traffic Captain is hereby directed to arrange for police support for said event.

Seconded by Alderman Oates and adopted. Ayes 6.

**011619.9**

By Alderman Oates:

Resolved, that pursuant to their request, Soccer Shots Buffalo is hereby granted permission to conduct a Spring, Summer and Fall Soccer Program on Thursday's and Saturday's at Altro Park beginning April 27, 2019 through October 24, 2019, subject to Soccer Shots Buffalo 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.

**011619.10**

By Alderman Oates:

Resolved, that pursuant to their request, the American Cancer Society is hereby granted permission to conduct their annual Relay for Life Mother's Day Canal Walk on Sunday, May 12, 2019 and to barricade Market Street from North Adam Street to Wide Waters Marina between the hours of 9AM and 11AM and to erect a tent at Nelson C. Goehle Park for said event, subject to approval of the walk route by the Police Chief and the American Cancer Society 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 make arrangements to deliver barricades, traffic cones, and street closed signs and arrange to have the restroom open at the park on said date.

Seconded by Alderman Abbott and adopted. Ayes 6.

**011619.11**

By Alderman Devine:

Whereas, on January 2016 the City of Lockport issued a Request for Qualifications (RFQ) from qualified Professional Engineering Firms to provide consultant engineering services for municipal engineering projects; and

Whereas, the Mayor appointed a committee to review the engineering firms proposals and determined that each of the following firms were qualified in their areas of expertise to perform engineering work for the City of Lockport: AECOM, Technical Services, Inc.; Erdman Anthony Engineering Infrastructure Solutions; CHA Design Construction Solutions.; Barton & Loguidice, D.P.C.; Clark Patterson Lee Design Professional; El Team, Architecture,

Engineering, Planning, and Construction; GHD Consulting Services Inc.; KHEOPS Architecture, Engineering, and Survey; and Nusbaumer & Clarke, Inc.; and

Whereas, on April 2016, the Common Council resolved on resolution 042016.9 to pre-qualify said engineering firms and authorized the City Engineer to request proposals for engineering projects from any or all of the firms based upon the firms' level of expertise and the nature of engineering work needed; and

Whereas, the City wishes to allow the ability to continue soliciting formal proposals and utilizing the most qualified engineering firm for specific projects that arise from time to time; and be it further

Resolved, that the Mayor, subject to Corporation Counsel approval, is hereby authorized and directed to execute agreements with any of the above-mentioned engineering firms for engineering studies and infrastructure projects that the City plans from time to time; and be it further

Resolved, that said authority shall be limited to the boundaries imposed by project resolutions or budgetary appropriation.

Seconded by Alderman Eggert and adopted. Ayes 6.

#### **011619.12**

By Alderman Devine:

Whereas, on resolution 042016.4 dated April 20, 2016, the Common Council authorized the Mayor to enter into a contract with Nussbaumer and Clarke, Inc. to provide General Engineering Support Services on as-needed or "on-call" basis, and

Whereas, per Engineering Department request, Nussbaumer & Clarke, Inc. has submitted a proposal to amend the original contract dated April 20, 2016 for supporting the City as Retained Engineer for Fiscal Year 2019,

Resolved, that the Mayor, subject to Corporation Counsel approval, is hereby authorized and directed to sign an amendment to the original contract between the City and Nussbaumer & Clarke, Inc., 3556 Lake Shore Road, Suite 500, New York.

Seconded by Alderman Wohleben and adopted. Ayes 6.

#### **011619.13**

By Alderman Oates:

Whereas, in accordance with the New York State Environmental Quality Review regulations (SEQRA) the City of Lockport announced its intent to serve as lead agency on the 13 West Main Street Renovation Project, and

Whereas, the Common Council of the City of Lockport has considered the 13 West Main Street Renovation Project at 13 West Main Street, Lockport, New York 14094 (the "Project"), and

Whereas, the Project is an Unlisted Action, and the Common Council is conducting an uncoordinated review of those actions for which it is responsible, pursuant to the State Environmental Quality Review Act (SEQRA); and

Whereas, the Common Council of the City of Lockport has duly considered the Short Environmental Assessment Form, the proposed Project in its entirety, and the criteria for determining significance set forth in 6 N.Y.C.R.R. 617.7 (c) of the SEQRA regulations, and such other information deemed appropriate; and

Whereas, the Common Council has identified the relevant areas of environmental concern, has taken a hard look at these areas, and has made a reasoned elaboration of the basis for its determination, now, therefore, be it

Resolved, by the Common Council of the City of Lockport as follows:

1. The Common Council declares it will serve as Lead Agency for the Project.
2. The Common Council declares that the proposed 13 West Main Street Project at the 13 West Main Street, Lockport, New York 14094 will not result in any large and significant impacts, and therefore, the approval of the Project does not include the potential for any significant adverse environmental impacts. Accordingly, the Common Council issued the attached negative declaration under SEQRA for the Project.
3. The reasons for the decision are stated in the attached negative declaration.
4. This resolution shall be effective immediately.

Seconded by Alderman Eggert and adopted. Ayes 6.

