

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

Lockport Municipal Building

Regular Meeting  
Official Record

July 19, 2017  
5:30 P.M.

Mayor Anne E. McCaffrey called the meeting to order.

**ROLL CALL**

The following Common Council members answered the roll call:

Aldermen Abbott, Devine, Oates, O'Shaughnessy, Mullane, and Wohleben.

**INVOCATION**

**MAYOR'S UPDATE**

**RECESS**

Recess for public input.

**071917.1**

**APPROVAL OF MINUTES**

On motion of Alderman Wohleben, seconded by Alderman \_\_\_\_\_, the minutes of the Regular Meeting of July 5, 2017 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 to have a concert series on the properties located at 767 and 801 Market Street situated in an R-2 Zone.

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

7/12/17 Charlene Seekins-Smith, Chairman, Lockport Planning and Zoning Board  
– the Board recommends that the request for a Special Use Permit be approved with stipulations.

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)

7/18/17 Richelle J. Pasceri, City Clerk, - notification of bids received for Water Treatment Plant Fluoride Feed System Upgrades. The following bid proposals were received and opened on July 14, 2017:

HOHL Industrial Services Inc Tonawanda, NY	base w/Alternates	\$ 86,400 \$ 109,300
STC Construction Inc. Springville, NY	base w/Alternates	\$ 85,000 \$ 113,668

Referred to the Committee of the Whole

7/18/17 Kelly Trybalski, Race Director, Score This !!!, Inc. – request permission to conduct the Flight of Five Mile on Main Street event on September 7, 2017. Referred to the Committee of the Whole

**MOTIONS & RESOLUTIONS**

**071917.2**

By Alderman Wohleben:

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 July 21, 2017 as follows:

General Fund	Account #001	\$ 121,144.34
Water Fund	Account #002	\$ 16,587.99
Sewer Fund	Account #003	\$ 51,555.68
Capital Projects	Account #004	\$ 324,156.03
Refuse Fund	Account #012	\$ 944.35
Self Insurance	Account #015	\$ 1,363.10
Payroll	Pay Date 7/6/2017	\$ 507,070.87

Seconded by Alderman \_\_\_\_\_ and adopted. Ayes \_\_\_\_\_.

**071917.3**

By Alderman Devine:

WHEREAS, the City of Lockport (City) proposes to conduct a Wastewater Engineering Planning Study along the Market Street Interceptor to identify locations of excessive infiltration and inflow and capacity deficiencies, and to prioritize rehabilitation activities for the City's wastewater collection system; now therefore be it

RESOLVED, that the Mayor is authorized to execute a Grant Agreement with the NYS Environmental Facilities Corporation and any and all other contracts, documents and instruments necessary to bring about the Project and to fulfill the City's obligations under the Engineering Planning Grant Agreement.

Seconded by Alderman \_\_\_\_\_ and adopted. Ayes \_\_\_\_\_.

**071917.4**

By Alderman Devine:

WHEREAS, the City of Lockport (City) proposes to conduct a Wastewater Engineering Planning Study along the Market Street Interceptor to identify locations of excessive infiltration and inflow and capacity deficiencies, and to prioritize rehabilitation activities for the City's wastewater collection system; now therefore be it

RESOLVED, that the City of Lockport authorizes and appropriates a minimum of 20% local match as required by the Engineering Planning Grant Program for the Market Street Wastewater Engineering Planning Study project. Under the Engineering Planning Grant Program, this local match must be at least 20% of the grant award of \$30,000. The maximum local share appropriated subject to any changes agreed to by the Mayor shall not exceed \$6,000. The total estimated maximum project cost is \$36,000. The Mayor may increase this local match through the use of in kind services without further approval from the City.

Seconded by Alderman \_\_\_\_\_ and adopted. Ayes \_\_\_\_\_.

