

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

Lockport Municipal Building

Regular Meeting  
Official Record

March 20, 2019  
5:30 P.M.

Mayor Michelle M. Roman called the meeting to order.

**ROLL CALL**

The following Common Council members answered the roll call:

Aldermen Abbott, Devine, Eggert, Farrell, Oates and Wohleben.

**INVOCATION**

**MAYOR'S UPDATE**

On motion of Alderman Oates, seconded by Alderman Wohleben, the Common Council moved to Executive Session regarding litigation at 5:40 PM. Ayes 6. Carried.

On motion of Alderman Wohleben, seconded by Alderman Farrell, the Common Council ended Executive Session at 5:47 PM. Ayes 6. Carried.

**RECESS**

Recess for public input.

**032019.1**

**APPROVAL OF MINUTES**

On motion of Alderman Devine, seconded by Alderman Eggert, the minutes of the Regular Meeting of March 6, 2019 are hereby approved as printed in the Journal of Proceedings. Ayes 6. Carried.

**PUBLIC HEARING**

The Mayor announced a public hearing on a request for a Special Use Permit by Karla & Todd Chenez at 21 Main Street to utilize a 4' x 8' portable sign and erect two banners on the dumpster enclosure and east side of the building situated in a B-2 Zone.

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

3/6/19 Charlene Seekins-Smith, Chairman, Lockport Planning and Zoning Board – the board recommends the request be approved with stipulations. Received and filed.

Recess for public input.

The Mayor closed the public hearing.

### FROM THE MAYOR

#### Appointments:

3/13/19 Sarah K. Lanzo, 77 Elmwood Avenue, Lockport, NY – appointed as a member of the Buildings and Grounds Accessibility Committee. Said term expires December 31, 2020. Received and filed.

3/13/19 Jean M. Kiene, 400 Willow Street, Lockport, NY – appointed as a member of the Environmental Advisory Committee. Said term expires March 13, 2021. Received and filed.

3/13/19 Bobbie L. Manning, 384 High Street, Lockport, NY – appointed as a member of the Environmental Advisory Committee. Said term expires March 13, 2021. Received and filed.

3/18/19 Sandra E. Elliston, 6142 Bridlewood Drive, East Amherst, NY – appointed as Water & Sewer Billing & Service Coordinator, Water Administration Department, effective March 18, 2019. Said appointment is permanent and subject to the City of Lockport Municipal Civil Service rules and regulations. Received and filed.

3/18/19 George W. Wiley IV, 22 East Park Drive, Lockport, NY – appointed as Senior Water & Sewer Maintenance Worker, Water Distribution Department, effective March 14, 2019. 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)

2/26/19 Ric Addenbrooke, President, Lock City Glee Club Inc. requests permission to hang a banner to publicize the Spring Sing event on April 27, 2019. Referred to the Committee of the Whole.

3/5/19 Paul Lauer, Chairman, Navy-Marine Club, Inc., 37 Park Avenue, Lockport, NY requests permission to host the Memorial Day Observance and Parade for 2019. Referred to the Committee of the Whole.

3/15/19 Richelle J. Pasceri, City Clerk – notification of bids received on March 15, 2019 for Municipal building Restroom Improvement are as follows:

Cavlee Development, Inc.	\$31,000.00
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Lockport, NY

Sicoli Construction Services                      \$54,900.00  
Niagara Falls, NY

Referred to the Committee of the Whole.

**Notice of Defect:**

Referred to the Director of Streets and Parks.

**Notice of Claim:**

3/11/19        Jennifer Burrows, 112 Park Lane Circle, Lockport, NY  
3/12/19        Amelia C. Barnette, 14 Rogers Avenue, Lockport, NY

Referred to the Corporation Counsel.

**MOTIONS & RESOLUTIONS**

**032019.2**

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 March 20, 2019 as follows:

General Fund	Fund A	\$ 76,679.78
Water Fund	Fund FX	\$ 43,093.01
Sewer Fund	Fund G	\$ 14,206.37
Capital Projects	Fund H	\$ 328.75
Refuse Fund	Fund CL	\$ 88,727.38
Worker's Comp	Fund S	\$ 6,225.00
Payroll	Pay Date 3/14/19	\$484,806.60

Seconded by Alderman Wohleben and adopted. Ayes 6.

