

CITY OF LOCKPORT
CORPORATION PROCEEDINGS

Lockport Municipal Building

Regular Meeting
Official Record

January 24, 2018
6:30 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, Eggert, Farrell, Oates, and Wohleben.

MAYOR'S UPDATE

RECESS

Recess for public input.

012418.1

APPROVAL OF MINUTES

On motion of Alderman Wohleben, seconded by Alderman Abbott, the minutes of the Regular Meeting of January 1, 2018 are hereby approved as printed in the Journal of Proceedings.
Ayes 6. Carried.

FROM THE MAYOR

Appointments:

1/2/18 Under and by virtue of the authority conferred on me by the Charter of the City of Lockport, I, Anne McCaffrey, Mayor of the City of Lockport, do hereby make the following appointments:

For the term of one year expiring on December 31, 2018:

President of the Common Council	David Wohleben
Corporation Counsel	John J. Ottaviano
Deputy Corporation Counsel (1 st)	David E. Blackley
Deputy Corporation Counsel (2 nd)	David J. Haylett, Jr.
Traffic Advisory Committee	David J. Haylett, Jr.

2018 Common Council Standing Committees:

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

Public Health & Safety Committee- Alderman Eggert, Chairman
Members: Aldermen Wohleben and 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
Director of Finance

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

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

For their term of office:

Police Board	Alderman David Wohleben
Fire Board	Alderman Richard Abbott
Community Cable Commission	Alderman David Wohleben
Community Pride	Aldermen Richard Abbott, Mark Devine & Joe Oates

Commissioner of Deeds:

For the term of two years expiring on December 31, 2019

Robert Norris, 174 Continental Drive, Lockport, New York, 14094
Michael Carney, 407 Bennett Street, N Tonawanda, New York, 14120
John D. Johnston, 1610 Youngstown-Lockport Rd, Youngstown, New York 14174
Ann Boci, 41 W. Grant Street, Lockport, New York, 14094
William Thompson, 820 Pasadena Avenue, Niagara Falls, New York, 14305
Adam Van DeMark, 587 Pine Street, Lockport, New York, 14094
Lawrence Eggert, 194 Independence Drive, Lockport, New York, 14094

1/4/18 John Lombardi III, 329 Chestnut Street – appointed as the City of Lockport representative for NIACAP effective January 1, 2018.
Received and filed.

1/9/18 Thomas Murphy, 441 Willow Street, Lockport, NY – appointed as a member of the Police Board. Said term expires December 31, 2021.
Received and filed.

1/10/18 Joan Black, Ransomville, NY – appointed as Dog Control Officer for the City of Lockport effective January 9, 2018. Said appointment is permanent and subject to the City of Lockport Municipal Civil Service rules and regulations.
Received and filed.

1/11/18 Christian Landry, 16 Franklin Avenue, Lockport, NY – appointed as Municipal Worker for the Building Maintenance Department effective January 22, 2018. Said appointment is permanent and subject to the City of Lockport Municipal Civil Service rules and regulations.
Received and filed.

1/15/18 Mark S. Smith, 2 East Park Drive, Lockport, NY – appointed as Wastewater Treatment Plant Lab Tech effective January 9, 2018. Said appointment is permanent and subject to the City of Lockport Municipal Civil Service rules and regulations.
Received and filed.

1/15/18 Carol Noon, 5625 Jeffrey Drive, Lockport, NY – appointed as Senior Wastewater Treatment Plant Lab Tech effective January 9, 2018. Said appointment is permanent and subject to the City of Lockport Municipal Civil Service rules and regulations.
Received and filed.

1/19/18 Scott Sakellaris, 17 Elmira Street, Lockport, NY – appointed as Heavy Equipment Operator for the Water Distribution Department effective January 19, 2018. Said appointment is permanent and subject to the City of Lockport Municipal Civil Service Rules and Regulations.
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)

Notice of Defect:

1/8/18 192 Elmwood Avenue – tree
1/14/18 289 Ontario Street – tree
Referred to the Director of Streets and Parks.

Notice of Claim:

12/28/17 Zachary Smith, Philip DiVencenzo, Philip DiVencenzo on behalf of his children Mar.D, Mea.D, and Max.D -vs.- city of Lockport Police Officer Michael Wasik, Lieutenant Marshall Belling, and former Police Chief Lawrence Eggert

1/11/18 Progressive Insurance – Subrogee of Adam Strobele

1/12/18 James M. Timkey, 4668 Wilson Road, Lockport, NY

1/12/18 William R. Timkey, Jr. 7021 Northview Drive, Lockport, NY

Referred to the Corporation Counsel.

11/22/17 Ken Genewick, Co-Race Director, Great Lakes Racing LLC – request permission to conduct the 2018 Beast of Burden Ultra Marathon Race Series.

Referred to the Committee of the Whole

1/2/18 Neal Turvey, Niagara Jr. Thunder Wolves – request permission to conduct the 2018 Youth Baseball Tournament.

Referred to the Committee of the Whole

1/4/18 Lynn Harrington, Erie Canal Fishing Derby – request permission to erect a banner to advertise the 2018 Erie Canal Fishing Derby.

Referred to the Committee of the Whole

1/9/18 Flora Hawkins, Coordinator & Facilitator, Lockport New Beginnings Young Men and Women of Character Program – request permission to use the Council Chambers on Saturdays beginning January 27th through April 28th for the Beginnings Young Men and Women of Character Program. Referred to the Committee of the Whole

1/15/18 Sharon Voelker-Lacewell, Lockport Evangelical Ministries Association – request permission to conduct Praise in the Park on August 11, 2018.

