

CITY OF LOCKPORT
CORPORATION PROCEEDINGS

Lockport Municipal Building

Regular Meeting
Official Record

April 17, 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, Eggert, Farrell, Oates and Wohleben.

Alderman Devine absent.

MAYOR'S UPDATE

RECESS

Recess for public input.

041719.1

APPROVAL OF MINUTES

On motion of Alderman Oates, seconded by Alderman Wohleben, the minutes of the Regular Meeting of April 3, 2019 are hereby approved as printed in the Journal of Proceedings. Ayes 5. Carried.

PUBLIC HEARING

The Mayor announced a public hearing on a request for a Special Use Permit to utilize the property at 485 Niagara Street for a motorcycle repair/retail shop.

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

4/3/19 Charlene Seekins-Smith, Chairman, Lockport Planning and Zoning Board – the board recommends the request be approved.

Recess for public input.

The Mayor closed the public hearing.

PUBLIC HEARING

The Mayor announced a public hearing on a proposal to submit a Community Development Block Grant application to the New York State Office of Homes and Community Renewal for a grant to fund to implement the First-Time Home Buyer Grant programs.

The Mayor asked the City Clerk if any petitions or communications relative to said grant application have been received.

Recess for public input.

The Mayor closed the public hearing.

FROM THE CITY CLERK

The Clerk submitted payrolls, bills for services and expenses, and reported that the Department Heads submitted reports of labor performed in their departments. Referred to the Finance Committee.

Communications (which have been referred to the appropriate City officials)

Notice of Defect:

4/10/19 70 VanBuren Street – tree
4/11/19 118 John Street – tree
4/12/19 202 East Avenue – tree
4/12/19 Hamilton Drive - potholes
Referred to the Director of Streets and Parks.

MOTIONS & RESOLUTIONS

041719.2

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 April 17, 2019 as follows:

General Fund	Fund A	\$ 71,483.42
Water Fund	Fund FX	\$ 32,756.87
Sewer Fund	Fund G	\$ 24,450.89
Capital Projects	Fund H	\$ (1.61)
Refuse Fund	Fund CL	\$ 89,781.05
Self Insurance	Fund MS	\$140,416.21
Payroll	Pay Date 4/4/19	\$455,592.96

Seconded by Alderman Farrell and adopted. Ayes 5.

041719.3

By Alderman Wohleben:

Whereas, the City of Lockport has been invited by the New York State Homes and Community Renewal to submit an application for the New York State Community Development Block Grant (CDBG) Program, and

Whereas, the City of Lockport is desirous of applying for a homeownership assistance program to assist low- and moderate-income first-time homebuyers; and

Whereas, a program has been prepared that meets those community needs that have been identified, now therefore be it

Resolved, the Mayor is hereby authorized to execute any documents related to the grant should funding be awarded, and be it further

Resolved that the Mayor be and is hereby authorized to execute and submit a \$500,000 application to the New York State Homes and Community Renewal for the New York State CDBG Program.

Seconded by Alderman Eggert and adopted. Ayes 5.

041719.04

By Alderman Wohleben:

Resolved, that the request for a special use permit made by Robert Fisch to utilize a section of the building for a motorcycle repair/retail shop, located at 485 Niagara Street, situated in a R-2 Zone, be and the same is hereby approved, subject to the following provisions:

- No change in character of neighborhood.
- No excessive noise or disturbance of neighborhood.
- No appreciable change in traffic.
- No outside storage of materials.
- Special permits can be indefinite or limited to a specific time.

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 Abbott and adopted. Ayes 5.

041719.05

By Alderman Farrell:

Resolved, that pursuant to her request, Ellen Martin on behalf of the Lockport Public Arts Council, Inc. be and the same is hereby given permission to use the Pine and Main Street Parking Lots on Thursday July 11th through Monday July 15th to conduct the Sweet Chalk Festival, and be it further

Resolved, said permission is subject to the Lockport Public Arts Council 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 delivery and pick-up of City barricades, trash receptacles and temporary no parking signs for the parking lanes on Main and Pine Streets between the parking lots to allow for additional pedestrian space.

Seconded by Alderman Eggert and adopted. Ayes 5.