**032019.3**

By Alderman Wohleben:

Resolved, that §183-23 Parking Prohibited be amended by deleting subsection A (3) Seasonal Permits in its entirety and substituting therefor the following:  
(3) Seasonal Permits. Seasonal permits are available for passenger vehicles only and are effective from April 15 through October 15. Seasonal permits shall be issued by the City Clerk upon submission and approval of a completed application prescribed by the City Clerk. The fee for such a seasonal permit shall be \$30.00 and can be paid in cash, check or money order drawn on United States funds payable to the "City Clerk." The fee is non-refundable. In the event a check is returned for insufficient funds, the permit shall be automatically 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.

Seconded by Alderman Eggert and adopted. Ayes 6.

**032019.4**

By Alderman Abbott:

Resolved, that pursuant to their request, the Lock City Glee Club is hereby granted permission to erect a banner at least 17' from the ground across East Avenue at Davison Road to promote the Spring Sing 2019 event which will be held April 27, 2019. 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 Lock City Glee Club filing a certificate of insurance with the City Clerk naming the City of Lockport as additional insured and a payment of \$50 made payable to the City Clerk, and be it further

Resolved, that the City Clerk is hereby authorized and directed to make arrangements to erect the banner.

Seconded by Alderman Wohleben and adopted. Ayes 6.

**032019.5**

By Alderman Oates:

Resolved, that the request for a special use permit made by Todd & Karla Chenez to utilize a 4'x8' portable sign for 60 days and to erect two banner signs on the dumpster enclosure and east side of the building, located at 21 Main Street, situated in a B-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.

The 4'x8' portable sign be used for no more than **30** days maximum

The portable sign be set on a timer to turn off no later than 10 p.m.

The banner signs erected on the dumpster not to exceed 32 s.f. cumulatively

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 Eggert and adopted. Ayes 6.

**032019.6**

By Alderman Farrell:

Resolved, that pursuant to their request, the Navy-Marine Club is hereby granted permission to conduct a Memorial Day Parade in the City of Lockport on Sunday, May 26, 2019 subject to approval of the parade route by the Police Chief. Said parade will form at noon at Veteran's Park on East Avenue where a brief Memorial Service will be conducted. At approximately 1:00 p.m. the parade units will proceed west on East Avenue/Main Street using the right side of Main Street and terminate at the County Courthouse, and be it further

Resolved, that the Director of Streets and Parks is hereby authorized and directed to arrange for delivery of barricades and no parking signs to keep the right side of Main Street clear where dividers occur, and be it further

Resolved, that the City Clerk is hereby authorized and directed to issue a parade permit for said event, and be it further

Resolved, that the City Clerk is hereby authorized to purchase 12 monument wreaths to be used for Memorial Day ceremonies throughout the City. Cost of same to be charged to account A.8510.54510.

Seconded by Alderman Wohleben and adopted. Ayes 6.

**032019.7**

By Alderman Oates:

Resolved, that pursuant to their request, Knights of Columbus Council #319 and Deborah Adorian are hereby granted permission to conduct the Stephen J. Adorian Memorial "Never Give Up!" 5K race on June 14, 2019, subject to Knights of Columbus filing a certificate of insurance with the City Clerk naming the City of Lockport as additional insured and subject to approval of the race route by the Police Chief.

Seconded by Alderman Wohleben and adopted. Ayes 6.

**032019.8**

By Alderman Farrell:

Resolved, that pursuant to their request, organizers for Lockport High School Foundation LockRock Armed Forces Day 5K are hereby granted permission to conduct a 5K run on May 18, 2019, subject to LockRock organizers filing a certificate of insurance with the City Clerk naming the City of Lockport as additional insured and subject to approval of the race route by the Police Chief, and be it further

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

Seconded by Alderman Wohleben and adopted. Ayes 6.

**032019.9**

By Alderman Abbott:

Whereas, the City has received a donation from Walmart of \$3,500 for the purpose of "Shop with a Cop" and

Whereas, these funds were not included in the 2019 budget, and

Whereas, the appropriations necessary to add the donation to the 2019 budget, now therefore be it

Resolved, that the following budget amendment needs to be made:

INCREASE REVENUES:

A-3120-32705	Donations	\$3,500
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INCREASE APPROPRIATIONS:

A-3120-54510	Program Expenses	\$3,500
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Seconded by Alderman Farrell and adopted. Ayes 6.