Referred to the Committee of the Whole

MOTIONS & RESOLUTIONS

012418.2

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 January 26, 2018 as follows:

General Fund	Account #001	\$ 313,628.72
Water Fund	Account #002	\$ 52,929.61
Sewer Fund	Account #003	\$ 56,167.54
Capital Projects	Account #004	\$ 94,721.00
Refuse Fund	Account #012	\$ 90,589.07
Self Insurance	Account #015	\$ 99,758.71
Worker's Comp	Account #020	\$ 84,844.00
Payroll	Pay Date 1/4/18	\$ 478,046.95
	Pay Date 1/18/18	\$ 767,819.89

Seconded by Alderman Oates and adopted. Ayes 6.

012418.3

By Alderman Wohleben:

Resolved, that pursuant to their request, Score This!!! is hereby granted permission to conduct Lockport 10 Open Road Race and to close Market Street during the race and close East Avenue from Washburn Street to Elm Street at the beginning and end of the race on Saturday, February 10, 2018, 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 Eggert and adopted. Ayes 6.

012418.4

By Alderman Farrell:

Resolved, that permission is hereby granted the Optimist Club of Lockport to conduct their 43rd Annual Lockport Optimists Arts and Craft Festival on June 23rd and 24th 2018 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.
- (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 22nd and 23rd subject to the approval of the Chief of Police.

Seconded by Alderman Devine and adopted. Ayes 6.

012418.5

By Alderman Oates:

Resolved, that pursuant to their request, the National Multiple Sclerosis Society is hereby granted permission to conduct their annual MS Walk in the City on Sunday, May 19, 2018 subject to approval of the walk route by the Police Chief and the Multiple Sclerosis Society filing a certificate of insurance with the City Clerk naming the City of Lockport as additional insured.

Seconded by Alderman Farrell and adopted. Ayes 6.

012418.6

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 17, and Saturday, August 4, 2018, 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.

By Alderman Devine:

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

Seconded by Alderman Wohleben and adopted. Ayes 6.

012418.7

By Alderman Eggert:

Resolved, that the following Rules and Order of the Common Council are hereby adopted:

RULES AND ORDERS OF THE COMMON COUNCIL

1. **Roll Call** - At the hour appointed for the meeting of the Council, the Mayor shall take the chair and direct a call of the members of the Council, and the Clerk shall note the absentees. Upon the appearance of a quorum, the Mayor shall call the members to order. If a quorum be not present, they shall send for absent members. Following shall be the

ORDER OF BUSINESS

- a. Reading of minutes. Reading and approval of the minutes preceding meeting; but a majority of the members present may approve of, or dispense with, the reading of the minutes of any previous meeting.
- b. Communications from the Mayor.
- c. Communications and reports of officers of the corporation.
- d. Petitions and remonstrances.
- e. Reports of Standing Committees, in the order named in rule.

- f. Reports of Special Committees.
- g. Committee of the Whole.
- h. Executive business.
- i. Motions, resolutions and notices.
- j. Unfinished business.

DUTIES OF THE MAYOR AS PRESIDING OFFICER

2. **The Mayor, as presiding officer, shall possess the powers and perform the duties as herein prescribed:**
 - a. They shall preserve order and decorum.
 - b. Question of Order. They shall decide all questions of order, subject to appeal of the Council. On every appeal they shall have the right in his/her place to assign his/her reason for his/her decision; but any member may state the grounds for his/her appeal.
 - c. Appointment of Committees. He/she shall appoint all committees except where the council shall otherwise order.
 - d. Temporary Chairman. He/she may substitute any member to perform the duties of the chair, but such substitution shall not extend beyond the adjournment of the Council, except by special consent of the Council.
 - e. Committee of the Whole. When the Council shall be ready to go into Committee of the Whole, he/she shall name a chairman to preside therein.
 - f. Privileges of the floor. He/she shall have the right to invite to the floor of the Council such persons as he/she shall deem deserving of the privilege; but the right of admission under such invitation shall not extend beyond the day on which it shall be given.
3. **While a question is being put** - While the presiding officer is putting a question, no member shall walk across or out of the room; nor in such case, or when a member is speaking, shall entertain any private discourse, nor, while a member is speaking, shall pass between him and the chair.
4. **Speaking** - Every member, when he/she speaks, shall, from his/her chair, address the presiding officer as Mr. /Madam Mayor, or proper title and shall not proceed until recognized by the presiding officer; and no member shall speak more than twice to the same question, nor more than five minutes each time at the same meeting, without requesting and receiving the consent of a majority of the members present, by a roll call vote.
5. **Speaker recognized** - When two or more members request recognition simultaneously, the presiding officer shall name the member he wishes to speak first.
6. **Call to order** - Any member may be called to order; in which case the member so called to order shall immediately sit down. The point of order shall be stated at the request of the presiding officer, by the member raising the question of order, and shall be decided without debate, before proceeding to other business.
7. **Vote** - Every member shall vote when a question is stated from the chair, unless excused by the Council; and every member voting shall be in his/her place.
8. **Petitions, etc.** - Petitions and other papers may be presented by the presiding officer or any member, but when presented by a member, he/she shall first endorse on the petition or paper the substance thereof.