041719.6

By Alderman Farrell:

WHEREAS, the City of Lockport was awarded a \$76,487.84 grant from the New York State Canal Corporation for the Flight of Five project; and

WHEREAS, the grant had not been accepted nor recognized by the City; and

WHEREAS, the Director of Planning and Development has requested that the full grant amount be recognized to offset rehabilitation costs of the Flight of Five project; now therefore, be it

RESOLVED, that the City of Lockport hereby accepts a grant from the New York State Canal Corporation for the Flight of Five project; and be it further

RESOLVED, that the 2019 Capital Fund Budget is hereby amended as follows:

Increase:

Revenue:

H162.6497.33097 Flight of Five Phase II, State Aid-Capital Improvements \$76,487.84

Expense:

H162.6497.52490 Flight of Five Phase II, Capital Improvements – Expense \$76,487.84

Seconded by Alderman Abbott and adopted. Ayes 5.

041719.7

By Alderman Oates:

WHEREAS, the City of Lockport, NY (City) owns and operates a combined sewer system which has ten active Combined Sewer Overflow (CSO) locations in the proximities of both, the Erie Canal and the 18 Mile Creek; and

WHEREAS, the City has systematically been evaluating the sewer system and making improvements in an effort to reduce inflow and infiltration (I/I) and improve conveyance to the wastewater treatment plant (WWTP); and

WHEREAS, the Gulf Interceptor (Interceptor) sewer is over 60 years old and carries combined flows from the western portion of the City and the adjacent portion of the Town of Lockport (Town) to the City WWTP and has reported structural and hydraulic deficiencies; and

WHEREAS, by Grant Agreement between the Town of Lockport and the City of Lockport, dated February 28, 2019, the Town will be providing \$83,295 of Community Development Block Grant (CDBG) proceeds from Grant No. 664ED431-02 to the City to undertake a study and evaluate the condition of the Interceptor for the purpose of obtaining recommendations for improvements regarding the reduction of I/I and increase interceptor conveyance to improve water conditions and protect public health; and

WHEREAS, the City issued a Request for Proposals for a consulting engineering firm to prepare a report in accordance with New York State Environmental Facilities Corporation (NYSEFC) and New York State Department of Environmental Conservation (NYSDEC) "Engineering Report Outline for New York State Wastewater Infrastructure Projects." The findings of the condition assessment and the flow monitoring of the interceptor will provide alternatives to reduce I/I and increase Interceptor conveyance; and

WHEREAS, the City received two proposals on January 25, 2019 for the requested Scope of Work as follows: Nussbaumer & Clarke, Inc. (Nussbaumer) - \$20,700, and Barton & Loguidice - \$35,000.00; and

WHEREAS, in addition to consulting engineering services, the project requires flow monitoring and internal sewer cleaning and investigation and the City Director of Engineering has recommended an allowance of \$25,000 for flow monitoring and an allowance of \$37,595 for internal sewer cleaning and investigation; and

WHEREAS, Nussbaumer has offered to subcontract the services for flow monitoring and sewer cleaning and investigation without mark-up at cost of services provided; and

WHEREAS, the Town has requested that the City request reimbursement of the expenses associated with these actions requiring an amendment to the 2019 Budget now, therefore, be it

RESOLVED, that the Mayor, subject to Corporation Counsel approval, is hereby authorized to execute an agreement with Nussbaumer & Clarke, Inc. for a fee Not-to-Exceed of \$83,295 as indicated in their proposal to the City of Lockport for consulting engineering services plus an allowance of \$25,000 for flow monitoring and an allowance of \$37,595 for internal sewer cleaning and investigation. Per Agreement between the Town of Lockport and the City of Lockport dated February 28, 2019, the cost of the project will be financed with remaining funding from Grant No. 664ED431-02, Community Development Block Grant (CDBG) awarded to the Town of Lockport; and be it further

RESOLVED, that the 2019 General Fund budget is hereby amended as follows:

Increase:

Revenue:			
	A.1440.4989	Federal Revenue	\$83,295
Expense:			
	A.1440.54055	Professional Services	\$83,295

Seconded by Alderman Eggert and adopted. Ayes 5.

041719.8

By Alderman Wohleben:

RE: HOME RULE REQUEST TO PASS SENATE BILL S4634; ASSEMBLY Bill A6736 "AN ACT to amend the real property tax law, in relation to authorizing the City of Lockport to add unpaid housing code violation penalties, costs and fines to the City's annual tax levy in accordance with applicable law."