**071917.5**

By Alderman Devine:

WHEREAS, 6 NYCRR Section 617.5 (Title 6 of the New York Code of Rules and Regulations) under the State Environmental Quality Review Act (SEQR) provides that certain actions identified in subdivision (c) of that section are not subject to environmental review under the Environmental Conservation Law; now therefore be it

RESOLVED, that the City of Lockport hereby determines that the proposed Market Street Wastewater Engineering Planning Study is a Type II action in accordance with 6 NYCRR Section 617.5(c) (18) and (21) which constitutes the "information collection including basic data collection and research, water quality and pollution studies, traffic counts, engineering studies, surveys, subsurface investigations and soils studies that do not commit the agency to undertake, fund or approve any Type I or Unlisted action" and "conducting concurrent environmental, engineering, economic, feasibility and other studies and preliminary planning and budgetary processes necessary to the formulation of a proposal for action, provided those activities do not commit the agency to commence, engage in or approve such action" and is therefore not subject to review under 6 NYCRR Part 617.

Seconded by Alderman \_\_\_\_\_ and adopted. Ayes \_\_\_\_\_.

**071917.6**

By Alderman Devine:

WHEREAS, the City of Lockport (City) proposes to conduct a Wastewater Engineering Planning Study along the Gulf Interceptor to identify locations of excessive infiltration and inflow and capacity deficiencies, and to prioritize rehabilitation activities for the City's wastewater collection system; now therefore be it

RESOLVED, that the Mayor is authorized to execute a Grant Agreement with the NYS Environmental Facilities Corporation and any and all other contracts, documents and instruments necessary to bring about the Project and to fulfill the City's obligations under the Engineering Planning Grant Agreement.

Seconded by Alderman \_\_\_\_\_ and adopted. Ayes \_\_\_\_\_.

**071917.7**

By Alderman Devine:

WHEREAS, the City of Lockport (City) proposes to conduct a Wastewater Engineering Planning Study along the Gulf Interceptor to identify locations of excessive infiltration and inflow and capacity deficiencies, and to prioritize rehabilitation activities for the City's wastewater collection system; now therefore be it

RESOLVED, that the City of Lockport authorizes and appropriates a minimum of 20% local match as required by the Engineering Planning Grant Program for the Gulf Interceptor Wastewater Engineering Planning Study project. Under the Engineering Planning Grant Program, this local match must be at least 20% of the grant award of \$30,000. The maximum local share appropriated subject to any changes agreed to by the Mayor shall not exceed \$6,000. The total estimated maximum project cost is \$36,000. The Mayor may increase this local match through the use of in kind services without further approval from the City.

Seconded by Alderman \_\_\_\_\_ and adopted. Ayes \_\_\_\_\_.

**071917.8**

By Alderman Devine:

WHEREAS, 6 NYCRR Section 617.5 (Title 6 of the New York Code of Rules and Regulations) under the State Environmental Quality Review Act (SEQR) provides that certain actions identified in subdivision (c) of that section are not subject to environmental review under the Environmental Conservation Law; now therefore be it

RESOLVED, that the City of Lockport hereby determines that the proposed Gulf Interceptor Wastewater Engineering Planning Study is a Type II action in accordance with 6 NYCRR Section 617.5(c) (18) and (21) which constitutes the “information collection including basic data collection and research, water quality and pollution studies, traffic counts, engineering studies, surveys, subsurface investigations and soils studies that do not commit the agency to undertake, fund or approve any Type I or Unlisted action” and “conducting concurrent environmental, engineering, economic, feasibility and other studies and preliminary planning and budgetary processes necessary to the formulation of a proposal for action, provided those activities do not commit the agency to commence, engage in or approve such action” and is therefore not subject to review under 6 NYCRR Part 617.

Seconded by Alderman \_\_\_\_\_ and adopted. Ayes \_\_\_\_\_.

**071917.9**

By Alderman Oates:

Resolved, that in accordance with Section 11-C of the New York Domestic Relations Law, the Common Council of the City of Lockport appoints John Lombardi III as a Marriage Officer for the City of Lockport for a term of one year.

Seconded by Alderman \_\_\_\_\_ and adopted. Ayes \_\_\_\_\_.

