

CITY OF LOCKPORT
CORPORATION PROCEEDINGS

Lockport Municipal Building

Regular Meeting
Official Record

September 16, 2015
6:00 P.M.

Mayor Anne E. McCaffrey called the meeting to order.

ROLL CALL

The following Common Council members answered the roll call:

Aldermen Kibler, Lombardi, Mullane, Fogle, Schrader, and Genewick.

INVOCATION

MAYOR'S UPDATE

RECESS

Recess for public input.

091615.1

APPROVAL OF MINUTES

On motion of Alderman Kibler, seconded by Alderman Lombardi, the minutes of the Regular Meeting of September 2, 2015 are hereby approved as printed in the Journal of Proceedings. Ayes _____. Carried.

PUBLIC HEARING

The Mayor announced a public hearing on a request for a Special Use Permit made by Marianne Urtel for approval to operate a medical billing office in a single family home located at 23 Lincolnshire Drive.

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

9/15/15 Charlene Seekins-Smith, Chairman, Lockport Planning and Zoning Board
– the Board recommends that the request for a special use permit be approved.

Recess for public input.

The Mayor closed the public hearing.

PUBLIC HEARING

The Mayor announced a public hearing on a request to amend the current Special Use Permit by erecting a 72' x 80' x 16' storage building located at 570 West Avenue.

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

9/15/15 Charlene Seekins-Smith, Chairman, Lockport Planning and Zoning Board
– the Board recommends that the request for amendment be approved.

Recess for public input.

The Mayor closed the public hearing.

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)

9/14/15 Richelle J. Pasceri, City Clerk – Notification of bids received for South New York Street Watermain Replacement Project. The following bid proposal for the above referenced were received and opened on September 11, 2015:

Yarussi Construction, Inc. Niagara Falls, NY	\$127,500.00
Redman Construction, Inc. Brockport, NY	\$146,900.00

Referred to the Assistant City Engineer

Notice of Defect:

- 8/31/15 84 Prentice Street – tree stump
- 9/4/15 191 Union Street – tree stump
- 9/10/15 245 VanBuren Street – tree stump
- 9/11/15 112 Prospect Street – tree stump

Referred to the Director of Streets and Parks.

MOTIONS & RESOLUTIONS

091615.2

By Alderman Genewick:

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 September 18, 2015 as follows:

General Fund	Account #001	\$203,435.30
Water Fund	Account #002	\$117,452.76
Sewer Fund	Account #003	\$ 31,810.33
Capital Projects	Account #004	\$358,193.86
Refuse Fund	Account #012	\$ 90,181.19
Payroll	Pay Date 9/3/15	\$492,162.99

Seconded by Alderman _____ and adopted. Ayes _____.

091615.3

By Alderman Kibler:

Resolved, that pursuant to their request, permission is hereby granted to the residents of Morrow Avenue to barricade Morrow Avenue from Beattie Avenue to Washburn Street on September 26, 2015 for a 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 _____ and adopted. Ayes _____.

091615.4

By Alderman Lombardi:

Resolved, that pursuant to their request, permission is hereby granted to barricade the parking lot on Canal Street for Locktoberfest on September 26, 2015, 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 totes to said area prior to said event.

Seconded by Alderman _____ and adopted. Ayes _____.

091615.5

By Alderman Schrader:

Resolved, that resolution 020415.5C be amended as follows (changes are in bold):

020415.5C

By Alderman Schrader:

Resolved, that resolution 012115.14C be amend as follows:

Whereas, the Chief Operator of the Waste Water Treatment Plant and the Assistant Director of Engineering have informed the Mayor that two of the four final clarifiers tanks at the Waste Water Treatment Plant are in immediate need of repair; and

Whereas, STC Construction, Inc. and CRA Infrastructure & Engineering, Inc. inspected and evaluated the damage of the tanks finding that the rake mechanism and

the complete sludge blanket removal through in both clarifier tanks is heavily damaged and in need of foundation repair and part replacements; and

Whereas, STC Construction proposed to repair the tanks for an amount of ~~\$189,000.00~~ ~~\$189,200.00~~ **\$279,200.00** including repair construction costs and part replacements; and

Whereas, CRA Infrastructure & Engineering, Inc. proposed to provide engineering assistance and inspection during the assessment and repair of the tanks for an amount no greater than \$19,400.00.