**032019.10**

By Alderman Devine:

WHEREAS, the City of Lockport owns and operates a combined sewer system in which sanitary waste water and storm water are collected and directed to the City Wastewater Treatment Plant (WWTP) for treatment; and

WHEREAS, the City of Lockport sewer system includes combined sewer overflow (CSO) outfalls which periodically discharge to surface waterbodies during significant wet weather events in order to protect the sewer system from surcharging; and

WHEREAS, the New York State Department of Environmental Conservation (DEC) has promulgated new regulations for the Sewage Pollution Right to Know (SPRTK) Law which require certain public notifications upon discovery of CSO discharges; and

WHEREAS, the City signed a contract with ADS Environmental Services, Inc. on August 24, 2017 authorized by resolution 081617.8E for annual web hosting and cellular service related to monitoring devices installed in the eleven open Combined Sewer Overflow (CSO) that transmit data to the NY-Alert System; and

WHEREAS, the contract between the City and ADS Environmental Services, Inc. has expired and needs an amendment to allow the City to continue using the web hosting services provided by ADS Environmental Services, Inc.; now, therefore, be it

RESOLVED, that the Mayor, subject to Corporation Counsel approval, is hereby authorized and directed to amend the contract between the City and ADS Environmental Services, Inc. and to accept its Proposal for one year of Wireless Telemetry and Webhosting starting on March 22, 2019 for \$3,840.00, amount to be charged to G.8120.54610.

Seconded by Alderman Eggert and adopted. Ayes 6.

### **032019.11**

By Alderman Devine:

WHEREAS, the Municipal Building Supervisor has informed the Mayor that the Municipal Building elevators do not have a preventative maintenance contract in place and has incurred in costly service calls in the last few years to repair the elevators; and

WHEREAS, the City has requested proposals from qualified companies to provide elevators maintenance services and has received proposals from ALPS Elevator Inspection Services, DCB Elevator Company Inc., and OTIS Elevator Company; and

WHEREAS, the Municipal Building Supervisor has determined that the proposal submitted by OTIS Elevator Company fully meets the requirements to service the elevators at the Municipal Building. Its proposal includes quarterly inspections, emergency service calls, and parts for regular repairs to keep the elevators in good condition, and consequently, represent the more added values for a maintenance contract with the City; now, therefore, be it

RESOLVED, that the Mayor, subject to Corporation Counsel approval, is hereby authorized to execute an Agreement with OTIS Elevator Company, 354 Sonwil Drive, Buffalo, New York 14225 in the amount of \$8,460.00 for a year of service starting on April 1, 2019, to be charged to account A.1620.54075.

Seconded by Alderman Oates and adopted. Ayes 6.

### **032019.12**

By Alderman Devine:

WHEREAS, the City of Lockport (City) operates a Combined Sewer Overflow (CSO) system and continually evaluates the system for potential improvements which may reduce sewer overflows; and

WHEREAS, the City has evaluated the sewer on Water Street from Clinton Street to the Wastewater Treatment Plant (WWTP) and identified opportunities to improve the hydraulic capacity of sewer which may mitigate future overflows; and

WHEREAS, certain funding programs require that the City perform a coordinated New York State Environmental Quality Review Act (SEQR) review; and

WHEREAS, the City has completed Part 1 of the Full Environmental Assessment Form (EAF) for this project and composed a letter to interested and involved agencies requesting to be Lead Agency for this project and that a coordinated SEQR be completed; now, therefore, be it

RESOLVED, that the Mayor is authorized to sign Part 1 of the EAF for this project and that communication is sent to interested and involved agencies requesting that the City be Lead Agency for this project and that a coordinated SEQR review be completed in order to determine the environmental significance of this project.

Seconded by Alderman Abbott and adopted. Ayes 6.

**032019.13**

By Alderman Devine:

WHEREAS, the City of Lockport's (City) most recent NYSDEC SPEDES Permit (Permit) for the Wastewater Treatment Plant (WWTP) requires disinfection upgrades to be implemented by 2022; and

WHEREAS, the City has evaluated options to comply with the Permit and will be taking steps to implement Ultra Violet (UV) light disinfection at the WWTP and is currently seeking funding options to support the project; and

WHEREAS, certain funding programs require that the City perform a coordinated New York State Environmental Quality Review Act (SEQR) review; and

WHEREAS, the City has completed Part 1 of the Full Environmental Assessment Form (EAF) for this project and composed a letter to interested and involved agencies requesting to be Lead Agency for this project and that a coordinated SEQR be completed; now, therefore, be it

RESOLVED, that the Mayor is authorized to sign Part 1 of the EAF for this project and that communication is sent to interested and involved agencies requesting that the City be Lead Agency for this project and that a coordinated SEQR review be completed in order to determine the environmental significance of this project.