WHEREAS there is now pending in the New York State Legislature, legislation that would authorize the City of Lockport to add unpaid housing code violation penalties, costs and fines to the City's annual tax levy in accordance with applicable law; and

WHEREAS the law authorizes the City of Lockport to collect any unpaid housing, building and fire code violation penalties, costs and fines through placement on the City's annual tax levy;

WHEREAS in order to be eligible for placement on the City of Lockport's annual tax levy such unpaid code violation penalties, costs and fines shall have been adjudicated and imposed through a judgment in a court of competent jurisdiction, on an Owner of real property within the City and recorded by the County Clerk, as certified by the City's Corporation Counsel to the City Treasurer and have remained unpaid for one year after the final adjudication and exhaustion of all appeals relating to the imposition of the fines for a code violation preceding the placement on the City's tax levy;

NOW THEREFORE BE IT RESOLVED, that the City Clerk send a Home Rule Request to the New York State Legislature, as follows:

TO THE LEGISLATURE:

Pursuant to Article IX of the Constitution, the City of Lockport requests the enactment of Senate and Assembly Bill respectively, Nos. S4634; A6736 entitled, "AN ACT to amend the real property tax law, in relation to authorizing the City of Lockport to add unpaid housing, building and fire code violation penalties, costs and fines through placement on the City's annual tax levy."

It is hereby stated that such a necessity exists for the enactment of such legislation, and that the facts establishing such necessity are as follows:

The local government does not have the power to enact such legislation by local law without the New York State Legislature.

EXPLANATION

This legislation allows the City of Lockport to enact a local law that would allow the City to add unpaid housing, building and fire code violation penalties, costs and fines through placement on the City's annual tax levy.

AND BE IT FURTHER RESOLVED, that the City Clerk send copies of this resolution to the Mayor of the City of Lockport, Michelle Roman; the Home Rule Counsel of the New York State Assembly; the New York State Senate; and the local delegation of the New York State Legislature.

Seconded by Alderman Farrell and adopted. Ayes 5.

041719.9

By Alderman Farrell:

WHEREAS, the City, in concert with the Lockport School District has partnered to create Government Day to introduce High School students with the inter-workings of departments within City government; and

WHEREAS, the donations have been received by various community organizations to assist in funding the costs associated with this program; and

WHEREAS, these donations and costs were not anticipated in the development of the 2019 General Fund budget; **NOW THEREFORE, BE IT**

RESOLVED, that the 2019 General Fund budget is hereby amended as follows:

Increase:

Revenue:			
	A.8510.32705	Gifts and Donations	\$1,200
Expense:			
	A.8510.54510	Program Expenses	\$1,200

Seconded by Alderman Wohleben and adopted. Ayes 5.

041719.10

By Alderman Abbott:

WHEREAS, on Saturday, July 8, 2017, the State Canal Corporation and the City of Lockport hosted a bicentennial celebration for the Erie Canal that concluded with a large fireworks display, and

WHEREAS, the above bicentennial event resulted in an increase in pedestrian and vehicle traffic to the downtown area which benefited local restaurants and businesses, and

WHEREAS, as a result of the positive experience the Common Council voted on May 16, 2018, by a margin of 5-1, to relocate the city’s annual fireworks to the downtown area, and

WHEREAS, the Common Council desire to host the Independence Day fireworks downtown for 2019 Independence Day celebrations. NOW, THEREFORE, BE IT

RESOLVED, that the Mayor be and is hereby authorized to enter into an agreement with a vendor to provide fireworks downtown July 4, 2019.

Seconded by Alderman Eggert and adopted. Ayes 5.

041719.11

By Alderman Oates:

Whereas, the Wastewater Treatment Plant (WWTP) Chief Operator has informed the Mayor that the grit chamber mechanism to allow constant flow and heavy particle separation from the waste water entering into the waste water treatment system is damaged and in need of urgent repair; and

Whereas, the WWTP Chief Operator requested a quote from Koester Associates, Inc. that includes the supply of 40 Stainless Steel buckets each with 4 wear shoes and attachment hardware, and the repair of chains, drive gears, sprockets to reestablish normal flow and particle separation in the grit chamber; and

Whereas, the WWTP Chief Operator considers that the materials used, warranty, and technical services for the installation of new hardware in the grit chamber, associated with the reputation and good standing of Koester Associates, Inc. as a City’s contractor, fully meets the requirements to perform this emergency repair at the City of Lockport WWTP and comply with DEC standards in the operation of the City of Lockport WWTP; and

Whereas, this project was not contemplated or identified during the development of the 2019 budget and, as such, is not funded necessitating the creation of a capital project and a budget amendment to fund said project; Now therefore be it

Resolved, that the Mayor, subject to Corporation Counsel approval, is hereby authorized and directed enter into contract with Koester Associates, Inc., 3101 Seneca Turnpike, Canastota NY 13032, for an amount of \$97,105.00 as proposed in its Proposal # 2019-1005, dated January 31, 2019; and be it further

Resolved, that the City Council hereby creates a capital project for the rehabilitation of the grit chamber mechanism and hereby amends the 2019 Sewer Budget as follows:

Increase:

Revenue:	G.0000.35050	Interfund Transfer from Debt Reserve	\$100,000
Expense:	G.9901.59000.H	Interfund Transfer to Capital	\$100,000

Seconded by Alderman Abbott and adopted. Ayes 5.