Now, Therefore, be it resolved as:

1. The Mayor, subject to Corporation Counsel approval, is hereby authorized and directed to declare an emergency declaration and is also hereby authorized to enter into contract with STC Construction, Inc., 63 Zoar Valley Road, Springville, NY 14141, and with CRA Infrastructure & Engineering, Inc., 285 Delaware Ave., Suite 500, Buffalo, NY 14202, to repair said clarifier tanks on a time and materials proposed by the engineering firms, and ~~authorize the transfer of funds from sewer account # 003.0003.0200 to expenditure account # 004.0004.0520.4162 Clarifier Tank Repair.~~ and a bond ordinance has been approved to finance this project which will support the following budget modification:

Increase Project Estimated Revenue:

004.0004.5710.4162 Bond proceeds, Clarifier Tank Replacement	\$208,600
	\$298,600

Increase Project Appropriations:

004.0004.0520.4162 Waste Water Treatment, Clarifier Tank Replacement	\$208,600
	\$298,600 "

Seconded by Alderman _____ and adopted. Ayes _____.

091615.6

By Alderman Schrader:

WHEREAS, Lafarge, by and through its wholly owned subsidiary, Redland Quarries NY Inc. ("Redland") made an application to the New York State Department of Environmental Conservation ("NYS DEC") for a permit to mine a 9.1 acre parcel of land adjacent to its Lockport Quarry ("Quarry Expansion Area") and situate in an I-3 Industrial Zone in the City of Lockport; and

WHEREAS, Lafarge, in conjunction with the NYS DEC permit application, also made an application to the City for a Special Use Permit for quarry extraction in the Quarry Expansion Area and;

WHEREAS, the City has initiated a review to evaluate the potential impacts of mine blasting on the City raw water transmission line in the vicinity of the Quarry Expansion Area; and

WHEREAS, the City will engage its engineering consultants, GHD Consulting Services Inc. ("GHD") to provide professional engineering and inspection services of the City raw water transmission line in the vicinity of the proposed Quarry Expansion Area as set out in the Professional Engineering Services Proposal dated August 17, 2015 (GHD Reference No. 631085) ("GHD Proposal") incorporated herein by reference; and

WHEREAS, Lafarge and the City have come to an agreement regarding the costs of the professional engineering and inspection services required to complete the evaluation of potential blasting impacts on the City raw water transmission line as set out in the GHD Proposal; and

WHEREAS, pursuant to the terms of the agreement, Lafarge agreed, at its sole cost and expense, to compensate the City for the costs of the professional engineering and inspection services as set out in Paragraph 4 "Fee Schedule" of the GHD Proposal; and

WHEREAS, Lafarge shall be liable for and reimburse the City for all reasonable fees for such professional engineering services in an amount not to exceed the total of the Lump Sum amounts set forth in the GHD Fee Schedule ; and

WHEREAS, the professional engineering and inspection services to be performed by GHD under the terms of the GHD Proposal are being performed for and on behalf of the City and Lafarge assumes no liability for any act or omission of GHD, its employees, agents or subcontractors; and

WHEREAS, the City has requested, and Lafarge has agreed, that Lafarge deposit an escrow for the cost of the professional engineering and inspection services in the amount of Thirty Six Thousand Seven Hundred Dollars (\$36,700.00) (the "Escrowed Funds") that sum being the total of the Lump Sum amounts set forth in the GHD Proposal Fee Schedule; and

WHEREAS, Corporation Counsel for the City of Lockport has agreed to serve as Escrow Agent; and

WHEREAS, Lafarge has agreed to deliver the Escrowed Funds to the Escrow Agent, subject to the terms of this Agreement; and

WHEREAS, Escrow Agent is willing to serve without fee as Escrow Agent and hold the Escrowed Funds in escrow, subject to the terms of this Agreement.

