CITY OF LOCKPORT

**CORPORATION PROCEEDINGS**

Lockport Municipal Building

Regular Meeting

Official Record

November 15, 2017

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, Farrell, Oates, Mullane, and Wohleben.

**INVOCATION**

**MAYOR’S UPDATE**

**RECESS**

Recess for public input.

**111517.1** **APPROVAL OF MINUTES**

On motion of Alderman Wohleben, seconded by Alderman Devine, the minutes of the Regular Meeting of November 1, 2017 are hereby approved as printed in the Journal of Proceedings. Ayes 6. Carried.

**FROM THE MAYOR**

**Resignation:**

11/8/17 R. Joseph O’Shaughnessy resigned as Alderman At-Large.

Received and filed.

**Appointments:**

11/9/17 Amanda Farrell, 50 Independence Drive, Lockport, NY – appointed as Alderman At-Large. Said term expires December 31, 2017.

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:**

11/6/17 51 Canal Street parking area – pothole

Referred to the Director of Streets and Parks.

## MOTIONS & RESOLUTIONS

**111517.2**

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 November 17, 2017 as follows:

General Fund Account #001 $ 109,290.33

Water Fund Account #002 $ 12,749.90

Sewer Fund Account #003 $ 17,265.47

Capital Projects Account #004 $ 167,265.94

Refuse Fund Account #012 $ 631.60

Self Insurance Account #015 $ 145,314.69

Payroll Pay Date 11/9/17 $ 467,766.47

Seconded by Alderman Oates and adopted. Ayes 6.

**111517.3**

By Alderman Devine:

**Whereas**, the City of Lockport has finalized the inspection of its raw waterline and it’s Consultant Engineer has recommended the replacement of the original steel lock bar section located at the northern end of the raw waterline, and

**Whereas**, the City’s raw water line is approximately 13 miles long and provides on average approximately 5 million gallons per day of raw water from the Niagara River, and

**Whereas**, the raw water line is comprised of approximately 11 miles of pre-stressed concrete cylinder pipe installed in between 1970 and 1995, and 2 miles of original steel lock bar pipe installed circa 1907, and

**Whereas**, the New York State Water Infrastructure Improvement Act Grant Program and the New York State Revolving Fund Program, awarded a grant and loan to the City of Lockport for the replacement of the approximately two-mile section of steel lock bar pipe, and

**Whereas**, on August 2, 2017, the City of Lockport authorized the Mayor to sign an agreement with GHD Consulting Services Inc. for Professional Engineering Services to design the steel lock bar replacement by Resolution 080217.10, and

**Whereas**, during a recent routine area inspection near Hinman Road, surface water was observed and suspected to be the result of a leak in the original steel lock bar pipe intended for replacement, and

**Whereas**, City staff and engineering representatives from GHD and Nussbaumer & Clarke examined the site and concluded that there is a leak or leaks in the original steel lock bar section of the raw waterline, the precise location of which is indeterminable without excavation, and

**Whereas**, the location of the leak and or leaks is in a densely vegetated area and construction access will be extremely difficult due to natural ponding and heavy foliage, and

**Whereas**, the repair of the leak or leaks will very difficult due to a lack of operable proximate valves for isolation and dewatering, and

**Whereas**, due to the age and style of the pipe, repair materials are not readily available and poor pipe condition may cause leak migration or new leaks to develop during any attempted repair, and

**Whereas**, due to these many complications, City staff in consultation with the City’s Engineering Consultants have determined that repairing the leak/leaks will be very costly; and

**Whereas**, due to the age and condition of the steel lock bar pipe, the City cannot rule out the possibility of a progressive catastrophic leak that would cause damage to the immediate surrounding area and force the City to take emergency supply from the Niagara County Water District, and

**Whereas**, the City has never taken all of its water supply from the Niagara County Water District for an extended period and by doing so may face other difficulties such as reduced available volumes for firefighting, and

**Whereas**, General Municipal Law Section 103 (4) states “Notwithstanding the provisions of subdivision one of this section, in the case of a public emergency arising out of an accident or other unforeseen occurrence or condition whereby circumstances affecting public buildings, public property or the life, health, safety or property of the inhabitants of a political subdivision or district therein, require immediate action which cannot await competitive bidding or competitive offering, contracts for public work or the purchase of supplies, material or equipment may be let by the appropriate officer, board or agency of a political subdivision or district therein”, and

**Whereas**, General Municipal Law Section 6-e (1)(i) states “Public emergency” means an epidemic, conflagration, riot, storm, flood or other sudden, unforeseen or unexpected occurrence or condition which requires the immediate expenditure of moneys to protect the public health, safety or welfare of the inhabitants of the municipal corporation”, and

**Whereas**, the City and its Engineering Consultants have discussed the situation with the New York State Department of Health and the New York State Environmental Facilities Corporation and understand that an emergency response to the current condition by accelerating the raw waterline steel lock bar replacement project will not jeopardize the project funding; and

**Whereas**, the City has concluded that the leak or leaks in the raw waterline represent a Public Emergency, now, therefore be it

**Resolved**, that the Mayor, declare that the replacement of the original steel lock bar section of the raw waterline is a Public Emergency, and be it

**Further Resolved**, that the Mayor direct its engineering staff and consultants to take all practical means to accelerate the design and construction of the replacement for the original raw waterline relative to Resolution 080217.10 including all services and materials required for temporary repair(s) as deemed necessary to protect the City’s primary source of raw water supply.

