CITY OF LOCKPORT

**CORPORATION PROCEEDINGS**

Lockport Municipal Building

Regular Meeting

Official Record

August 16, 2017

5:30 P.M.

Mayor Anne E. McCaffrey called the meeting to order.

**ROLL CALL**

The following Common Council members answered the roll call:

Aldermen Abbott, Devine, Oates, Mullane, and Wohleben.

Absent: Alderman O’Shaughnessy

**INVOCATION**

**MAYOR’S UPDATE**

**RECESS**

Recess for public input.

**081617.1** **APPROVAL OF MINUTES**

On motion of Alderman Wohleben, seconded by Alderman Devine, the minutes of the Regular Meeting of August 3, 2017 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 a portion of the building located at 100 Genesee Street as a private Episcopal based educational school.

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

8/8/17 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.

**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)

8/9/17 Mayor Anne E. McCaffrey – recommendation that Kathy Sparks DiMillo be appointed as a member of the City of Lockport Board of Ethics.

Referred to the Committee of the Whole

**Notice of Defect:**

8/3/17 93 Nicholls Street – tree

8/7/17 101 Hyde Park – tree

8/7/17 230 East Avenue – tree

Referred to the Director of Streets and Parks.

**Notice of Claim:**

8/9/17 Audrey J. Whittaker, 606 Wolf Run Road, Cuba, NY

8/9/17 Eric J. Miller, 6763 Minnick Road #185, Lockport, NY

Referred to the Corporation Counsel.

## MOTIONS & RESOLUTIONS

**081617.2**

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 August 18, 2017 as follows:

General Fund Account #001 $ 71,340.53

Water Fund Account #002 $ 9,307.96

Sewer Fund Account #003 $ 23,888.00

Capital Projects Account #004 $ 332,538.43

Refuse Fund Account #012 $ 93,360.93

Payroll Pay Date 8/3/17 $ 596,098.66

Seconded by Alderman Oates and adopted. Ayes 5.

**081617.3**

By Alderman Abbott:

Resolved, that the Mayor and Common Council do hereby extend condolences to the family of Alvin C. Frey, a former City of Lockport Alderman and former City of Lockport Parks Police who recently passed away.

Seconded by Alderman Devine and adopted. Ayes 5.

**081617.4**

By Alderman Devine:

Resolved, that the Mayor and Common Council do hereby extend condolences to the family of Marc S. Ferris, a retired City of Lockport Firefighter who recently passed away.

Seconded by Alderman Mullane and adopted. Ayes 5.

**081617.5**

By Alderman Devine:

Resolved, that the 2017 Water Fund Budget be amended to delete one Water Treatment Plant Mechanic position and add one Water Treatment Operator Trainee position.

Seconded by Alderman Oates and adopted. Ayes 5.

By Alderman Oates:

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

Seconded by Alderman Wohleben and adopted. Ayes 5.

**081617.6**

By Alderman Devine:

**Whereas**, the Fluoride Feed System at the City of Lockport Water Treatment Plant is approaching the end of its service life, and the City applied for and subsequently awarded a $50,000 grant from the New State Department of Health (NYSDOH) to improve the Fluoride Feed System, and

**Whereas,** the City Authorized its engineering consultant to prepare detailed design documents and to obtain competitive bids from contractors to construct the improvements to the Fluoride Feed System, and

**Whereas**, the City of Lockport advertised a Notice to Contractors and two bids for the project were received as follows: Hohl Industrial Services, Inc., $109,300 and STC Construction, Inc., $113,688, and

**Whereas**, after review of the bids and references, the City’s consulting engineer recommends award of the contract to Hohl Industrial Services, Inc. for a total of $109,300; and

**Whereas**, the project must now include a local match of $60,000 that was not included in the 2017 Budget, thereby necessitating a budget amendment; now, therefore, be it

**Resolved**, that the Mayor, subject to Corporation Counsel approval, is hereby authorized and directed enter into contract with Hohl Industrial Services, Inc., 770 Riverview Blvd., Tonawanda, New York 14150, for an amount of $109,300 to complete improvements to the Fluoride Feed System and to be charged to account # 004.8397.0250.4173; and be it further

**Resolved,** that the 2017 Water Budget be amended as follows:

Expense:

Increase:

002.9500.9901.1004 Interfund Transfer to Capital $60,000

Decrease:

002.1900.1990 Contingency $60,000

Seconded by Alderman Oates and adopted. Ayes 5.

