

CITY OF LOCKPORT
CORPORATION PROCEEDINGS

Lockport Municipal Building

Regular Meeting
Official Record

October 2, 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, Farrell, Oates and Wohleben.

Alderman Eggert absent.

INVOCATION

MAYOR'S UPDATE

RECESS

Recess for public input.

100219.1

APPROVAL OF MINUTES

On motion of Alderman Devine, seconded by Alderman Oates, the minutes of the Regular Meeting of September 18, 2019 are hereby approved as printed in the Journal of Proceedings. Ayes 5. Carried.

FROM THE MAYOR

Resignation:

9/17/19 Steven Preisch resigned as the Chief of the Lockport Police Department, effective September 30, 2019.
Received and filed.

Appointments:

9/23/19 Wilbert King, 68 Crosby Avenue, Apt.1, Lockport, NY – appointed to the Citizen Advisory Committee (Ad-Hoc).
Received and filed.

9/19/19 Susan E. Israel, 5635 Bowmiller Rd., Lockport, NY – appointed to Real Property Appraiser for the City of Lockport effective September 17, 2019. Said appointment is permanent and subject to the City of Lockport Municipal Civil Service rules and regulation.
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)

9/31/19 Charles Grieco, of Bond, Schoeneck & King, PLLC – Application for an exception to the moratorium.

Referred to the Committee of the Whole.

10/1/19 Richelle J. Pasceri, City Clerk – notification that the Lockport Municipal Offices will be closed as follow in the month of October in observance of Columbus Day.

Monday, October 14th

There will be no change in the garbage pickup schedule.

Referred to the Media.

Notice of Defect:

- 9/20/19 15 Juniper Street – tree
- 9/20/19 343 Lincoln Avenue – sinkhole
- 9/20/19 179 Church Street – tree
- 9/23/19 36 North Adam Street - tree

Referred to the Director of Streets and Parks.

Notice of Claim:

- 9/19/19 Barbara Garlock, 133 Waterman Street, Lockport, NY
- 9/23/19 State Farm Insurance – Subrogation for Elizabeth Horton or Kathryn Peyatt, 49 Scovell Street, Lockport, NY

Referred to the Corporation Counsel.

MOTIONS & RESOLUTIONS

100219.2

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 October 3, 2019 as follows:

| | | |
|------------------|---------------|--------------|
| General Fund | Fund A | \$ 91,604.16 |
| Water Fund | Fund FX | \$174,561.40 |
| Sewer Fund | Fund G | \$ 44,171.84 |
| Capital Projects | Fund H | \$ 2,025.00 |
| Refuse Fund | Fund CL | \$ 494.21 |
| Self Insurance | Fund MS | \$142,361.44 |
| Community Dev. | Fund CD | \$ 38,085.00 |
| Payroll | Pay Date 9/19 | \$463,963.26 |

Seconded by Alderman Wohleben and adopted. Ayes 5.

100219.3

By Alderman Devine:

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> |
|--------------------|-------------------------|---------------|
| Michael D. Gardepe | 20 | WWTP Mechanic |

Seconded by Alderman Oates and adopted. Ayes 5.

100219.4

By Alderman Wohleben:

WHEREAS, Niagara County has informed the City that the stairs at 111 Main Street are in disrepair; and

WHEREAS, the City Engineer has received a proposal for repairing the deteriorating steps on this stairway from Granzow Construction in the amount of \$8,412.45; and

WHEREAS, the Engineering Department has reviewed the submitted proposal and recommends that the City authorize this repair; and

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

RESOLVED, that the City Engineer is hereby authorized to complete the repair of the stairway at 111 Main Street in an amount not to exceed \$8,500 utilizing Granzow Construction, 4542 South Main Street, Gasport, NY 14067; and be it further

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

Expense:

Decrease:

| | | |
|-------------|-------------|---------|
| A1990.54775 | Contingency | \$8,500 |
|-------------|-------------|---------|

Increase:

| | | |
|-------------|------------------|---------|
| A5110.54076 | Property Repairs | \$8,500 |
|-------------|------------------|---------|

Seconded by Alderman Abbott and adopted. Ayes 5.