9. **Motions or Resolutions** - No motion or resolution shall be debated or put until seconded. No member shall make or second a motion or resolution except he/she request recognition from his/her chair for that purpose; and when seconded the motion or resolution shall be stated distinctly by the presiding officer, before being put or debated. No motion or resolution shall be presented for action, unless it has been reviewed by Corporation Council and submitted in writing to the Clerk by noon of the day of the Committee of the Whole work session, one week prior to the Common Council meeting, excluding the work session the day of the Common Council Meeting, or unless by prior authorizations of the Mayor, City Clerk, and City Attorney and then by consent of two-thirds of the whole number of the Council. Resolutions submitted for consideration may go to the appropriate committee prior to submission. A motion or resolution referred to any committee may be recalled from that committee at any subsequent Council meeting by vote of a majority of the whole number of the Council. If any motion or resolution referred to a committee shall not have been reported out within forty-five days of the time when it was referred, then the sponsor of the motion or resolution may have it brought out for Council consideration without any committee report. Any motion or resolution may be withdrawn at any time before decision, commitment or amendment by unanimous consent.
10. **Ayes and noes** - If any member require it, the ayes and noes upon any question shall be taken and entered upon the minutes of the Council. In taking the same, the names of members shall be taken alphabetically.
11. **Appointment of committees** - All committees shall be appointed by the presiding officer, unless otherwise specially directed by the Council, in which case they shall be appointed by ballot.

PRIVILEGED QUESTIONS

12. **Order of motions** - When a question is pending, no motion shall be received, except as hereinafter specified; which motion shall have preference in the order stated:
 - a. For an adjournment of the Council.
 - b. A call of the Council.
 - c. To lay on the table.
 - d. For the previous question.
 - e. To postpone indefinitely.
 - f. To postpone to a day certain.
 - g. To refer to the Committee of the Whole.
 - h. To refer to a standing committee.
 - i. To refer to a special or select committee.
 - j. To amend.
13. **Non-debatable motions** - A motion to adjourn, lay on the table, or for the previous question, shall be decided without amendment or debate; and all questions of order, and all questions relating to the order of business, shall be decided without debate. The several motions to postpone or to refer, shall preclude all debate of the main question.
14. **Reconsideration** - A motion for reconsideration if lost, shall not again be repeated at the same meeting of the Council, nor shall any question be reconsidered more than once.
15. **Executive business** - Executive business shall be governed by Chapter 511 of the Laws of 1976.

16. **Concerning applicant for office** - All information, or any remarks by any member concerning the character or qualifications of any person whose name shall be before the council for an appointment to any office, shall be kept secret, and all proceedings and things of the Council, or any member thereof, in secret session, shall be kept secret until the Council shall remove all injunctions to secrecy.
17. **Divisions of questions** - If any question contains several distinct propositions, it may be divided by the chair.
18. **Reading of paper** - Any member may have any paper in possession of the council read, upon request, unless the same shall be objected to by some other member; and then the question shall be determined by a vote of a majority of the whole council, without debate.
19. **Speaking to question** - After the roll-call upon any question has commenced, no member shall speak to the question except to explain his/her vote, and then not to exceed five minutes; nor shall any motion be made until after the result is declared.
20. **Committee's Report** - No report shall be received from any committee unless the committee, or a quorum thereof, shall have met and considered the matter in a regular or special meeting of the committee.
21. **Robert's Rule of Order** - Whenever any question not covered by these rules shall arise, this council shall be governed by the parliamentary rules as laid down in Robert's Rule of Order. The Corporation Counsel shall preside as the Parliamentarian at all meetings. (Amended 4/2/14)
22. **Standing Committees** - The following standing committees shall be appointed by the Mayor at the commencement of the session, or as soon thereafter as may be practicable:

FINANCE COMMITTEE – to consist of Common Council members as appointed by the Mayor, and ex-officio members: City Treasurer and Director of Finance.

PUBLIC HEALTH & SAFETY – to consist of Common Council members as appointed by the Mayor and ex-officio members: Police Chief, Fire Chief, and Chief Building Inspector.

HIGHWAYS & PARKS - to consist of Common Council members as appointed by the Mayor and ex-officio members: Assistant City Engineer, Director of Streets and Parks, Public Works Supervisor

WATER & SEWER - to consist of Common Council members as appointed by the Mayor and ex-officio members: Assistant City Engineer, Sr. Building Inspector, Chief Operator/WWTP, Chief Water Treatment Plant Operator, Water Distribution Maintenance Supervisor

YOUTH – to consist of Common Council members as appointed by the Mayor and ex-officio members: Assistant City Engineer.

PERSONNEL – to consist of Common Council members as appointed by the Mayor and ex-officio member: City Clerk and Personnel Officer.

WASHINGTON HUNT - to consist of three members: Mayor and two aldermen as appointed by the Mayor.

The Common Council President shall be qualified to sit as a member of any standing committee whenever his/her presence will enable such committee to reach a quorum for the transaction of business.