**081617.7**

By Alderman Wohleben:

Resolved, that the request for a special use permit made by Grace Episcopal Church to have a private Episcopal based school located at 100 Genesee Street, situated in an R-3 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 4. Ald. Mullane Abstained.

**081617.8**

By Alderman Wohleben:

Resolved, that pursuant to the recommendation of Mayor McCaffrey, Kathy Sparks DiMillo, 73 Lincolnshire Drive, Lockport, NY is hereby appointed as a member of the Board of Ethics. Said term expires on July 2, 2020.

Seconded by Alderman Mullane and adopted. Ayes 5.

By Alderman Oates:

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

Seconded by Alderman Wohleben and adopted. Ayes 5.

**081617.8A**

By Alderman Devine:

**WHEREAS**, The Guterl Site, also known as the former Simonds Saw and Steel Company, located in Lockport, New York, was contracted by the Atomic Energy Commission to conduct work in support of the Nation's early atomic energy and weapons program, and

**WHEREAS**, the main constituents of concern at the Site are uranium and thorium, which are in the soils and groundwater on-site, and

**WHEREAS**, since groundwater underlying the site is not a current source of potable (drinking) water, there is no current risk to human health, and

**WHEREAS**, environmental monitoring is conducted annually, and surface water and sediment samples in the Erie Canal do not indicate site-related impacts, and

**WHEREAS**, there are currently no imminent threats to human health or the environment due to site related materials on the Guterl Site, and

**WHEREAS**, the Guterl Site is being cleaned up under the Formerly Utilized Sites Remedial Action Program (FUSRAP) and is currently in the Feasibility Study phase, and

**WHEREAS**, this means the US Army Corps of Engineers (“USACE”) is currently evaluating different cleanup methods based on effectiveness, cost, and other factors, and

**WHEREAS**, the USACE is planning on issuing a Proposed Plan for cleanup in 2018, and a Record of Decision in 2020, and

**WHEREAS**, EPA will continue to coordinate with the USACE on this project to ensure it follows the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA, or Superfund) while implementing its Formerly Utilized Sites Remedial Action Program.

**NOW, THEREFORE, BE IT**

**RESOLVED**, that upon the completion of a Proposed Plan for the cleanup of the Guterl Site, also known as the former Simonds Saw and Steel Company and a Record of Decision the US Army Corps of Engineers (USACE) provide the Mayor and the Common Council a copy of said Proposed Plan and Record of Decision.

Seconded by Alderman Mullane and adopted. Ayes 5.

**081617.8B**

By Alderman Wohleben:

**WHEREAS**, addressing the need to strengthen and revitalize local neighborhoods, New York State recently enacted the “Land Bank Act” (Not for Profit Corporation Law, Article 16) which authorizes municipalities to establish individual or cooperative land banks; and

**WHEREAS**, vacant and abandoned properties present a danger to the health and safety of local residents, result in costs and loss of revenues to local governments, and discourage further investment in the community; and

**WHEREAS**, land banks may acquire, redevelop and improve tax delinquent, vacant or abandoned property, thereby providing a mechanism to acquire blighted properties and convert them to productive uses; and

**WHEREAS**, to maximize opportunities and increase efficiencies, the County of Niagara, County of Orleans, City of Lockport, City of Niagara Falls, and the City of North Tonawanda desire to establish a single land bank; and

**WHEREAS**, pursuant to the Land Bank Act, it is necessary for the City of Lockport to adopt a resolution approving an intermunicipal agreement with the participating municipalities to establish the Land Bank; **NOW, THEREFORE, BE IT**

**RESOLVED**, that the City of Lockport hereby agrees to participate in the Land Bank established by the County of Niagara; and **BE IT FURTHER**