100219.5

By Alderman Abbott:

Whereas, the City has replaced a number of vehicles in its fleet; and

Whereas, the City wishes to sell its obsolete vehicles at auction; now therefore be it

Resolved, that the Director of Finance and Director of Highways and Parks are granted permission to sell obsolete vehicles via Enterprise Fleet Management Services and/or other online auction services.

Seconded by Alderman Oates and adopted. Ayes 5.

100219.6

By Alderman Farrell:

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-levies 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 16, 2019, 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 Wohleben and adopted. Ayes 5.

100219.7

By Alderman Wohleben:

WHEREAS, the City of Lockport held its annual in rem tax foreclosure auction on September 19, 2019; 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 |
|-----------|--------------------|-------------------|----------------|
| 2017-005 | 87 CENTER STREET | BRETT J. DAVIDSON | \$1,100.00 |
| 2017-089 | 422 CLINTON STREET | CHANTEL PRYCE | \$600.00 |
| 2017-091 | 609 MARKET STREET | HOOL LLC | \$38,000.00 |

| | | | |
|----------|----------------------|------------------------------|--------------|
| 2017-144 | 28 WORKS PLACE | ROLAND WILEY | \$8,000.00 |
| 2017-159 | 26 AMELIA STREET | FOMBENS SEJOUR | \$2,400.00 |
| 2017-203 | 9 MONROE STREET | CHRISTIAN PERACCINY | \$11,250.00 |
| 2017-212 | 147 VAN BUREN STREET | ROBERT SCHAFER & ASHLEY WEST | \$2,600.00 |
| 2017-229 | 32 VAN BUREN STREET | MICHAEL & SUSAN STROMBERG | \$23,000.00 |
| 2017-254 | 129 LOCK STREET | MATTHEW MARTIN | \$28,000.00 |
| 2017-322 | 8 BLACKLEY COURT | MATTHEW MARTIN | \$21,000.00 |
| 2017-345 | 6 ASHLEY PLACE | NATASHA D. WALLACE | \$25.00 |
| 2017-372 | 126 HARVEY AVENUE | FRANKLON RICE | \$14,000.00 |
| 2016-050 | 347 HAWLEY STREET | ALICIA WHITE | \$30,500.00 |
| 2016-043 | 350 CHAPEL STREET | SCOTT M. COLBY | \$4,000.00 |
| TOTAL | | | \$184,475.00 |

Seconded by Alderman Oates and adopted. Ayes 5.

100219.8

By Alderman Wohleben:

Resolved, that pursuant to their request, the Palace Theater is hereby granted permission to place a dumpster on Elm Street directly below their Corporate Sponsor Banner for the month of October 2019 for the duration of their renovation project. Said permission is subject to the Palace Theatre filing a certificate of insurance with the City Clerk naming the City of Lockport as additional insured.

Seconded by Alderman Farrell and adopted. Ayes 5.

100219.9

By Alderman Farrell:

Resolved, that pursuant to their request, permission is hereby granted the residents of Orchard Street to barricade their street from Waterman to Locust Street and at the top of Park Place on October 26, 2019, for a "haunted" block 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 to said area prior to said event.

Seconded by Alderman Wohleben and adopted. Ayes 5.

100219.10

By Alderman Farrell:

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 25, 2019 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.

100219.11

By Alderman Farrell:

Resolved, that Thursday, October 31, 2019 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 Abbott and adopted. Ayes 5.

100219.12

By Alderman Abbott:

RESOLVED, Notice is hereby given that the Common Council of the City of Lockport will hold a Public Hearing on October 16th, 2019 at 5:30 p.m. at Lockport City Hall, One Locks Plaza, Lockport, New York to hear and consider a Local Law adopting a City of Lockport Fire Department Emergency Service Cost Recovery Program. Said Local Law would permit the City of Lockport to recover costs incurred by the City of Lockport Fire Department for the use of apparatus and equipment in the provision of emergency medical services. The cost recovery amounts provided in said Local Law shall be charged to the insurance carrier. In no instance shall rescue and response services be denied for lack of insurance. A copy of the Local Law is available at the office of the City Clerk, One Locks Plaza, Lockport, New York. At the above time and place all members of the public will be heard; and be it further

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

Seconded by Alderman Wohleben and adopted. Ayes 5.