23. **Changing of Rules** - No standing rule or order of the council shall be amended, repealed, rescinded, changed or superseded, except by a vote of two-thirds of the whole council, nor shall any new rule be added thereto, except by a like vote; but they may be suspended at any time by a two-thirds consent of the whole council.
24. **Regular Meetings:**
- a. The regular meeting of the Council shall be held on the first and third Wednesday of each month, except when otherwise directed by resolution of the Common Council. The hour of meeting shall be 5:30 P.M., and if a quorum shall not be present at 6:00 P.M. the Common Council shall stand adjourned. The Committee of the Whole shall meet one hour prior to the start of the regularly scheduled Common Council meetings.
 - b. The Committee of the Whole work sessions if scheduled shall be held at 4:30 P.M. every Wednesday of each month or any other day and time if so directed by the President of the Common Council.
25. **Business of Special Meeting** - It shall not be in order at any special meeting to proceed to any other business than that for which the meeting was convened, unless by unanimous consent of all members present.
26. **Regular Committee Meetings** - The standing committees shall have regular meetings for the transaction of committee business.
27. **Report of Committees** - It shall be the duty of the committees to report on every subject referred to them, within two weeks from the time of such reference, unless the time shall have been extended by the council.
28. **General rules and regulations for the letting of contracts for materials, supplies, equipment or public works projects (including local public improvements).**
- 1. After any materials, supplies, equipment or public works project shall have been ordered, the Common Council shall, at the time of adopting the ordinance therefor, or at any time thereafter, give notice, or order and direct the same to be given, that proposals for the doing and completion of said work will be received.
 - 2. All notices shall be given by the City Clerk by publishing same in the official paper of this city.
 - 3. Notices for the receiving of proposals shall be of the following form - the blanks therein to be filled at the time of publication as necessities require: NOTICE TO BIDDERS City Clerk's Office, Lockport, New York Sealed proposals shall be received by the undersigned at his office, Lockport Municipal Building, One Locks Plaza, Lockport, NY until (day), (date), at (time) for in accordance with the specifications made therefor and obtainable at the (appropriate City office). Proposals must be for the amount in gross and include everything connected with the proposed materials, supplies, equipment or public works project being bid. Each proposal must be accompanied by a certified check or bid bond in an amount equal to ten percent of the bid. The Common Council hereby reserves the right to reject any or all proposals. By order of the Common Council of the City of Lockport, N.Y. _____ City Clerk
 - 4. No proposal after time expires. After the time in said notice specified for the reception of proposals shall have expired no further proposals for the work specified therein shall be received; and each and

every plan and specification therein published shall be particularly and strictly observed by all concerned.

5. Proposals to be guarded. The City Clerk shall receive all proposals at his office in this City, and shall carefully guard and preserve the same unopened; he shall not permit either or any of them to be taken from his custody until such time and in such manner as the Common Council may order and direct.

6. Clerk to open. The Clerk shall publicly open and read the bids on the date and at the time specified in the Notice to Bidders.

7. Clerk to report to Council. The City Clerk shall submit a summary of those bids received and opened to the Common Council at its first regular meeting thereafter, under the order of "unfinished business."

8. Recess to examine. The Mayor may thereupon declare a recess, stating the duration thereof, in order that the members of the Council may critically examine each proposal.

9. Action on proposals. Upon re-assembling, the Common Council shall consider said proposal, and shall without adjournment take some action in relation thereto, either by accepting the proposal of the lowest responsible bidder, or by rejecting all bids, or by referring the same to some proper committee.

10. To again advertise. In case all bids are rejected, the Common Council shall again direct the publication of a notice to bidders, similar in all respects to that first advertised, and shall so continue to advertise for, receive and consider proposals for said items until by a vote of a majority of the council, a contract is finally awarded, except, however, in cases where the Common Council shall reconsider its action requiring such work to be performed by contract.

11. Certified Check or Bid Bond. Each proposal shall be accompanied by a certified check or bid bond in a sum not less than ten percent of the amount of the proposal. In the event the successful bidder fails to enter into contract within five days after being notified by the City Clerk, the check will be forfeited.

12. The Common Council reserves the right to reject any or all proposals.

29. **Two-thirds vote to repeal** - No legislative ordinance, act or resolution passed during any previous meeting of the current term of this council, shall be amended, repealed, rescinded, changed or superseded, in whole or in part, except by two-thirds vote of the whole Council.

30. **Recess for public input** - Following roll call at the Common Council meetings, any speaker desiring to speak at the Common Council meetings that signs up prior to the commencement of the meeting may be heard regarding city business on the Agenda for a period not to exceed 5 minutes with a 1 minute warning to conclude his or her speaking. At the close of the Common Council meeting any speaker that has signed up who desires to speak will be allowed to speak on matters concerning the General Welfare of the City for a period not to exceed 3 minutes with a 1 minute warning to conclude his or her speaking. No speaker shall be permitted to transfer their time to another speaker.

Seconded by Alderman Devine and adopted. Ayes 6.

By Alderman Devine:

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

Seconded by Alderman Abbott and adopted. Ayes 6.

012418.8

By Alderman Wohleben:

Resolved, that § 183-23 Parking Prohibited be amended by deleting it in its entirety and replaced as follows:

§ 183-23 Parking Prohibited

No vehicle shall be left parked or standing on any public highway in the City of Lockport between the hours of 2:00 a.m. and 6:00 a.m.