Seconded by Alderman Farrell and adopted. Ayes 6.

**032019.14**

By Alderman Farrell:

Resolved, that pursuant to their request, the Buffalo Niagara YMCA, is hereby granted permission to conduct "Fitness in the Parks" at Nelson C Goehle Marina Park on Monday's and Wednesday's beginning May 28, 2019 until August 24, 2019. Said permission is subject to the YMCA 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.

**032019.15**

By Alderman Devine:

WHEREAS, up-to-date, water infrastructure is vital to protect public health and the environment and to foster thriving communities; and

WHEREAS, most communities have aging and crumbling drinking water and wastewater infrastructure causing damage to roads, streets, schools, homes, and businesses; and

WHEREAS, investing in infrastructure projects creates jobs and build solid foundation for businesses; and

WHEREAS, key members in both the Senate and Assembly, along with the Governor, recognized that local governments need financial support and passed the Water Infrastructure Improvement Act of 2015(WIIA) and the Clean Water Infrastructure Act of 2017 (CWIA); and

WHEREAS, the WIIA and the CWIA have been successful at awarding \$770 million in grants to protect clean water across the state; and

WHEREAS, the City of Lockport has greatly benefited from New York State Water Infrastructure grant program, receiving a grant award in 2016 totaling \$3 million in state assistance to jump-start a drinking water upgrade; and

WHEREAS, only a fraction of eligible projects have been able to receive grants due to a lack of sufficient funding to meet New York State Water Infrastructure needs; and

WHEREAS, shovel-ready projects in the City of Lockport, including a \$3million wastewater project, continue to wait in the wings due to a lack of available State funding; now, therefore, be it

RESOLVED, that the Mayor, subject to Corporation Counsel approval, is hereby authorized and directed to send a letter with this resolution to the Governor, Speaker Heastie, and Leader Stewart-Cousins, Senator Ortt, and Assembly member Norris encouraging and requesting them to continue funding water infrastructure projects and include a \$5 billion-five-year commitment for the Clean Water Infrastructure Act in the SFY 2019-2020 State Budget.

Seconded by Alderman Oates and adopted. Ayes 6.

**032019.16**

By Alderman Devine:

WHEREAS, lead in drinking water poses a serious threat to the health and safety of children,

WHEREAS, there are not safe levels of lead exposure considering that even low exposure to lead contamination in children is associated with learning disabilities, impaired speech, hearing loss, and diminished IQ; and

WHEREAS, lead service lines that connect public water mains to building plumbing systems are the primary cause of lead contamination in drinking water; and

WHEREAS, the removal and replacement of lead service lines is essential to reduce childhood lead exposure and protect drinking water from contamination; and

WHEREAS, the Lead Service Line Replacement Program created through the Clean Water Infrastructure Act of 2017 has expanded the capacity of local governments to invest in this vital infrastructure improvement; now, therefore, be it

RESOLVED, that the Mayor, subject to Corporation Counsel approval, is hereby authorized and directed to send a letter with this resolution to the Governor, Speaker Heastie and Leader Stewart-Cousins, Senator Ortt, and Assembly member Norris encouraging and requesting them to continue funding lead service line replacement and increase the dedicated line of funding for the Lead Service Line Replacement Program to \$100 million.

Seconded by Alderman Farrell and adopted. Ayes 6.

**032019.17 WITHDRAWN (Establish Citizens Advisory Board)**

**032019.18**

By Alderman Abbott:

Resolved, that income eligibility for City tax exemption for qualifying property owners with disabilities and limited incomes be increased from the present Twenty-three Thousand (\$23,000) annually to Twenty-nine Thousand (\$29,000) annually for exemption from 50 percentum of assessed valuation for City tax purposes, as provided for in Section 459-c of the



Real Property Tax Law of the State of New York. Said increased eligibility to be applicable to the 2019 final assessment roll which will produce the 2020 General City Tax.

Seconded by Alderman Wohleben and adopted. Ayes 6.

**032019.19**

**ADJOURNMENT**

At 6:08 P.M. Alderman Devine moved the Common Council be adjourned until 5:30 P.M., Wednesday, April 3, 2019.

Seconded by Alderman Eggert and adopted. Ayes 6.

RICHELLE J. PASCERI  
City Clerk