Seconded by Alderman Wohleben and adopted. Ayes 6.

**111517.4**

By Alderman Wohleben:

WHEREAS, the City of Lockport held its annual in rem tax foreclosure auction on November 4, 2017; and

WHEREAS, by public auction, the City of Lockport accepted bids on several parcels which were foreclosed upon by a Court ordered Judgement; and

WHEREAS, pursuant to paragraph 4 of the Terms of the Sale approval of the governing body of the tax district is required; and

NOW THEREFORE BE IT RESOLVED, the City of Lockport does hereby approve and confirm by ratification the sale of the properties listed below.

|  |  |  |  |
| --- | --- | --- | --- |
| **PARCEL ID** | **Address** | **Purchaser** | **Purchase Price** |
| 2015-017 | 362 GREEN STREET | Alan Campisano | $ 7,750.00 |
| 2015-018 | 323 GREEN STREET | Gale Rutherford | $ 18,000.00 |
| 2015-043 | 233 JACKSON STREET | Affordable Living NY | $ 9,000.00 |
| 2015-045 | 158 JACKSON STREET | Joseph Greenwald | $ 300.00 |
| 2015-051 | 358 PROSPECT STREET | Robert Schaffer | $ 15,000.00 |
| 2015-053 | 80 JACKSON STREET | Scott Greig | $ 600.00 |
| 2015-062 | 26 REED STREET | Erik Michaelsen | $ 18,000.00 |
| 2015-064 | 199 ELMWOOD AVENUE | 2020 Street LLC | $ 21,000.00 |
| 2015-068 | 134 STATE ROAD | Yussett Ramirez | $ 1,500.00 |
| 2015-076 | 277 WASHBURN STREET | Matthew Martin | $ 14,000.00 |
| 2015-090 | 101 OLCOTT STREET | Affordable Living NY | $ 5,631.71 |
| 2015-091 | 105 OLCOTT STREET | Affordable Living NY | $ 368.29 |
| 2015-100 | 141 WASHINGTON STREET | 2020 Street LLC | $ 20,750.00 |
| 2015-101 | 190 GOODING STREET | Daniel Sherwood | $ 7,500.00 |
| 2015-107 | 131 GOODING STREET | Curtis Pugh | $ 22,000.00 |
| 2015-111 | 30 ROGERS AVENUE | Kenneth Howard | $ 37,000.00 |
| 2015-128 | 43 ADAM STREET | Affordable Living NY | $ 14,000.00 |
| 2015-134 | 346 SOUTH STREET | Kenneth Howard | $ 25,250.00 |
| 2015-140 | 11 SOUTH STREET | John Chandler | $ 1,000.00 |
| 2015-142 | 45 SOUTH STREET | Matthew Martin | $ 12,000.00 |
| 2015-147 | 16 EVANS STREET | 2020 Street LLC | $ 9,500.00 |
| 2015-148 | 26 EVANS STREET | Seanserre Hawkins | $ 9,000.00 |
| 2015-152 | 403 SOUTH STREET | Anthony Mullen | $ 7,000.00 |
| 2015-162 | 161 COTTAGE STREET | 2020 Street LLC | $ 16,500.00 |
| 2015-165 | 156 COTTAGE STREET | Matthew Martin | $ 17,000.00 |
| 2015-168 | 107 SPALDING STREET | Jolene Angevine | $ 28,000.00 |
| 2015-173 | 310 HIGH STREET | James Benedict | $ 10,000.00 |
| 2015-174 | 184 SAXTON STREET | Scott Colby | $ 32,000.00 |
| 2015-177 | 183 SAXTON STREET | 2020 Street LLC | $ 20,250.00 |
| 2015-178 | 219 COTTAGE STREET | Charles Johnson Jr. | $ 22,000.00 |
| 2015-179 | 410 WASHBURN STREET | Matthew Martin | $ 13,000.00 |
|  |  | Total | $434,900.00 |

Seconded by Alderman Oates and adopted. Ayes 6.

**111517.5**

By Alderman Wohleben:

Resolved, that the City tax budget for fiscal year 2018, containing appropriations for operating City departments, be and the same is hereby adopted as follows:

**CITY OF LOCKPORT, NEW YORK**

**2018 GENERAL FUND BUDGET SUMMARY**

Budget Appropriations:

Personal Services $11,239,736

Equipment 129,962

Contractual 1,776,123

Fringe Benefits 9,317,411

Undistributed 1,300,792

Debt Service 917,610

Total Appropriations: $24,681,634

LESS: Estimated Revenues: $12,280,804

Estimated Fund Balance:

Amount to be raised through property taxation: $ 12,400,830

Assessed Valuation: $700,508,192

REAL PROPERTY TAX RATE: $17.7026 per $1,000 ASSESSED VALUATION

Seconded by Alderman Abbott and adopted. Ayes 4. No 2.