A. Overnight On-Street Parking

- (1) Effective November 30, 2016, no vehicle shall remain parked upon any street in the City between the hours of 2:00 a.m. and 6:00 a.m. unless the owner has applied to the Traffic Advisory Board, and received from the City Clerk upon recommendation of the Traffic Advisory Board, an authorized parking permit; provided, however, that this section shall not apply to physicians while making professional calls to or any ambulance or vehicle of a funeral director while such vehicle is engaged in professional calls.
 - (2) Annual Permits. Annual permits shall be effective from January 1 through December 31 of each year and available for passenger vehicles only. Annual permits shall be issued by the City Clerk upon recommendation of the Traffic Advisory Board, upon verification that suitable off-street parking is not available and that it is impractical for the owner to provide off-street parking. The annual fee for such permit shall be \$120.00. Payment shall be in cash, check or money order drawn on United States funds made payable to the "City Clerk." The fee is nonrefundable. In the event a check is returned for insufficient funds, the permit shall automatically be revoked without further notice to the permit holder, and a penalty of \$35.00 shall be charged. A replacement fee of \$10.00 shall be charged for lost or stolen permits.
 - (3) Seasonal Permits. Seasonal permits shall be effective from April 15 through October 15, 2018, and available for passenger vehicles only. Seasonal permits shall be issued by the City Clerk upon submission of a completed application prescribed by the City Clerk. The fee for such permit shall be \$30.00 to be paid in cash, check, or money order drawn on United States funds payable to the "City Clerk." The fee is nonrefundable. In the event a check is returned for insufficient funds, the permit shall automatically be revoked without further notice to the permit holder, and a penalty of \$35.00 shall be charged. A replacement fee of \$10.00 shall be charged for lost or stolen permits. No more than two permits shall be issued per building.
 - (4) Permits must be displayed in the driver's windshield of the vehicle and may not be transferred from vehicle to vehicle. Failure to properly display said permit shall result in the issuance of a parking ticket.
- A. Vehicles must be parked in front or within the immediate area of the respective property for which the vehicle is registered or the permit was issued.

B. Funeral directors may receive temporary permits allowing them to mark off reasonable spaces in front of or paralleling their funeral homes or residences where remains of deceased persons are awaiting burial, to be used by them and mourners of the deceased. All parking by others in such areas during such period is prohibited.

C. Omnibuses or buses; exceptions.

(1) No vehicle capable of carrying more than one-ton or an omnibus or bus having a carrying capacity of seven or more passengers shall be parked on any public highway in the City of Lockport.

(2) Exceptions. Subject to any other limitations, vehicles capable of carrying more than one ton or omnibuses or buses having a carrying capacity of seven or more passengers may be parked on public highways that are located in business and industrial zones as classified by the City's Zoning Ordinance. Additionally, during the course of deliveries, vehicles capable of carrying more than one ton and omnibuses or buses having a carrying capacity of seven or more passengers may be parked on public highways of the City of Lockport.

Seconded by Alderman Farrell and adopted. Ayes 6.

012418.9

By Alderman Wohleben:

Resolved, that a public hearing be held at the Common Council Meeting of February 7, 2018 starting at 5:30 P.M. in the Common Council Chambers, Lockport Municipal Building, One Locks Plaza, Lockport, NY relative to PACE financing, and be it further

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

Seconded by Alderman Oates and adopted. Ayes 6.

012418.10

By Alderman Oates:

Resolved, that pursuant to their request, the Erie Canal Fishing Derby is hereby granted permission to erect a banner at least 17' from the ground across Lake Avenue at Olcott Street and on East Avenue at Davison Road to promote the Erie Canal Fishing Derby which will be held from July 4th through July 15th, 2018. Banners are to be erected for a minimum of two weeks prior to the event dates based on a schedule approved by the City Clerk, and be it further

Resolved, that said permission is subject to the Erie Canal Fishing Derby filing a certificate of insurance with the City Clerk naming the City of Lockport as additional insured and subject to payment of \$50 for each banner to be erected, and be it further

Resolved, that the City Clerk is hereby authorized and directed to make arrangements with city forces to erect the banners.

Seconded by Alderman Eggert and adopted. Ayes 6.

012418.11

By Alderman Oates:

Resolved, that pursuant to their request, Niagara Jr. Thunder Wolves is hereby granted permission to use the baseball field at Outwater Park for their 2018 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 Devine and adopted. Ayes 6.

012418.12

By Alderman Wohleben:

WHEREAS, the City of Lockport was awarded a grant from the State of New York in 2017 for two license plate reader cameras in the amount of \$20,000, and

WHEREAS, the grant had not been accepted nor recognized by the City in the 2017 General Fund Budget; and

WHEREAS, the Chief of Police has requested that this grant and \$4,760 of Federal Forfeiture funds be recognized in 2017 to offset the expenses of the two license plate reader cameras;

NOW THEREFORE, BE IT

RESOLVED, that the City of Lockport hereby accepts a grant from the State of New York for the purchase of two license plate reader cameras in the amount of \$20,000 and hereby authorizes the use of Federal Forfeiture funds in the amount of \$4,760 for same; and be it further

RESOLVED, that the 2017 Budget is hereby amended as follows:

Increase:

Revenue 001.0001.3389 State Public Safety Revenue \$20,000

Revenue 001.0001.4389 Federal Public Safety Revenue \$ 4,760

Expense 001..3120.0260 Public Safety Equipment \$24,760

Seconded by Alderman Farrell and adopted. Ayes 6.