041719.11A

By Alderman Oates:

WHEREAS, the City Treasurer, Director of Finance, and City Engineer in conjunction with the department managers charged with project oversight, have completed a review of all open capital projects, and

WHEREAS, all completed projects have been identified and the associated account balances verified, and

WHEREAS, closure of all completed projects require Council approval, and

WHEREAS, all remaining funds must be returned to the original funding source, now, therefore be it

RESOLVED, that the following capital project be closed, the account balance be transferred to the original funding source, and all related budgets be closed:

<u>Project #</u>	<u>Sponsor Fund</u>	<u>Project Title</u>	<u>Funding Source(s)</u>	<u>Cash Balance</u>
#H151	Sewer	WWT Plant Improvements	Debt	\$255,135.51
#H132	Sewer	WW Equipment	Debt	\$51,000.00
#H137	Water	Inspect Raw Water Line	Water	\$10,147.27
#H160	Water	Trucks and Equipment	Debt	\$42,334.66
#H175	Water	Intake Screens	Water	\$20,000.00
TOTAL				\$378,617.44

And be it further

RESOLVED, that the cash balance total of \$378,617.44 be returned to the original funding source as follows:

Debt Service Reserve, Water	\$42,334.66
Debt Service Reserve, Sewer	\$306,135.51
Water Fund	\$30,147.27
TOTAL	\$378,617.44

Seconded by Alderman Eggert and adopted. Ayes 5.

041719.11B

By Alderman Abbott:

Whereas, the City of Lockport School District and the City of Lockport have reached an agreement for the provision of a City of Lockport Police Officer to serve as a School Resource Office at the Lockport High School wherein the School District will pay \$65,000 for each year of the three year agreement in return for the School Resource Officer serving that role full-time for the entire year; and

Whereas, the Police Chief recommends that a provisional police officer position be created in the 2019 budget to mitigate the loss of this office during the year and to better respond to vacancies within the Police Department caused by Family Medical Leave Act absences; and

Whereas, a portion of the payment from the School District and the addition of the provisional officer were not contemplated in the 2019 budget necessitating a budget amendment; Now Therefore be it

Resolved, that the Mayor, subject to Corporation Counsel approval, be and the same is hereby authorized and directed to renew the contract with Lockport City School District for continuation of a School Resource Officer for a three year period beginning July 1, 2019 in an amount of \$65,000 per year; and be it further

Resolved, that the 2019 General Fund budget be and is hereby amended to create an additional provisional police office and as follows:

Increase:

Revenue:

A.3120.51598 Public Safety Income \$15,000

Expense:

A.3120.51010	Wages – Full Time	\$45,000
A.3120.58010	FICA	\$ 3,450
A.3120.58020	Workers' Comp.	\$ 3,300
A.3120.58040	Hospital and Medical	\$10,000
A.3120.58050	Retirement	\$10,550

Decrease:

Expense:

A.3120.51100 Overtime \$57,300

Seconded by Alderman Eggert and adopted. Ayes 5.

041719.11C

By Alderman Abbott:

WHEREAS petitions have been filed with the Town of Lockport and City of Lockport respectively for the annexation of adjoining territory known as 360 Davison Road, Lockport, New York, which territory is partly within the Town of Lockport and all of which adjoins the City of Lockport; and

WHEREAS the City of Lockport Assessor and Town of Lockport Assessor have duly certified such petition; and

WHEREAS General Municipal Law §703 et seq. requires a joint public hearing on such petition; and

NOW THEREFORE BE IT RESOLVED, that a joint public hearing with the Town of Lockport and City of Lockport be held on May 15, 2019 at 5:30 o'clock p.m. at Lockport City Hall, One Locks Plaza, Lockport, New York;

AND BE IT FURTHER RESOLVED, that notice of this meeting be published as required by law.

Seconded by Alderman Wohleben and adopted. Ayes 5.

041719.12

ADJOURNMENT

At 6:15 P.M. Alderman Oates moved the Common Council be adjourned until 5:30 P.M., Wednesday, May 1, 2019.

Seconded by Alderman Eggert and adopted. Ayes 5.

RICHELLE J. PASCERI
City Clerk