**RESOLVED**, that the initial City of Lockport representative and their alternate appointee to serve as a Director of the Land Bank shall serve for a term of 6 months or until replaced and shall be appointed b the Mayor of the City of Lockport; and **BE IT FURTHER**

**RESOLVED**, that the term of the initial City of Lockport representative and their alternate appointee shall after the initial term shall be 2 years and shall be appointed by the City of Lockport Mayor; and **BE IT FURTHER**

**RESOLVED**, that the City of Lockport hereby authorize the Mayor of the City of Lockport to execute an Intermunicipal Agreement between the County of Niagara and other municipalities including, County of Niagara, County of Orleans, City of Niagara Falls, and the City of North Tonawanda; and **BE IT FURTHER**

**RESOLVED**, that the agreement shall only be executed after review and approval by the City of Lockport Corporation Counsel office for terms, form and content, and **BE IT FURTHER**

**RESOLVED**, that the City of Lockport hereby authorizes and directs the Mayor to execute any and all documents in such form as is satisfactory to the City of Lockport Mayor and the Corporation Counsel, and take whatever other actions may be necessary to give effect to this resolution.

Seconded by Alderman Abbott and adopted. Ayes 5.

**081617.8C**

By Alderman Devine:

Whereas, the City Council repurposed issued Bond proceeds from the Water Department to the Streets Department for the purchase of chippers; and

Whereas, it is necessary to properly account for the previous debt service repayments, crediting the Water Fund from the General Fund; and

Whereas, the 2017 Budget did not anticipate this repurpose necessitating the use of Contingency Funds; Now Therefore, Be it

Resolved, that the 2017 General Fund Budget is hereby amended as follows:

Expense:

Increase:

001.9500.9901.1002 Interfund Transfer to Water $11,245

001.9500.9730.0600 BAN Principal $  5,000

001.9500.9730.0700 BAN Interest $     700

Decrease:

001.1900.1990 Contingency $16,945

Seconded by Alderman Oates adopted. Ayes 5.

**081617.8D**

By Alderman Wohleben:

**WHEREAS**, the City is pursuing a Clean Energy Community Grant from NYSERDA which requires completion of four out of a possible ten high impact actions, one of which can be the installation of an electric vehicle (EV) charging station; and

**WHERAS**, the City has already completed three high impact actions and completed a study of the implementation of an EV charging station at the municipal building; and

**WHEREAS**, Nussbaumer & Clarke, Inc. submitted a proposal dated August 14, 2017 to prepare design documents for installation of an EV charging station at the municipal building; 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 $7,500 to complete the Scope of Work included in their August 14, 2017 proposal to the City to be charged to Capital projects, and be it further

Resolved, that the 2017 General Fund Budget is hereby amended as follows:

Expense:

Increase:

001.9500.9901.1004         Interfund Transfer to Capital $26,000

Decrease:

001.1900.1990                    Contingency $26,000

Seconded by Alderman Mullane and adopted. Ayes 5.

**081617.8E**

By Alderman Devine:

**WHEREAS**, the City of Lockport (City) 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 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 recently 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 applied for and received a $50,000 grant from NYS Department of Environmental Conservation (NYSDEC) to install CSO activation detecting and reporting equipment, and authorized its consulting engineering Firm, Nussbaumer & Clarke Inc., to prepare design documents to install monitoring equipment in all ten of the City’s CSO’s and to publicly advertise the project for construction contractors; and

**WHEREAS**, the City received two bids in advance of the August 4, 2017 2:00 p.m. deadline, as follows: Corrosion Products and Equipment, Inc. - $124,500.00 and ADS Environmental Services, Inc. - $46,502.00; and

**WHEREAS**, after review of the bids and references, the City’s consulting engineer recommends award of the contract to ADS Environment Services, Inc. for $46,502.00, and further, the City’s consulting engineer recommends contracting with ADS Environmental Services, Inc. for annual web hosting and cellular service related to the CSO monitors for $4,480.00; now, therefore, be it

**RESOLVED**, that the Mayor, subject to Corporation Counsel approval, is hereby authorized and directed enter into contract with ADS Environmental Services, Inc., 340 The Bridge Street, Huntsville, Alabama 35806 for an amount of $46,502.00 plus 20% of contingency to be charged to Capital Projects for CSO Monitoring Equipment and Installation; and be it further

**RESOLVED**, that the Mayor, subject to Corporation Counsel approval, is hereby authorized and directed enter into contract with ADS Environmental Services, Inc., 340 The Bridge Street, Huntsville, Alabama 35806 for an amount of $4,480.00 for annual web hosting and cellular service.