012418.13

By Alderman Devine:

Whereas, the City of Lockport Wastewater Treatment Plant (WWTP) provides essential round the clock treatment of the City's wastewater; and

Whereas, the WWTP has a single source of utility electric supply which is backed up by an on-site power generator for use during a power outage; and

Whereas, the Chief Operator of the WWTP has informed the Mayor that the on-site power generator no longer functions and that City staff and the City's consulting engineer have determined that the generator has reached the end of its anticipated service life; and

Whereas, City staff and the City's consulting engineer recommend that the on-site generator be replaced as soon as possible to ensure continuous treatment of the City's wastewater; and

Whereas, Nussbaumer & Clarke, Inc. submitted a proposal to prepare design documents for furnishing and installing a new on-site power generator at the WWTP; now, therefore, be it

Resolved, that the Mayor, subject to Corporate Counsel approval, is hereby authorized to execute an agreement with Nussbaumer & Clarke, Inc., 3556 Lake Short Road, Suite 500, Buffalo, NY 14219, for a fee Not-to-Exceed of \$12,000 for the Scope of Work included in its proposal and be it further

Resolved, that the City Attorney and City Treasurer are hereby directed to prepare the necessary Bond Ordinances to authorize the issuance of debt to fund said project.

Seconded by Alderman Eggert and adopted. Ayes 6.

012418.14

By Alderman Devine:

Whereas, the City of Lockport Water Distribution Department is currently undergoing through staff reorganization and employees' training is required to optimize the operation of the department;

Whereas, per Mayor request, the City's engineering consultant firm, Nussbaumer & Clarke, Inc., has submitted a proposal to provide an active Grade D Licensed New York Water Operator with experience in management of water distribution systems; Nussbaumer & Clarke has also proposed to provide Water Distribution Department Staff training, including, but not limited to, safety practices, Department of Health reporting, work order system, inventory management, emergency response, and general supervision; now, therefore, be it

Resolved, that the Mayor, subject to Corporate Counsel approval, is hereby authorized to execute an agreement with Nussbaumer & Clarke, Inc., 3556 Lake Short Road, Suite 500, Buffalo, NY 14219, for a fee Not-to-Exceed of \$10,000 for the Scope of Work included in its proposal and to be charged to account #002.8340.4428.

Seconded by Alderman Oates and adopted. Ayes 6.

By Alderman Wohleben:

Resolved, that the reading of the foregoing resolutions, 15 – 18, be and the same is hereby waived.

Seconded by Alderman Devine and adopted. Ayes 6.

012418.15

By Alderman Devine:

Whereas, the Chief Operator of the Waste Water Plant informed the Mayor that the Plank Road culvert is deteriorated and in need of repair, and

Whereas, per Engineering Department request, the City's consulting engineering firm, Nussbaumer and Clarke, Inc. performed a condition assessment of the Plank Road culvert and determined that the culvert superstructure has reached the end of its anticipated service life and should be replaced in order to maintain its integrity and safety; and

Whereas, Nussbaumer & Clarke, Inc. submitted a proposal dated December 5, 2017 to provide engineering services related to the design of the replacement of the Plank Road culvert superstructure; now, therefore, be it

Resolved, that the Mayor, subject to Corporate Counsel approval, is hereby authorized to execute an agreement with Nussbaumer & Clarke, Inc., 3556 Lake Short Road, Suite 500,

Buffalo, NY 14219, for a fee Not-to-Exceed of \$19,100 for the Scope of Work included in its proposal and to be charged to Capital Projects, and be it further

Resolved, that the City Attorney and City Treasurer are hereby directed to prepare the necessary Bond Ordinances to authorize the issuance of debt to fund said project.

Seconded by Alderman Farrell and adopted. Ayes 6.

012418.16

By Alderman Devine:

Whereas, the Chief Operator of the Lockport Water Treatment Plant has informed the Mayor that the North Tonawanda Water Pumping Station is in need of an upgrade to a digital SCADA data transfer to improve the operation of the Water Treatment Plant, and

Whereas, the Chief Operator of the Lockport Water Treatment Plant has requested quotes from qualified contractors to implement an adequate SCADA system at the NT Pumping Station and has received three proposals as follows: OCI Opferbeck Consulting, Inc. \$17,189.79; PlantIQ \$19,074.00; and Saia Communications, Inc. \$8,354.48; and

Whereas, after discussions with the City's engineering consultant firm, Nussbaumer & Clarke, Inc., the Chief Operator of the Lockport Water Treatment Plant considers that the SCADA system option contained in the quote submitted by Saia Communications, Inc. fully meets the requirements for upgrading the NT Pumping Station to a digital SCADA data transfer, and subsequently, it is the quote with more added value for the NT Pumping Station operation; now, therefore, be it

Resolved, that the Mayor, subject to Corporation Counsel approval, is hereby authorized and directed enter into contract with Saia Communications, Inc., 100 Stradtman Street, Buffalo, New York 14206, to provide the Scope of Work described in its proposal dated November 14, 2017 for an amount of \$8,454.48 which is contained within the 2018 budget.

Seconded by Alderman Eggert and adopted. Ayes 6.

012418.17

By Alderman Oates

Whereas, the City of Lockport proposes to conduct a Wastewater Engineering Planning Study to identify locations of excessive infiltration and inflow and to prioritize rehabilitation activities for the City's wastewater collection system; and

Whereas, the City of Lockport prepared a successful application for a NYS Environmental Facilities Corporation Engineering Planning Competitive Grant Program to investigate sewers in the Market Street area; and

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 engineering report for the Market Street Sewer Investigation Project is a Type II action in accordance with 6 NYCRR Section 617.5 (c) subparagraph 18 which states that "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 subparagraph 21 which states "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" are not subject to review under 6 NYCRR Part 617.