NOW, THEREFORE, BE IT

RESOLVED, the Mayor be and is hereby authorized to execute an Escrow Agreement with Lafarge North America in the amount of Thirty Six Thousand Seven Hundred Dollars (\$36,700.00) to compensate the City for the costs of the professional engineering and inspection services required to complete an evaluation of potential blasting impacts on the City raw water transmission line as set out in the GHD Proposal.

Seconded by Alderman _____ and adopted. Ayes _____.

091615.6A

By Alderman Fogle:

Whereas, the Assistant Director of Engineering has informed the Mayor that the roofs of the Storage Building at Outwater Park and Altro Park Building at Willow Street are in need of repair, and

Whereas, the Engineering Department has requested quotes from qualified contractors to bid for the Roof Repair at Outwater Park Storage Building and the Roof Repair at Willow Street Altro Park Building, and

Whereas, the City has received quotes for said roof repairs as follows: Granzow Construction \$34,879.67, U-Who Crew LLC \$57,818.81, Roberts Roofing & Siding Co. Inc. \$33,460.00 for Altro Park Building only (proposal does not include Outwater Park Storage Building), Advanced Building Contractors, LLC declined to bid for this project, and be it further

Resolved, that the Mayor, subject to Corporation Counsel approval, is hereby authorized and directed enter into contract with Granzow Construction, 4542 Main Street, Gasport, NY to replace existing damaged roofs in both buildings with lifetime standing seam metal roof including new gutters, installing all trims, and matching appurtenances for a cost of \$34,879.67 to be charged to Municipal Building Roof Repair account # 004.0004.0520.4112.

Seconded by Alderman _____ and adopted. Ayes _____.

091615.6B

By Alderman Schrader:

Resolved, that the bid proposal of Yarussi Construction, Inc., 5650 Simmons Avenue, Niagara Falls, NY, received on September 11, 2015 for the South New York Street Watermain Replacement Project be accepted in the amount of \$127,000.00, plus a ten percent (10%) contingency. Cost of same to be charged to the Capital Improvement Account, and be it further,

Resolved, that GHD Consulting Services, Inc., 285 Delaware Avenue, Buffalo, NY, be paid in the amount of \$16,000.00 for consulting services for said project..

Seconded by Alderman _____ and adopted. Ayes _____.

091615.6C

By Alderman Schrader:

Resolved, that Resolution #060315.7D regarding Market Street Sewer Cleaning Project be amended to increase the amount by \$18,000.00, and be it further

Resolved, that the City Treasurer be in the same is hereby authorized and directed to transfer \$18,000.00 from account #003-8125-4571 to Account #003-8110-4733.

Seconded by Alderman _____ and adopted. Ayes _____.

091615.6D

By Alderman Lombardi:

Resolved, that pursuant to their request, Mural on Main Street is hereby granted permission to install a plaque on the retaining wall in the City Parking Lot on Main Street.

Seconded by Alderman _____ and adopted. Ayes _____.

091615.6E

By Alderman Schrader:

Resolved, that the request for a special use permit made by Marianne Urtel to operate a medical billing office in a single family home located at 23 Lincolnshire Drive, situated in an R-1 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.

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 _____ and adopted. Ayes _____.

091615.6F

By Alderman Fogle:

Resolved, that the request made by Nigel Martin, Lock City Metals, to amend the current Special Use Permit by erecting a 72' x 80' x 16' storage building located at 570 West Avenue, situated in an I-3 Zone, be and the same is hereby approved.

Seconded by Alderman _____ and adopted. Ayes _____.

091615.7

ADJOURNMENT

At _____ P.M. Alderman Kibler moved the Common Council be adjourned until 6:00 P.M., Wednesday, October 7, 2015.

Seconded by Alderman _____ and adopted. Ayes _____.

RICHELLE J. PASCERI
City Clerk