**071917.10**

By Alderman Oates:

Resolved, that the request for a special use permit made by Wide Waters on the Canal to have a concert series on the properties located at 767 and 801 Market Street, situated in an R-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.

Barricades are installed to control ingress and egress

Traffic shall be limited to right hand turns only leaving the venue from both Wide Waters and the Marina

One staffed cross walk shall be installed for the event

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 \_\_\_\_\_.

**071917.11**

By Alderman Abbott:

WHEREAS, the recently completed South Street Neighborhood Community Needs Assessment identified a thirty-block area within the City that is underserved by parks and similar active recreational facilities, and

WHEREAS, the Needs Assessment identified development of a park and playground at 50 Elmwood Street as a high priority implementation project, and

WHEREAS, the City of Lockport desires to apply for financial assistance through the 2017 Consolidated Funding Application (CFA) under the Office of Parks, Recreation, and Historic Preservation's Park Development Program in an amount not to exceed \$450,000 to be used for the development of such a park and playground at 50 Elmwood; now therefore be it

RESOLVED, that the Common Council of the City of Lockport approves and endorses the 2017 Office of Parks, Recreation, and Historic Preservation's Park Development Program application for assistance to be submitted by the City of Lockport, and be it further

RESOLVED, that, if awarded, the Mayor is hereby authorized to accept the grant funds and enter into and execute a contract on behalf of the City.

Seconded by Alderman \_\_\_\_\_ and adopted. Ayes \_\_\_\_\_.

**071917.12**

By Alderman \_\_\_\_\_:

WHEREAS, the City proposes to implement improvements to the Veterans Monument located at the Veterans Memorial Park, East Avenue, Lockport NY, and

WHEREAS, the City has been selected to receive a State and Municipal Facilities Program ("SAM") Grant in the amount of \$100,000 to complete Project #7920, Improvements to Veterans Memorial Park; now therefore be it

RESOLVED, that the Mayor, subject to Corporate Counsel approval, is authorized to accept said Grant and to execute a Grant Agreement with the State and Municipal Facilities Program ("SAM") and any other contracts, documents, or instruments necessary to bring about the Project and to fulfill the City of Lockport's obligations under the State and Municipal Facilities Program ("SAM") Improvements to Veterans Memorial Park Grant Agreement.

Seconded by Alderman \_\_\_\_\_ and adopted. Ayes \_\_\_\_\_.

**071917.13**

By Alderman \_\_\_\_\_:

WHEREAS, the City proposes to implement renovations to the Lockport Police Department (LPD) Facilities located at the Municipal Building, 1 Locks Plaza, Lockport NY, and

WHEREAS, the City's Engineering Consultant Nussbaumer & Clarke, Inc. (Nussbaumer) has performed preliminary engineering to support a Dormitory Authority of the State of New York (DASNY) State and Municipal Facilities Program (SAM) Grant Application and determined the estimated cost of the renovations, including design, to be \$200,000, and

WHEREAS, the City has been selected to receive a SAM Grant in the amount of \$200,000 to complete Project #8219, Renovations to the Police Department Facilities, and

WHEREAS, Nussbaumer has submitted a proposal dated July 11, 2017 to provide design services in accordance with the SAM Grant Application; now therefore be it

RESOLVED, that the Mayor, subject to Corporate Counsel approval, is authorized to

accept said Grant and to execute a Grant Agreement with DASNY and any other contracts, documents, or instruments necessary to bring about the Project and to fulfill the City of Lockport's obligations under the SAM Program, Renovations to the Police Department Facilities Grant Agreement, and be it further

RESOLVED, that the Mayor, subject to Corporate Counsel approval, is authorized to accept the design proposal from Nussbaumer dated July 11, 2017 to support said SAM grant, Renovations to the Police Department Facilities, for a fee not to exceed \$10,000 in accordance with the grant application to be charged to Capital Projects Improvements.

Seconded by Alderman \_\_\_\_\_ and adopted. Ayes \_\_\_\_\_.