Seconded by Alderman Abbott and adopted. Ayes 6.

012418.18

By Alderman Oates:

Whereas, the City of Lockport proposes to conduct a Wastewater Engineering Planning Study to identify locations of excessive infiltration and inflow and to prioritize rehabilitation activities for the City's wastewater collection system; and

Whereas, the City of Lockport prepared a successful application for a NYS Environmental Facilities Corporation Engineering Planning Competitive Grant Program to investigate sewers in the Market Street area which will fund a maximum of 80% of the proposed Planning Study costs up to \$30,000; now, therefore, be it

Resolved, that the Mayor, subject to Corporation Counsel approval, is authorized to execute a Grant Agreement with the New York State Environmental Facilities Corporation (NYSEFC) and any and all other contracts, documents, and instruments necessary to bring about the Project and to fulfill the City of Lockport's obligations under the Engineering Planning Grant Agreement; and be it further

Resolved, that the City of Lockport authorizes and appropriates a minimum 20% local match as required by the Engineering Planning Grant for the Market Street Sewer Investigation 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 of Lockport. Local Match expenses to be charged to Capital Projects

Seconded by Alderman Abbott and adopted. Ayes 6.

012418.19

By Alderman Wohleben:

WHEREAS, on January 6, 2016, the Common Council adopted Resolution 010616.9B creating the Ad Hoc Committee "City Department Review Committee," and

WHEREAS, the City Department Head Committee Review Committee failed to meet and carry out its designated purpose, and

WHEREAS, on April 6, 2016, the Common Council adopted Resolution 040616.8 creating the Ad Hoc Committee "Citizens Refuse and Recycling Advisory Board," and

WHEREAS, the Citizens Refuse and Recycling Advisory Board failed to meet and carry out its designated purpose, and

WHEREAS, the Common Council desires to replace the two non-function Ad Hoc Committees with two new committees: "Environmental Advisory Committee" and "Building and Grounds Accessibility Committee."

NOW THEREFORE BE IT

RESOLVED, that the "City Department Review Committee" and the "Citizens Refuse and Recycling Advisory Board" are hereby abolished, and be it further

RESOLVED, that the Common Council hereby creates two new Ad Hoc Committees: "Environmental Advisory Committee" and "Building and Grounds Accessibility Committee" and that the Mayor in accordance with the City Charter appoint not less than three members to each Committee.

Seconded by Alderman Eggert and adopted. Ayes 6.

012418.20

By Alderman Devine:

Resolved, that the Mayor and Common Council do hereby extend condolences to the family of Robert "Bob" Muenzer Sr., a retired City of Lockport Heavy Equipment Operator who recently passed away.

Seconded by Alderman Oates and adopted. Ayes 6.

012418.21

By Alderman Wohleben:

Resolved, that pursuant to their request, the Lockport Evangelical Ministries Association is hereby granted permission to conduct "Praise in The Park" at Nelson C. Goehle Park on August 11, 2018.

Seconded by Alderman Farrell and adopted. Ayes 6.

012418.22

By Alderman Oates:

Whereas, the City of Lockport proposes to conduct a Wastewater Engineering Planning Study to identify locations of excessive infiltration and inflow and to prioritize rehabilitation activities for the City's wastewater collection system; and

Whereas, the City of Lockport prepared a successful application for a NYS Environmental Facilities Corporation Engineering Planning Competitive Grant Program to investigate sewers in the Market Street area which will fund a maximum of 80% of the proposed Planning Study costs up to \$30,000, and

Whereas, the City's engineering consultant Nussbaumer & Clarke, Inc. assisted the City with preparation of the grant application and submitted a proposal dated January 19, 2018 to provide engineering services related to the Market Street sewer evaluation ; and

Whereas, TECSMITH, Inc., an environmental services company that specializes in water and wastewater monitoring systems, submitted a proposal to the City dated January 8, 2018 for flow monitoring services required for the Market Street sewer evaluation; TECSMITH, Inc. has successfully completed similar work for the City on previous such studies; now, therefore, be it

Resolved, that the Mayor, subject to Corporation Counsel approval, is hereby authorized and directed to execute agreements for the proposal dated January 19, 2018 from Nussbaumer & Clarke, Inc., 3556 Lake Short Road, Suite 500, Buffalo, NY 14219 for \$24,800, and for the proposal dated January 8, 2018 from TECSMITH, Inc., 5700 Maelou Dr., Hamburg, NY 14075, for \$11,200 to complete the proposed Wastewater Planning Study.

Seconded by Alderman Devine and adopted. Ayes 6.

012418.23

By Alderman Wohleben:

WHEREAS, the City of Lockport had been designated a city in fiscal distress and placed under the guidance of the New York State Financial Restructuring Board (FRB) to oversee and assist in improvements to the City's financial systems; and

WHEREAS, the City recently submitted a request to the FRB to fund a shared service project between the City of Lockport and Niagara County for an Information Technology Program, and

WHEREAS, the Financial Restructuring Board has awarded the City of Lockport a grant in the amount of \$470,000 to fund an initiative to replace and improve the City's information

technology to include new servers which will be housed and maintained by Niagara County necessitating a fiber optic cable connection between City Hall and the County Office Building utilizing NYSEG/Verizon utility poles; and

WHEREAS, the City has received a proposal from Ferguson Electric, an approved Niagara County provider, to furnish and install 24 strand multimode OM3 fiber optic cable in the amount of \$21,000; NOW THEREFORE, BE IT

RESOLVED, that the Director of Finance is authorized and directed to execute a purchase order in the amount of \$21,000 with Ferguson Electric for the fiber optic cable; and be it further

RESOLVED, that the Mayor is authorized to execute any and all pole rental agreements and permits for the use of poles to effectuate this installation.

