

CITY OF LOCKPORT
CORPORATION PROCEEDINGS

Lockport Municipal Building

Regular Meeting
Official Record

June 6, 2018
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, Eggert, Farrell, and Oates.
Absent: Alderman Wohleben

INVOCATION

MAYOR'S UPDATE

RECESS

Recess for public input.

Minutes Correction – May 16, 2018:

051618.10 Resolved, that pursuant to their request, permission is hereby granted to the residents of Lakeview Parkway to barricade Lakeview Parkway on ~~June 19, 2018~~ **June 9, 2018**, 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 the area prior to said event.

060618.1

APPROVAL OF MINUTES

On motion of Alderman Abbott, seconded by Alderman _____, the minutes of the Regular Meeting of May 16, 2018 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 for an outdoor concert series at Wide Waters on the Canal located at 767 & 801 Market Street.

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

5/11/18 Charlene Seekins-Smith, Chairman, Lockport Planning and Zoning Board – the board recommends the request be approved with stipulations.

Recess for public input.

The Mayor closed the Public hearing.

PUBLIC HEARING

The Mayor announced a public hearing on a request for a Special Use Permit to utilize the property at 349 Mill Street for a towing business and to erect a 30' x 40' pole barn.

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

5/11/18 Charlene Seekins-Smith, Chairman, Lockport Planning and Zoning Board – the board recommends the request be denied.

Recess for public input.

The Mayor closed the public hearing.

FROM THE MAYOR

Appointments:

5/21/18 Daniel Cavallari, 387 High Street, Lockport, NY- appointed as a member of the Audit Committee effective May 21, 2018.
Received and filed.

5/21/18 Richard Bertrand, 284 Willow Street, #23, Lockport, NY – appointed as a member of the Lockport Housing Authority. Said term expires on April 26, 2021.
Received and filed.

5/29/18 Andrew A. Learn, 24 Minard Street, Lockport, NY – appointed as Water Treatment Plant Operator for the Water Filtration Department effective May 16, 2018. Said appointment is permanent and subject to the City of Lockport Municipal Civil Service Rules and Regulations.
Received and filed.

5/29/18 Jeremy M. Antonik, 310 Church Street, Lockport, NY – appointed as Water Treatment Plant Operator for the Water Filtration Department effective May 16, 2018. Said appointment is permanent and subject to the City of Lockport Municipal Civil Service Rules and Regulations.
Received and filed.

5/31/18 Anne F. Calos, 89 Independence Drive, Lockport, NY – appointed as Senior Account Clerk for the City of Lockport Police Department effective May 29, 2018. Said appointment is permanent and subject to the City of Lockport Municipal Civil Service Rules and Regulations.
Received and filed.

5/31/18 Jennifer L. Torrey, 54 Regent Street, Lockport, NY – appointed as Senior Account Clerk for the Clerk's Office effective May 29, 2018. Said appointment is permanent and subject to the City of Lockport Municipal Civil Service Rules and Regulations.
Received and filed.

5/31/18 Jennifer G. Wochna, 863 Willow Street, Lockport, NY – appointed as Senior Account Clerk for the Water and Police Departments effective May 29, 2018. Said appointment is permanent and subject to the City of Lockport Municipal Civil Service Rules and Regulations.
Received and filed.

Commissioner of Deeds:

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

John M. Wick, 6617 North Canal Road, Lockport, New York, 14094
Kevin P. Newman, 18 McIntosh Drive, Lockport, New York, 14094
Andrew G. Rosenberg, 242 Genesee Street, Lockport, New York, 14094
Daniel L. Weiss, 919 Maple Avenue, Niagara Falls, New York, 14305

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:

5/16/18 342 East Union Street – tree
5/21/18 19 Treehaven Drive – tree
5/21/18 209 Price Street - tree
Referred to the Director of Streets and Parks.

Notice of Claim:

5/16/18 William Richardson, 111 Allen Street, Lockport, NY
5/18/18 Dylan Simon, 471 Hawley Street, Lockport, NY
5/18/18 Lucia C. Wronski, 5626 Keck Road, Lockport, NY
5/21/18 Kristilyn Juliana, 188 Jackson Street, Apt. 1, Lockport, NY
5/25/18 Phyllis O'Byrne, 7366 Rochester Road, Lockport, NY, NY
Referred to the Corporation Counsel.