**011619.14**

By Alderman Abbott:

Whereas, the City of Lockport believes in Home Rule and should be able to determine the most preferable way to pay for service to promote tourism; and

Whereas, the City of Lockport sees an advantage to an additional 1% increase of the current Bed Tax to aid and promote tourism in Niagara County and the City of Lockport; and

Whereas, the City of Lockport has an opportunity to assist the Niagara Falls National Heritage Area in its operation of the Discover Niagara Shuttle or other entities for transportation or economic development purposes pursuant to New York State Tax Law Article § 1201-d(a) authority to impose tax; and

Whereas, the Discover Niagara Shuttle service presently serves the City of Niagara Falls, and along the Niagara River corridor to the Village of Youngstown; and

Whereas, the several anticipated benefits of a one (1%) percent Bed Tax increase include:

1. Promote Tourism by the ease of transportation to and from all tourists' sites in the City of Niagara Falls, Town of Lewiston, Village of Youngstown and, in the future, the City of Lockport and the City of North Tonawanda;
2. Increase Shuttle connections to the City of Lockport and City of North Tonawanda;
3. Relieve congestion of tourism traffic on the roads, parking, and provide a scenic commute throughout the existing Niagara County tourist locations;

and

Whereas, there are several attractions in the City of Lockport: The Flight of Five Locks, Lockport Discovery Center, and the Lockport Caves, that the Shuttle will promote; now, therefore be it

Resolved, the City of Lockport Common Council requests the State of New York Legislature to draft companion bills for the purposes of increasing the existing bed tax by one (1%) percent designated specifically to the Discover Niagara Shuttle; and be it further

Resolved, that the drafting of this legislation on the State level would provide the City of Lockport the option of passing a Home Rule Message in support of such legislation; and be it further

Resolved, that subsequent to the State's adoption, the City of Lockport would have an opportunity to present a local law which would call for action to allow Lockport residents, Niagara County residents, and visitors to have convenient comfortable transportation between Niagara County attractions; and be it further

Resolved, that City of Lockport Common Council respectfully requests the New York State Senate and Assembly to submit companion Bills that would pave the way for a local law and public hearing and that copies of this resolution be sent immediately to the City of Lockport's State Representatives.

Seconded by Alderman Wohleben and adopted. Ayes 6.

**011619.15**

By Alderman Eggert:

Whereas, the City of Lockport has adopted a salary schedule for the position of Confidential Assistant to the Mayor; and

Whereas, New York State Retirement System imposes a salary cap on employees returning to municipal service; and

Whereas, the City of Lockport desires to facilitate the appointment and employment of the current Confidential Assistant to the Mayor; and now therefore be it

Resolved, that salary schedule for the position of Confidential Assistant to the Mayor is suspended for 2019; and be it further

Resolved, that the salary for the position of Confidential Assistant to the Mayor shall be set at \$29,957.00 for the year 2019.

Seconded by Alderman Oates and adopted. Ayes 6.

**011619.16**

By Alderman Eggert:

Resolved, that pursuant to their request, Lockport New Beginnings is hereby granted permission to use the Lockport City Council Chambers on Saturdays from 12-1:30 p.m. to conduct their "Young Men and Women of Character Program" beginning January 26<sup>th</sup> through May 4<sup>th</sup>, 2019.

Seconded by Alderman Abbott and adopted. Ayes 6.

**011619.17**

By Alderman Oates:

Whereas, a retaining wall located along the City of Lockport right of way in the vicinity of 210 Market Street failed and the City requested that its Consulting Engineer Nussbaumer & Clarke, Inc. examine the failed wall; and

Whereas, Nussbaumer determined that the wall had reached the end of its service life and should be replaced to maintain the integrity of Market Street and under laying utilities. Per the City's Engineering Department request, Nussbaumer prepared design documents to obtain a contractor for construction of a new wall; and

Whereas, the City publicly advertised a Notice to Bidders and accepted bids from contractors on December 7, 2018 at 11:00 a.m. which were publicly opened and read as follows: NFP & Sons, Inc., \$203,500.00; 4th Generation Construction, Inc., \$239,325.00;

Nichols, Long & Moore, \$276,783.00; Scott Lawn Yard, \$331,310.00; and Edbauer Construction, \$355,000.00; and

Whereas, the Engineering Department has reviewed the contractor bids and recommends awarding the project to the low bidder NFP & Sons, Inc., for a total amount of \$203,500.00 that includes Bid Alternate #1; now, therefore, be it

Resolved, that the Mayor, subject to Corporation Counsel approval, is hereby authorized to execute an Agreement with NFP & Sons, Inc., 7311 Ward Road, North Tonawanda, NY 14120 in the amount of \$203,500.00 to replace the failed retaining wall located along the City's right of way in the surrounding area of 210 Market Street, project to be charged to Capital Projects; and be it further,

Resolved, that the City Attorney and City Treasurer are hereby directed to prepare a bond ordinance in an amount equal to the project cost.

Seconded by Alderman Wohleben and adopted. Ayes 6.

**011619.18**

By Alderman Eggert:

Whereas, the City of Lockport believes in the right of all of its employees to receive a living wage; and

Whereas, State of New York has enacted the Minimum Wage Act (Article 19 of the New York State Labor Law); and

Whereas, the current effective minimum wage under such law is \$11.10 per hour, with future scheduled increases; now therefore be it

Resolved, the City of Lockport Common Council hereby adopts, as the minimum wage for all its employees, the rate set by the New York State Minimum Wage Act, as the same may be adjusted from time to time.

Seconded by Alderman Abbott and adopted. Ayes 6.

**011619.19**

**ADJOURNMENT**

At 5:59 P.M. Alderman Devine moved the Common Council be adjourned until 5:30 P.M., Wednesday, February 6, 2019.

Seconded by Alderman Eggert and adopted. Ayes 6.

RICHELLE J. PASCERI  
City Clerk