Seconded by Alderman Oates and adopted. Ayes 6.

By Alderman Wohleben:

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

Seconded by Alderman Devine and adopted. Ayes 6.

012418.24

By Alderman Wohleben:

WHEREAS, the City of Lockport had been designated a city in fiscal distress and placed under the guidance of the New York State Financial Restructuring Board (FRB) to oversee and assist in improvements to the City's financial systems; and

WHEREAS, the City recently submitted a request to the FRB to fund a shared service project between the City of Lockport and Niagara County for an Information Technology Program, and

WHEREAS, the Financial Restructuring Board has awarded the City of Lockport a grant in the amount of \$470,000 to fund an initiative to replace and improve the City's information technology to include a new virtual server environment which will be housed and maintained by Niagara County through a shared service agreement; and

WHEREAS, the City has received a proposal from I-Evolve, an approved Niagara County provider, to furnish and install the new virtual server environment to include but not be limited to Hewlett Packard servers, storage arrays, switches and software in the aggregate amount of \$120,000, below New York State contract pricing; NOW THEREFORE, BE IT

RESOLVED, that the Director of Finance is authorized and directed to execute purchase orders not to exceed \$120,000 with I-Evolve, 501 John James Audubon Parkway, Amherst, NY for the virtual server environment to be housed at Niagara County.

Seconded by Alderman Farrell and adopted. Ayes 6.

012418.25 Withdrawn - Accept donation & authorize installation from the Historical Society for signs to be installed At Packet Park

012418.26

By Alderman Abbott:

Whereas, Section C-45 of the city charter requires employees to become a resident of the City of Lockport within six months of the commencement of service, and

Whereas, Section C-45 (8) (a) permits a waiver of the residency requirement in instances where the City of Lockport has difficulty hiring the most qualified person because of its residency requirements, and

Whereas, the Mayor and Common Council have determined that it is in the best interest of the city waive the residency requirement for Michele Gelnet for the position of Account Clerk effective January 26, 2018, now therefore be it

Resolved, that the Mayor and Common Council having considered all of the aspects of the residency requirement and for the reason of lack of qualified candidates within the City limits hereby determines that Michele Gelnet shall be exempt from said residency requirement for the position of Account Clerk for the City of Lockport Fire and Building Inspection Departments.

Seconded by Alderman Eggert and adopted. Ayes 5. Nos 1. Ald. Devine voted no.

012418.26A

By Alderman Wohleben:

Whereas, the city of Lockport Department Head Association and the City of Lockport are parties to a collective bargaining agreement which expired on December 31, 2012; and

Whereas, the parties have resolved their differences and have negotiated a successor agreement which is attached thereto and incorporated herein as Exhibit "A"; and

Whereas, the Department Head Association ratified the successor agreement at a meeting held on January 11, 2018.

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

1. The Common Council hereby ratifies and approves the Collective Bargaining Agreement by and between the City of Lockport and the City of Lockport Department Head Association for the period of January 1, 2013 through December 31, 2026 as attached hereto and made part hereof as Exhibit "A" and be it further that
2. The Mayor is authorized on behalf of the City to execute said collective bargaining agreement with the City of Lockport Department Head Association.

Seconded by Alderman Abbott and adopted. Ayes 6.

012418.26B

By Alderman Devine:

Resolved, that Taren Lagamba be and the same is hereby authorized to submit an application on behalf of the City of Lockport to the 2018 William G. Mayne, Jr. Business/Community Enhancement Program for a grant to be used for John Henry Park.

Seconded by Alderman Farrell and adopted. Ayes 6.

012418.26C

By Alderman Eggert:

WHEREAS, Section C-80 of the City of Lockport Charter states that the Corporation Counsel shall prosecute and defend all actions brought by or against the City, and

WHEREAS, John J. Ottaviano, Esq. has served as Corporation Counsel for the City of Lockport for the past 25 years, and

WHEREAS, due to the confidential nature of the position the Corporation Counsel is not part of any collective bargaining unit and therefore is not entitled to annual step increases in salary/wages as in the other respective collective bargaining unit agreements, and

WHEREAS, the Corporation Counsel's salary is set by the Common Council,

WHEREAS, the Corporation Counsel has not received a raise in 9 years, and

WHEREAS, the Corporation Counsel, John J. Ottaviano, Esq., has over 25 years of experience in municipal law, and

NOW, THEREFORE, BE IT

RESOLVED, that the salary for Corporation Counsel, John J. Ottaviano, Esq. for 2018 be increased from \$58,700 to \$68,000.00.

Seconded by Alderman Wohleben and adopted. Ayes 6.

012418.27

ADJOURNMENT

At 7:12 P.M. Alderman Wohleben moved the Common Council be adjourned until 5:30 P.M., Wednesday, February 7, 2018.

Seconded by Alderman Abbott and adopted. Ayes 6.

RICHELLE J. PASCERI
City Clerk