MOTIONS & RESOLUTIONS

060618.2

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 June 8, 2018 as follows:

General Fund	Fund A	\$ 163,498.07
Water Fund	Fund FX	\$ 44,339.27
Sewer Fund	Fund G	\$ 37,529.05
Capital Projects	Fund	\$ 276,981.73
Refuse Fund	Fund CL	\$ 23,164.78
Self Insurance	Fund MS	\$ 147,467.35
Payroll	Pay Date 5/24/18	\$ 454,356.96

Seconded by Alderman _____ and adopted. Ayes _____.

060618.3

By Alderman Eggert:

Resolved, that the Mayor and Common Council do hereby extend congratulations and appreciation to the following City employees for their years of dedicated service to the City of Lockport:

<u>Employee</u>	<u>Years of Service</u>	<u>Title</u>
Patrick K. Brady	25	Fire Chief
Kevin L. Seekins	20	Firefighter
Joshua T. Fiegl	15	Electrician

Seconded by Alderman _____ and adopted. Ayes _____.

060618.4

By Alderman Oates:

Resolved, that pursuant to their request, permission is hereby granted to Emmanuel United Methodist Church to barricade Wakeman Alley on Saturday June 9, 2018 from noon-6PM for a church event and Wednesday July 18, 2018 from 1:00 to 9:00PM 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 and traffic cones to said area prior to said events.

Seconded by Alderman _____ and adopted. Ayes _____.

060618.5

By Alderman Oates:

Resolved, that the Lockport Business Association is hereby granted permission to use Main Street between Elm Street and Cottage Street to conduct "A Taste of Lockport" on Sunday, August 12, 2018 from 11:00a.m. to 7:00 p.m., and be it further

Resolved, that the Common Council hereby designates the aforesaid event as a temporary event as defined by Section 53-1 of the City Code (alcoholic beverages) which shall terminate/lapse upon completion of said event, and be it further

Resolved, that said permissions are subject to the Taste of Lockport (1) depositing the sum of \$250.00 to be held by the City as security for the Taste of Lockport providing sufficient staff to empty waste containers provided by the City into a dumpster or truck provided by the Taste of Lockport; and (2) a certificate of insurance naming the City of Lockport as additional insured, and be it further

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

Seconded by Alderman _____ and adopted. Ayes _____.

060618.6

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-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.

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

The Lockport Police Department approves the method of traffic control at the cross walks installed for the concert series.

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 _____.

060618.7

By Alderman Oates:

Whereas, the owner of 349 Mill Street in the City of Lockport filed an application with the Planning Board for a special use permit to utilize 349 Mill Street for a towing business and to erect a 30' x 40' pole barn, and

Whereas, on May 11, 2018, the Planning Board convened, deliberated and denied the application for said special use permit, and

Whereas, on June 6, 2018, the Common Council in accordance with the City Code, conducted a public hearing in the Common Council chambers. Now, therefore be it

Resolved, that upon receiving the denial from the planning board for a special use permit to utilize 349 Mill Street for a towing business and to erect a 30' x 40' pole barn and upon having held a public hearing with respect to the same the Common Council hereby denies the request for said special use permit.

Seconded by Alderman _____ and adopted. Ayes _____.

060618.8

By Alderman Devine:

Resolved, that pursuant to their request, the Anna Merritt PTA be and the same is hereby given permission to install and maintain a Little Free Library in Dolan Park on Olcott Street, and be it further

Resolved, that the Director of Streets and Parks is hereby authorized and directed to coordinate with the Anna Merritt PTA for installation of the Little Free Library.

Seconded by Alderman _____ and adopted. Ayes _____.