**071917.14**

By Alderman \_\_\_\_\_:

WHEREAS, the City proposes to rehabilitate the Stone Shelter located at the Outwater Memorial Park, Outwater Drive, Lockport NY, and

WHEREAS, the City's Engineering Consultant Nussbaumer & Clarke, Inc. (Nussbaumer) has performed preliminary engineering to support a Dormitory Authority of the State of New York (DASNY) State and Municipal Facilities Program (SAM) Grant Application and determined the estimated cost of the renovations, including design, to be \$250,000, and

WHEREAS, the City has been selected to receive a SAM Grant in the amount of \$250,000 to complete Project #6098, Rehabilitation of Park Shelters and the Community Pool, and

WHEREAS, Nussbaumer has submitted a proposal dated July 11, 2017 to provide design services in accordance with the SAM Grant Application, now therefore be it

RESOLVED, that the Mayor, subject to Corporate Counsel approval, is authorized to accept said Grant and to execute a Grant Agreement with DASNY and any other contracts, documents, or instruments necessary to bring about the Project and to fulfill the City of Lockport's obligations under the SAM Program, Rehabilitation of Park Shelters and the Community Pool Grant Agreement, and be it further

RESOLVED, that the Mayor, subject to Corporate Counsel approval, is authorized to accept the design proposal from Nussbaumer dated July 11, 2017 to support said SAM grant, Renovations to the Police Department Facilities, for a fee not to exceed \$30,000 in accordance with the grant application to be charged to Capital Projects Improvements.

Seconded by Alderman \_\_\_\_\_ and adopted. Ayes \_\_\_\_\_.

**071917.15**

By Alderman \_\_\_\_\_:

WHEREAS, the City of Lockport proposes to replace the concrete apron at the Fire Station located at the Municipal Building, One Locks Plaza; and

WHEREAS, in accordance with the New York State Environmental Quality Review regulations (SEQR), the City of Lockport intends to serve as Lead Agency for the proposed action; and

WHEREAS, the City of Lockport has determined that the proposed action is a Type II action pursuant to NYCRR 617.5 (c)(2) as defined under SEQR; and

WHEREAS, although not required for Type II actions, the City of Lockport, has caused to be prepared a Short Environmental Assessment Form to consider the significance of and potential environmental impact of the action described above, and

WHEREAS, the City of Lockport has considered Parts 1, 2 and 3 of the Short Environmental Assessment Form prepared for this action, now therefore be it

RESOLVED, that the City of Lockport declares that it will serve as Lead Agency for the Municipal Building Fire Station Apron Replacement project; and, the City of Lockport declares that, based on the Short Environmental Assessment Form which has been prepared, the

project will result in no significant adverse environmental impacts and, therefore, a Negative Declaration under SEQR is issued for this project.

Seconded by Alderman \_\_\_\_\_ and adopted. Ayes \_\_\_\_\_.

**071917.16**

By Alderman \_\_\_\_\_:

WHEREAS, 6 NYCRR Section 617.5 (Title 6 of the New York Code of Rules and Regulations) under the State Environmental Quality Review Act (SEQR) provides that certain actions identified in subdivision (c) of that section are not subject to environmental review under the Environmental Conservation Law; now therefore be it

RESOLVED, that the City of Lockport hereby determines that the proposed Wastewater Treatment Plant Disinfection Upgrades Project is a Type II action in accordance with 6 NYCRR Section 617.5(c) (7) which constitutes the "construction or expansion of a primary or accessory/appurtenant, nonresidential structure or facility involving less than 4,000 square feet of gross floor area and not involving a change in zoning or a use variance and consistent with local land use controls, but not radio communication or microwave transmission facilities" and is therefore not subject to review under 6 NYCRR Part 617.

Seconded by Alderman \_\_\_\_\_ and adopted. Ayes \_\_\_\_\_.