Seconded by Alderman Oates and adopted. Ayes 5.

**081617.8F**

By Alderman Abbott:

Resolved, that pursuant to their request, permission is hereby granted to the residents of Franklin Avenue to barricade Franklin Avenue on August 26, 2017 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 said area prior to said event.

Seconded by Alderman Mullane and adopted. Ayes 5.

**081617.8G**

By Alderman Wohleben:

Resolved, that pursuant to their request, permission is hereby granted to the Order of the Eastern Star to conduct a Chicken BBQ in the City parking lot behind the Masonic Hall on September 20, 2017, and be it further

Resolved, that permission is hereby granted to barricade parking spaces on Main Street and Cottage Street for said event, 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 said area prior to said event.

Seconded by Alderman Mullane and adopted. Ayes 5.

**081617.8H**

By Alderman Wohleben:

**WHEREAS**, the City of Lockport (City) proposes to rehabilitate the Holly Edison Electric Building, and the City has been selected to receive a State and Municipal Facilities Program (“SAM”) Grant in the amount of $300,000 to stabilize the structure prior to performing renovations to the building, and

**WHEREAS,** the City’s engineering consultant firm, Nussbaumer & Clarke, Inc., has submitted a proposal dated August 14, 2017 to provide structural design services in accordance with the (”SAM”) Grant Application, and to prepare contractual documents for the bid process of the structural repairs; now, therefore, be it

**RESOLVED,** that the Mayor, subject to Corporate Counsel approval, is authorized to accept said Grant and to execute a Grant Agreement with the Dormitory Authority of the State of New York (“DASNY”), and any other contracts, documents, or instruments necessary to bring about the Project and to fulfill the City of Lockport’s obligations under the (“SAM”) Program, Rehabilitation of Park Shelters and the Community Pool Grant Agreement, Project ID #6423; and be it further

**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, to provide Engineering Services as described in its proposal dated August 14, 2017 for a fee not to exceed $15,000, in accordance with the grant application, and to be charge to Capital Projects.

Seconded by Alderman Oates and adopted. Ayes 5.

**081617.8I**

By Alderman Wohleben:

Whereas the Lockport Fire Department replaced outdated Self Contained Breathing Apparatus in 2015 with a Federal grant, the outdated SCOTT 4.5 units have been stored out of service.

Whereas the Niagara County Haz-Mat Team works in conjunction with the City of Lockport Fire Department for incidents of this nature on a mutual aid basis, the benefit of a donation of these units to their team will have mutual benefits to the City of Lockport.

Whereas these units no longer have relevance or usefulness to the Lockport Fire Department, now therefore be it

Resolved, that a donation of six SCOTT 4.5 SCBA units to the Niagara County Hazardous Materials Response Team is hereby approved.

Seconded by Alderman Mullane and adopted. Ayes 5.

**081617.8J**

By Alderman Wohleben:

Resolved, that the Director of Planning and Development is hereby authorized to purchase bike racks for Canal Street in an amount not to exceed $3,570, and be it further

Resolved, that the 2017 budget be amended as follows:

Increase:

001.5110.4706 Property Improvements $3,570.00

Decrease:

001.1900.1990 Contingency $3,570.00

Seconded by Alderman Abbott and adopted. Ayes 5.

**081617.9** **ADJOURNMENT**

At 6:04 P.M. Alderman Wohleben moved the Common Council be adjourned until 6:30 P.M., Wednesday, September 6, 2017.

Seconded by Alderman Abbott and adopted. Ayes 5.

RICHELLE J. PASCERI

City Clerk