060618.9

By Alderman Farrell:

Whereas, the City offers a 799 Plan for employees hired prior to January 1, 2012 who retire from the City and enroll in Medicare, and

Whereas, the City, pursuant to various Collective Bargaining Agreements, will reimburse retirees for Medicare out of pocket and co-payment costs associated with changes in the 799 plan upon a retiree submitting a claim for reimbursement for costs associated with their Medicare coverages; and

Whereas, the City desires to codify the process and procedures associated with this reimbursement;

NOW, THEREFORE BE IT

Resolved, that the following process and procedure is hereby adopted.

1. The City of Lockport will reimburse eligible retirees for retiree co-payments and out of pocket costs associated with changes from the Forever Blue PPO Specialized Plan in effect in 2013 and the current 799 Plan.

2. Reimbursement Procedure:

a. 799 plan participants must submit receipts showing name, date, days' supply, prescription number and payment. Receipts may be turned in at any time but no more than three months from the date of the expense is incurred. Upon receiving receipts, the City or its agent shall determine the portion of the expense which is due to the plan change and reimburse that amount within thirty (30) days. If any claim is disallowed by the City, the City shall provide written explanation for the disallowance within thirty (30) days.

b. The City shall appoint an agent or agents to oversee the reimbursement process and shall provide and maintain training and compliance with HIPPA guidelines.

c. The City shall redact any and all confidential, personal and private medical information that may be contained on any requests for reimbursements, receipts, vouchers, or reimbursements not necessary for the processing of these reimbursements to ensure to the privacy and anonymity of the individual. Reimbursement shall be made by check or direct deposit to the participant's bank account.

3. Dispute Resolution

Should a dispute arise regarding the provisions of this procedure, or between a participant or participants in the 799 Plan and the City regarding a claim under this procedure, said dispute shall be heard in a court of competent jurisdiction in the County of Niagara, State of New York, provided the participant files a Notice of Claim as per Civil Procedure Law.

Seconded by Alderman _____ and adopted. Ayes _____.

060618.10

By Alderman Wohleben: Banners Community Market – **WITHDRAWN**

060618.11

By Alderman Eggert:

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

Whereas, the Common Council of the City of Lockport has considered the Palace Theatre Interior Renovation Project at the 2 East Avenue, Lockport, New York 14094 (the "Project"), and

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

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

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

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

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

Seconded by Alderman _____ and adopted. Ayes _____.

060618.12

By Alderman Farrell:

Whereas, the City of Lockport ("City") and the New York State Canal Corporation ("NYSCC"), entered into an Agreement for the Operation and Maintenance of Locks 69 & 70 of the Flight of Five, Adjacent to Locks E-34/35, Lockport NY ("Agreement"), on May 1, 2013, and

Whereas, the City and NYCC are required to amend the Agreement in the event that any other portions of the Flight of Five is improved during the term of the Agreement, and

Whereas, the NYSCC is in the process of rehabilitating and restoring lock 68 ("Lock 68"), a portion of the Flight of Five, to a condition representative of its condition in 1842; and

Whereas, the City and NYSCC desire to formally set forth their respective duties and obligations in relation to the development and operation of Lock 68, and

Whereas, the City has obtained a grant from Empire State Development in the sum of \$1,315,000 and a grant in the sum of \$200,000 from the National Maritime Heritage Grant program to pay for all costs of the project.

NOW, THEREFORE, BE IT

Resolved, that the Mayor be and is hereby authorized and directed to enter into an Agreement to amend the Operation and Maintenance of Locks 69 & 70 of the Flight of Five, Adjacent to Locks 34 & 35 to include the rehabilitation and restoration of Lock 68 to a condition representative of its condition in 1842, and a corresponding Funding Agreement.

Seconded by Alderman _____ and adopted. Ayes _____.

060618.13

By Alderman Devine:

WHEREAS, the owner of 599 South Street has an open culvert in the front yard and the owner desires to install a drainage pipe within the culvert and cover the pipe it with appropriate material, and

WHEREAS, the Department of Building Inspection inspected the proposed site and proposed project and approves of the same, and

WHEREAS, the culvert is located within the City right of way.

NOW THEREFORE, BE IT

RESOLVED, that the owner of 599 South Street be and is hereby authorized to install a drainage pipe in the culvert in the owner's front yard adjacent to the city street within the City right of way subject to approval of the Department of Building Inspection that the project will not impede the natural flow and drainage of storm water, and be it further

RESOLVED, that the above permission is subject to the City right of way

Seconded by Alderman _____ and adopted. Ayes _____.