**071917.16A**

By Alderman \_\_\_\_\_:

Resolved, that pursuant to their request, permission is hereby granted to Score This!!!, Inc. to conduct the Flight of Five Mile on Main Street race event, on Thursday, September 7, 2017 beginning at 7:00 p.m. subject to approval of the race route by the Police Chief, and filing a certificate of insurance with the City Clerk naming the City of Lockport as additional insured, and be it further

Resolved, that permission is hereby granted to use the Municipal Building lobby for registration and restroom use, and be it further

Resolved, that the Director of Streets and Parks is hereby authorized and directed to arrange for delivery of barricades and traffic cones to the area prior to the event.

Seconded by Alderman \_\_\_\_\_ and adopted. Ayes \_\_\_\_\_.

**071917.16B**

By Alderman \_\_\_\_\_:

Resolved, that resolution #040517.16 adopted by the Common Council at their April 5, 2017 meeting granting permission for the Taste of Lockport event be amended to reflect a change in location from Ida Fritz Park to Main Street between Elm Street and Cottage Street.

Seconded by Alderman \_\_\_\_\_ and adopted. Ayes \_\_\_\_\_.

**071917.16C**

By Alderman \_\_\_\_\_:

WHEREAS, on June 5, 1996, the Common Council adopted resolution 060596.7 requesting permission from the New York State Department of Transportation to allow the City of Lockport to name the Lockport Bypass bridge, the "Thomas C. Rotondo, Jr. Bridge" in honor of the former Mayor and Eighth Ward Alderman Thomas C. Rotondo, Jr., and

WHEREAS, on July 30, 1997, the New York State Highway Law was amended by Senate bill 3945 to add a new section 343-c to the New York State Highway Law as follows: "The bridge crossing the New York state barge canal on the Lockport Bypass between State Road and Ohio Street in the city of Lockport shall be designated and known as the "Thomas C. Rotondo, Jr. Bridge," and

WHEREAS, Thomas C. Rotondo, Jr. passed away on December 31, 2016. Now therefore be it

RESOLVED, that permission is requested from the New York State Department of Transportation to allow the City of Lockport to change the name of the “Thomas C. Rotondo, Jr. Bridge” to “Thomas C. Rotondo, Jr. Memorial Bridge”.

Seconded by Alderman \_\_\_\_\_ and adopted. Ayes \_\_\_\_\_.

**071917.16D**

By Alderman \_\_\_\_\_:

Whereas, the City has issued a Bond for various projects funded through a Bond Anticipation Note; and

Whereas, the City has chosen to pay for the issuance costs of this Bond instead of including them in the borrowing; and

Whereas, the City did not budget for these costs requiring an amendment to the 2017 Budget, Now Therefore, be it

Resolved that the 2017 General, Water and Sewer Budgets are amended as follows:

Expense  
Increase:

001.9500.0900	Fiscal Agent Fees – General	\$15,300
002.9500.0900	Fiscal Agent Fees – Water	\$ 7,140
003.9500.0900	Fiscal Agent Fees – Sewer	\$10,720

Decrease:

001.1900.1990	Contingency	\$15,300
002.1900.1990	Contingency	\$ 7,140
003.8130.4851	Utilities	\$10,720

Seconded by Alderman \_\_\_\_\_ and adopted. Ayes \_\_\_\_\_.

**071917.16E**

By Alderman \_\_\_\_\_:

Resolved, that permission is hereby granted to Lockport Caves to barricade portions of Gooding Street between Canal Street and Caledonia Street for an event on August 5, 2017 from 10:00 a.m. until 4:00 p.m., and be it further

Resolved, that the Director of Streets and parks is hereby directed to arrange for delivery of barricades and traffic cones as needed to area prior to said event.

Seconded by Alderman \_\_\_\_\_ and adopted. Ayes \_\_\_\_\_.

**071917.17**

**ADJOURNMENT**

At \_\_\_\_\_ P.M. Alderman Wohleben moved the Common Council be adjourned until 5:30 P.M., Wednesday, August 2, 2017.

Seconded by Alderman \_\_\_\_\_ and adopted. Ayes \_\_\_\_\_.

RICHELLE J. PASCERI  
City Clerk