100219.13

By Alderman Oates:

WHEREAS, the it has been determined that the City's IT infrastructure is in need of a refreshed back-up solution; and

WHEREAS, the City has received a proposal in the amount of \$19,500 for software and \$13,500 for hardware to construct the appropriate refresh; and

WHEREAS, this project was not contemplated in the 2019 General Fund budget necessitating the use of contingency and a budget amendment;

NOW THEREFORE, BE IT

RESOLVED, that the Director of Finance is authorized to purchase the necessary software and equipment in an amount of \$33,000 and coordinate the installation of said system with Niagara County as contemplated in the shared services agreement with the City of Lockport; and be it further

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

Increase:

| | | | |
|---------|--------------|--------------------|----------|
| Expense | A.1680.52060 | Computer Equipment | \$33,000 |
|---------|--------------|--------------------|----------|

Decrease:

| | | | |
|---------|--------------|-------------|----------|
| Expense | A.1900.54775 | Contingency | \$33,000 |
|---------|--------------|-------------|----------|

Seconded by Alderman Abbott and adopted. Ayes 5.

100219.14

By Alderman Devine:

Resolved, that pursuant to their request, permission is hereby granted to Steven Allore acting lead for a service project performed by multiple units of the local Boy Scouts to complete phase one of a beautification project at Outwater Park starting on October 12, 2019, subject to the Boy Scouts 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 be and the same is hereby authorized and directed to arrange for removal and disposal of the scrap materials from said area after the event.

Seconded by Alderman Oates and adopted. Ayes 5.

100219.15

By Alderman Wohleben:

WHEREAS, in 2014, the City of Lockport was in danger of running out of funds, nearly missed making payroll, and was listed by the New York State Comptroller's Office as a city in serious fiscal distress, and

WHEREAS, on October 7, 2014, Mayor Anne E. McCaffrey was forced to lay off 9 employees – an administrative coordinator, a clerk in the police department, a senior account clerk in the treasurer's office, a public works supervisor, a highways and parks employee, a deputy corporation counsel and three laborers, and

WHEREAS, in 2014 the City of Lockport got out of the ambulance business due to a re-occurring annual operating loss from ambulance services of \$1.2 million dollars, and

WHEREAS, the cost for the City of Lockport to get back into the ambulance service is estimated to be \$1.5 million, and

WHEREAS, as a result of getting out of providing ambulance service the City reduced the number of firemen for the 3 shifts from 9 to 6, and

WHEREAS through the employee reductions and the replacement of paid ambulance service with an independent ambulance service, as well as other measures, the City of Lockport was able to avoid insolvency, eliminate the previously accumulated \$4 million deficit and adequately fund operations for fiscal years 2014 through 2019, and

WHEREAS the fiscal restructuring that was accomplished enabled the City of Lockport to significantly upgrade its credit rating with both Moody's and Standard and Poor's, and restore fiscal stability and confidence, and

WHEREAS, on September 12, 2019, an arbitrator, appointed by the New York State Public Employees Relations Board, ruled that the City violated the Lockport Professional Firefighter's Association Collective Bargaining Agreement by reducing minimum manning per shift from 9 to 6, and

WHEREAS, the arbitrator found that the residents and firefighters would be safer with hiring 12 more firemen, and

WHEREAS, on August 10, 2016, the City of Lockport Fire Department with the assistance of mutual aid from 40 neighboring fire companies and 200 firefighters from three counties successfully battled a massive fire at High Tread International – the largest fire in the City's history --with 6-man minimum manning without any injuries to residents or fireman, and

WHEREAS, mutual aid has provided the necessary back up support to our firefighters for years and there is no need to add 12 additional full-time firefighters to the City budget, and

WHEREAS, the City of Lockport averages 4 to 23 structure fires a year, and

WHEREAS, the salary and benefits of just one City fireman is \$78,000 without including overtime and legacy costs and the estimated cost to add 12 more firemen exceeds 1.5 million dollars, and

WHEREAS, the annual reoccurring cost to the taxpayers to add 12 more firemen to the budget will exceed \$850,000 a year, and