060618.14

By Alderman Oates:

Whereas, the City of Lockport has begun an annual process for establishing a Ten-Year Capital Improvement Program that will include approval of a new Ten-Year Capital Improvement Program every two years, and

Whereas, the capital infrastructure is important for the vitality of the City of Urbana and the health, safety and comfort of its citizens; and

Whereas, financial resources are limited and it is essential to establish priorities for capital improvements to issue debt and spend monies effectively and efficiently; and

Whereas, a Capital Improvement Program gives direction to staff about the projects planned in the Fiscal Years 2018-2027 to provide consistent direction on projects that may span more than one year, and

Whereas, the approval of a Ten-Year Capital Improvement Program allows staff to plan for the design and development of specifications that may take time prior to the construction or acquisition of specific capital improvement components;

Whereas, the support and understanding of the information concerning capital improvement planning is vital for an informed citizenry;

NOW, THEREFORE, BE IT

Resolved, that the City Council hereby adopts and approves the Ten-Year Capital Improvement Program as shown in Exhibit A for the fiscal years 2018-2027; and be it further

Resolved, that the City Council shall review this program annual with a full revision and adoption occurring at a minimum of every two years.

Seconded by Alderman _____ and adopted. Ayes _____.

060618.15

By Alderman Eggert:

Whereas, the City Council has adopted a Ten-Year Capital Improvement Plan for the fiscal years of 2018-2027; and

Whereas, this plan identifies the following projects within fiscal year 2018 to be funded through the issuance of bonds, namely:

GENERAL FUND

- Buildings & Grounds Plow Truck - \$30,000
- Highway Department Medium Plow Truck – \$50,000
- Highway Department Heavy Plow Truck - \$75,000
- Highway Department Front-end Loader - \$130,000
- Scalzo Park Wall - \$200,000
- Chipper Trucks (2) - \$100,000
- Pot Hole Truck - \$110,000
- Outwater Park Stone Shelter - \$69,000 (previously authorized)
- Fire Engine - \$215,000 (previously authorized)
- Plant Road Culvert - \$80,000 (previously authorized)

SEWER FUND

- Generator - \$400,000 (previously authorized)
- Sewer Repairs - \$320,000

And;

Whereas, the City intends to fund the capital expenditure for the projects referenced herein through the issuance of a bond;

Now, therefore, be it

Resolved, the City Council hereby intends to fund the referenced projects through the issuance of a bond and to that end, direct that the City Attorney and Director of Finance to cause to be prepared a Bond Ordinance for the referenced projects in a total aggregate amount not to exceed \$1,059,000 for the General Fund and \$870,000 in the Sewer Fund plus issuance costs.

Seconded by Alderman _____ and adopted. Ayes _____.

060618.16

By Alderman Eggert:

Whereas, the City Council has adopted a Ten-Year Capital Improvement Plan for the fiscal years of 2018-2027; and

Whereas, the Stone Shelter Renovation project requires additional work as identified in the approved Capital Program; and

Whereas, per Engineering Department request, Walter S. Johnson Building Company submitted a change order to perform additional work that includes reinforcing rafter headers, installing glass block windows in the south wall of the building, and installing new door frames and new fiberglass doors for an \$6,790.00; and

Whereas, in addition, the Capital Plan identifies the following projects within fiscal year 2018 to be funded through the use of Contingency, namely:

GENERAL FUND

- City Hall Elevator Repair - \$40,000 (previously authorized)
- Outwater Park Stone Shelter (additional Work) – \$18,000
- Bike Rack at Canal Street - \$3,750
- Kayak Launch - \$45,000 (previously authorized)
- Bike Path Water Fountain – \$4,000
- Electrical Vehicle Charging Station - \$5,200
- Clinton Street Paving - \$250,000

And;

Whereas, the City is the administrator of a trust for Outwater Park Improvements and has available funds to cover the additional work needed on the Stone Shelter; and