Aldermen Mullane and Devine voted no.

**111517.6**

By Alderman Devine:

Resolved, that the City of Lockport 2018 Water Fund Budget containing appropriations for operating the City's Water Department, be and the same is hereby adopted as follows:

**CITY OF LOCKPORT, NEW YORK**

**2018 WATER FUND BUDGET SUMMARY**

Appropriations:

Personal Services $1,248,100

Equipment  72,300

Contractual                                         975,661

           Fringe Benefits                         1,062,767

            Debt Services                          804,495

Special Items                                     141,177

Total Appropriations:                    $4,304,500

Estimated Revenues:                           $4,304,500

Seconded by Alderman Oates and adopted. Ayes 6.

**111517.7**

By Alderman Devine:

Resolved, that the City of Lockport 2018 Sewer Fund Budget containing appropriations for operating the City's Wastewater Treatment and Compost Facility, be and the same is hereby adopted as follows:

**CITY OF LOCKPORT, NEW YORK**

**2018 SEWER FUND BUDGET SUMMARY**

Appropriations:

Personal Services $1,125,424

Equipment 52,250

Contractual 1,097,265

Fringe Benefits 1,070,512

Debt Service 864,680

Special Items 65,029

Total Appropriations: $4,275,160

Estimated Revenues: $4,275,160

Seconded by Alderman Farrell and adopted. Ayes 6.

**111517.8**

By Alderman Wohleben:

Resolved, that the City of Lockport 2018 Budget containing appropriations for operating the City's Refuse & Recycling, be and the same is hereby adopted as follows:

**CITY OF LOCKPORT, NEW YORK**

**2018 SPECIAL REVENUE FUND – RECYCLING & REFUSE SUMMARY**

Appropriations:

Personal Services $ 0

Equipment 20,000

Contractual 1,159,483

Fringe Benefits 0

Debt Service 36,427

Interfund 73,090

Total Appropriations: $1,289,000

Estimated Revenues: $1,289,000

Seconded by Alderman Oates and adopted. Ayes 6.

**111517.9**

By Alderman Wohleben:

**WHEREAS**, the City Treasurer submitted to the City Council all delinquent assessments, penalties, charges or fees and any other amounts to be added to taxes, and

**WHEREAS,** the Common Council conducted a public hearing on November 8, 2017 at 5:00 P.M. in the Common Council Chambers, Lockport Municipal Building, One Locks Plaza, Lockport, New York in accordance with section 155-7 A (Solid Waste) of Chapter 158 of the City Code to confirm the delinquent accounts to re-levy.

**NOW THEREFORE BE IT**

**RESOLVED,** that the following delinquent refuse accounts totaling $209,835.80 are hereby confirmed and shall be inserted in the annual tax rolls and be a part of the annual tax upon said parcels against which such amounts are charged and shall be subject to all the provisions of the City Charter:

**Account                                                        Amount**

            Refuse $ 192,495.80

Relevy Fee  $ 17,340.00

            And Be it further

**RESOLVED,** that the following delinquent Water & Sewer Accounts totaling $798,036.68 are hereby confirmed and shall be inserted in the annual tax rolls and be a part of the annual tax upon said parcels against which such amounts are charged and shall be subject to all the provisions of the City Charter:

**Account                                                        Amount**

            Water                                                 $ 431,689.60

            Sewer                                                            $ 328,344.35

Late fees $ 38,002.73

Seconded by Alderman Oates and adopted. Ayes 6.

**111517.10**

By Alderman Abbott:

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.

Seconded by Alderman Devine and adopted. Ayes 6.

**111517.11**

By Alderman Abbott:

Whereas, the City of Lockport Common Council authorized the Lockport Police Department to auction off vehicles, and

Whereas, one of the vehicles was in such poor condition that there was no interested bidder, and

Whereas, the Town of Somerset is in need of this vehicle for parts, now therefore be it

Resolved, that the Mayor, subject to Corporation Counsel approval is hereby authorized to enter into an intermunicipal donation agreement with Town of Somerset as it relates to said vehicle.

Seconded by Alderman Farrell and adopted. Ayes 6.

**111517.12**

By Alderman Wohleben:

Whereas, the Grigg Lewis Foundation donated over 80 wreaths for Lockport Main Street for the 2017 holiday season, and

Whereas, there are light poles that need additional hardware to support the lighting of the wreaths, and

Whereas, the 2017 budget needs to be amended to allow for the additional hardware, now therefore be it

Resolved that the 2017 budget be amended as follows:

Decrease:

001-1900-1190 Contingency $11,820.00

Increase:

001-5182-4725 Maintenance and Repair of Equipment $11,820.00

Seconded by Alderman Devine and adopted. Ayes 6.

**111517.13** **ADJOURNMENT**

At 7:07 P.M. Alderman Wohleben moved the Common Council be adjourned until 6:30 P.M., Wednesday, December 6, 2017.

Seconded by Alderman Abbott and adopted. Ayes 6.

RICHELLE J. PASCERI

City Clerk