WHEREAS, the City of Lockport should file a motion to vacate the arbitrators decision on the basis that the decision is outside the scope of his authority and that there was no evidence introduced into the record to support a finding that staffing levels of 6 men per shift is unsafe and 12 more firemen must be hired immediately, and

WHEREAS, if the City fails to challenge the arbitrator's decision it will have no bargaining power to negotiate the implementation of the arbitrator's decision pending the appeal, and

WHEREAS, the estimated cost to challenge the arbitrator's decision is far less compared the millions of dollars the city will pay in salaries, benefits and legacy costs for 12 more firemen,

WHEREAS, to not challenge the decision borders on gross negligence, and

WHEREAS, the deadline to challenge the arbitrator's decision is December 7, 2019.

NOW, THEREFORE BE IT

RESOLVED, that the City of Lockport Common Council is hereby on record opposing the determination of the arbitrator on the basis that the arbitrator acted outside the scope of his authority and that decision is not supported by the evidence in the record, and be it further

RESOLVED, that the Common Counsel does hereby request the Mayor and Corporation Counsel to immediately direct outside counsel, Bryan Goldberger, Esq., to move to vacate the determination within 30 days of the adoption of this resolution on the basis that

the decision is outside the scope of the arbitrator's powers and not supported by the evidence, and be it further

RESOLVED, that in the event the Mayor and Corporation Counsel refuse to take any action to vacate the arbitrator's decision within 30 days of the adoption of this resolution the sum of \$25,000 shall be transferred from contingency to the Common Council's budget to cover the cost of retaining its own independent legal counsel to move to vacate the decision prior to the December 7, 2019 deadline, and be it further

RESOLVED, that in the event the Mayor and Corporation Counsel fail to take such action to vacate the decision within 30 days of the adoption of this resolution the President of the Common Council be and is hereby authorized to enter into an engagement agreement with independent legal counsel for the sole purpose of moving to vacate the award on behalf of the Common Council and the taxpayers of Lockport.

Seconded by Alderman Abbott and adopted. Ayes 4. Alderman Devine voted no.

100219.15A

By Alderman Abbott:

Whereas, the Chief of the Police Department has identified a need for an upgrade to its body camera equipment and has recommended same to the City Council; and

Whereas, the Police Chief has obtained a proposal from Axon Enterprise, Inc. in an amount of \$53,320 for the licensing, equipment, and computer software, hardware and data storage in support of body cameras with a reoccurring cost of \$23,580 per year thereafter; and

Whereas, Axon Enterprise, Inc. has provided a statement of justification for a "sole source" designation due to the integration of its data management systems with the Taser equipment currently used by the City of Lockport Police Department and the ability to integrate its body camera equipment into the existing data management systems in place for the Police Department; and

Whereas, the Police Department has a vehicle seized through drug enforcement action that will be auctioned, the proceeds of which can used to fund a portion of the body camera equipment; and

Whereas, the remainder of the cost for the first year would need to be funded through the use of contingency as this expense was not included in the 2019 police budget; and

Whereas, the 2019 General Fund budget must be amended to accommodate these projects;

Now, therefore, be it

Resolved, that the purchase of the body camera equipment as proposed by Axon Enterprise, Inc. is hereby approved; and be it further

Resolved, that the Mayor, subject to review and approval by the City Attorney's Office, is hereby authorized to execute any contract that might be required to effectuate the purchase and support as identified in the five-year proposal; and be it further

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

Expense:

Decrease:

| | | |
|--------------|-------------|-----------|
| A.1900.54775 | Contingency | \$ 33,320 |
|--------------|-------------|-----------|

Increase:

| | | |
|--------------|-------------------------|-----------|
| A.3120.52070 | Public Safety Equipment | \$ 53,320 |
| A.0000.32665 | Sale of Equipment | \$ 20,000 |

Seconded by Alderman Farrell and adopted. Ayes 5.

100219.16

ADJOURNMENT

At 6:23 P.M. Alderman Devine moved the Common Council be adjourned until 5:30 P.M., Wednesday, October 16, 2019.

Seconded by Alderman Oates and adopted. Ayes 5.

RICHELLE J. PASCERI
City Clerk