Whereas, the City has not budgeted the capital expenditures for these projects necessitating amending the 2018 General Fund budget through the use of contingency funds and trust funds;

Now, therefore, be it

Resolved, that the Mayor, subject to Corporation Counsel approval, is hereby authorized to amend the contract signed on March 26, 2018 with Walter S. Johnson Building Company, 6638 Mooradian Drive, Niagara Falls, New York 14302 for an amount of \$6,790.00 for a total contract amount of \$337,190.00; and be it further

Resolved, the City Council hereby amends the 2018 budget as follows:

Decrease

Expense:

A1900.1990	Contingency	\$272,950
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Increase

Expense:

A8510.54510	Community Beautification – Program	\$ 7,750
A9700.59530.H	Interfund Transfer to Capital	\$265,200

And; be it further

Resolved, that the City Council authorizes the transfer of \$8,000 out of the Outwater Park Trust to the Outwater Park Stone Shelter Capital Project.

Seconded by Alderman _____ and adopted. Ayes _____.

060618.17

By Alderman Abbott:

Whereas, Lockport is sponsoring and promoting a solarize campaign; and

Whereas, Lockport has identified installers through an RFP process to install solar systems at a discount; and

Whereas, The Lockport Common Council wants to reinforce the importance of the Solarize Lockport Campaign by prequalifying “Selected Installers” to provide these services to Lockport residential and/or commercial customers participating in the campaign; Now therefore be it

Resolved, that Lockport will approve Solar Liberty to be named as “Selected Installers” for the Solarize Lockport Campaign; and be it further

Resolved, that the Lockport Engineering Department will offer customer support to assure the “Selected Installers” are using the proposed rates and providing the best prices for each Customer/Installer contract.

Seconded by Alderman _____ and adopted. Ayes _____.

060618.18

By Alderman Oates:

Resolved, that pursuant to the request of the Grigg-Lewis Foundation, permission is hereby granted to use the municipal parking lot behind the Lockport Public Library for Lockport Family Focus Group’s 7th Annual Backpack and School Supply Drive on Tuesday August 28th from 11am-6pm. And be it further,

Resolved, that the Grigg-Lewis Foundation file a certificate of insurance with the City Clerk naming the City of Lockport as additional insured. And be it further,

Resolved, the Director of Highways & Parks is hereby authorized and directed to deliver barricades and no parking signs to the area prior to the event.

Seconded by Alderman _____ and adopted. Ayes _____.

060618.19

By Alderman Abbott:

Whereas, the City of Lockport (City) received a SAM Grant in the amount of \$300,000 to stabilize the structure of the Holly Edison Building prior to performing renovations, and

Whereas, the City authorized its engineering consultant Nussbaumer & Clarke, Inc. (Nussbaumer) under resolution 081617.8H to provide design services related to the stabilization of the Holly Edison Building, and

Whereas, the City has engaged a construction contractor to perform the building stabilization as designed by Nussbaumer and it has been determined that there will significant grant funds remaining after completion of the stabilization project, and

Whereas, the City desires to identify additional renovation opportunities for the Holly Edison Building, and

Whereas, Nussbaumer has submitted a proposal dated May 30, 2018 to provide engineering services related to identifying additional improvements, preparing cost estimates and supporting documents to implement supplementary improvements utilizing the remaining grant funds; now, therefore be it

Resolved, that the Mayor, subject to Corporate Counsel approval, is hereby authorized to amend the agreement signed on August 23, 2017 with Nussbaumer & Clarke, Inc., 3556 Lake Short Road, Suite 500, Buffalo, NY 14219; Nussbaumer will provide Engineering Services as described in its proposal dated May 30, 2018 for a fee not to exceed \$20,000, in accordance with the SAM grant application, and to be charged to Capital Projects.

Seconded by Alderman _____ and adopted. Ayes _____.

060618.20

ADJOURNMENT

At _____ P.M. Alderman Wohleben moved the Common Council be adjourned until 5:30 P.M., Wednesday, June 20, 2018.

Seconded by Alderman _____ and adopted. Ayes _____.

RICHELLE J. PASCERI
City Clerk