

CITY OF LOCKPORT
CORPORATION PROCEEDINGS

Lockport Municipal Building

Regular Meeting
Official Record

February 5, 2020
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, Kantor, Oates, Schratz, and Van De Mark.

INVOCATION

MAYOR'S UPDATE

RECESS

Recess for public input.

020520.1

APPROVAL OF MINUTES

On motion of Alderman Devine, seconded by Alderman Oates, the minutes of the Regular Meeting of January 15, 2020 are hereby approved as printed in the Journal of Proceedings. Ayes 6. Carried.

PUBLIC HEARING

The Mayor announced a public hearing on a proposed Local Law amending Chapter 66 of the Lockport City Code Building Construction Administration.

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

Recess for public input.

The Mayor closed the public hearing.

FROM THE MAYOR

Appointments:

1/15/20 James C. Elmer, 6963 Mourning Dove Lane, Wheatfield, NY 14304 – appointed to Director of Engineering, for the Engineering Department effective January 15, 2020. Said appointment is Provisional and subject to the City of Lockport Municipal Civil Service rules and regulations.

Received and filed.

1/22/20 Jason R. Saunders, 209 Saxton Street, Lockport, NY – appointed to Water/Wastewater Operator Trainee for the Water Filtration Department effective January 24, 2020. Said appointment is Permanent and subject to the City of Lockport Municipal Civil Service rules and regulations.
Received and filed.

1/23/20 Nicholas D. Saunders, 426 Pine Street, Lockport, NY- appointed to Senior Water Treatment Plant Operator for the Water Filtration Department effective January 24, 2020. Said appointment is Provisional 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)

1/21/20 Mayor Michelle M. Roman – notification that Alderman Abbott has been named a volunteer for the Community Pride Program, and welcomes and appreciates any and all Alderman to volunteer.
Referred to the Committee of the Whole.

1/9/20 Mayor Michelle M. Roman - recommendation that Mark S. Devine, 110 Corinthia Street, Lockport, NY be appointed to the Lockport Community Cable Commission.
Referred to the Committee of the Whole.

1/15/20 State Senator, 62nd District Robert G. Ort – extending congratulations on the grant money awarded from the Western New York Regional Economic Development Council.
Received and filed

1/3/20 Lynn Harrington, Stephen C. Harrington Memorial Erie Canal Fishing Derby – requests permission to hang two banners to promote the 2020 Erie Canal Fishing Derby.
Referred to the Committee of the Whole.

1/29/20 Richelle J. Pasceri, City Clerk – notification the Lockport Municipal Offices will be closed as follows in the month of February in observance of the President's Birthdays:

Monday, February 10th

Monday, February 17th

There will be no change in the garbage pickup schedule.

Referred to the media.

Notice of Defect:

1/15/20 75 Hyde Park – Trees
1/24/20 62 Bridlewood Drive - Tree
Referred to the Director of Streets and Parks.

Notice of Claim:

1/17/20 New York Central Mutual, FBO Beverly J. Wilson, 249 Church St., Lockport, NY
1/27/20 The Hanover Insurance Co., FBO Tamara Smith, 2618 Transit, Newfane, NY
Referred to the Corporation Counsel.

MOTIONS & RESOLUTIONS

By Alderman Vandemark:

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

Seconded by Alderman Kantor and adopted. Ayes 6.

020520.2

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 a special run January 22 & 23, 2020 as follows:

2019 Expenses

Fund A General - \$26,160.45
Fund FX Water - \$7,683.18
Fund G Sewer - \$5,355.18
Fund MS Health Insurance - \$85.48
Fund S Worker's Comp - \$1,137.00
Total - \$40,421.29

2020 Expenses

Fund A General - \$19,258.67
Fund FX Water - \$1,370.88
Fund G Sewer - \$1,762.36
Total - \$22,391.91

And be it further 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 February 5, 2020 as follows:

2019 Expenses

Fund A General - \$232,737.13
Fund CD Community Development - \$45,685.00
Fund CL Refuse & Recycling - \$96,664.01
Fund FX Water - \$128,209.09
Fund G Sewer - \$46,461.23
Fund H Capital Expenses - \$259,757.44
Fund S Worker's Comp - \$2,861.74
Total - \$824,939.62

2020 Expenses

Fund A General - \$262,898.73
Fund CD Community Development - \$89,536.14
Fund CL Refuse & Recycling - \$419.00
Fund FX Water - \$43,268.33
Fund G Sewer - \$14,097.01
Fund MS Health Insurance - \$146,341.90
Fund S Worker's Comp - \$92,069.00
Total - \$648,630.11

Payroll Pay Date 1/16 \$632,838.92
Payroll Pay Date 1/30/20 \$460,243.68

Seconded by Alderman Kantor and adopted. Ayes 6.

020520.3

By Alderman Vandemark:

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>
Barbara A. McGaffin	30	Staff Accountant
Anthony J. Palumbo	25	Police Captain
John F. Sakowski	25	Fire Captain

Seconded by Alderman Abbott and adopted. Ayes 6.

020520.4

By Alderman Kantor:

Resolved, that pursuant to the recommendation of Mayor Roman, Mark S. Devine, Lockport, NY is hereby appointed to the Lockport Community Cable Commission for a two-year term expiring on December 31, 2021.

Seconded by Alderman Schratz and adopted. Ayes 6.

020520.5

By Alderman Vandemark:

Resolved, that a public hearing be held at the Common Council Meeting of February 19, 2020 starting at 5:30 P.M. in the Common Council Chambers, Lockport Municipal Building, One Locks Plaza, Lockport, NY relative to a request for a Special Use Permit made by Ulrich Sign Company, for approval to erect a 37' x 1' x 5' non-illuminated ground sign to be located at 58 Main Street, situated in a B-2 Zone, and be it further

Resolved, that the City Clerk is hereby authorized and directed to advertise notice of said public hearing.

Seconded by Alderman Schratz and adopted. Ayes 6.

020520.6

By Alderman Oates:

Resolved, that pursuant to their request, the Erie Canal Fishing Derby is hereby granted permission to erect a banner at least 17' from the ground across Lake Avenue at Olcott Street

and on East Avenue at Davison Road to promote the Erie Canal Fishing Derby which will be held from July 16th through July 26th, 2020. 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 Erie Canal Fishing Derby filing a certificate of insurance with the City Clerk naming the City of Lockport as additional insured and subject to payment of \$50 for each banner to be erected, and be it further

Resolved, that the City Clerk is hereby authorized and directed to make arrangements with city forces to erect the banners.

Seconded by Alderman Devine and adopted. Ayes 6.

020520.7

By Alderman Abbott:

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 16, 2020, 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 Oates and adopted. Ayes 6.

020520.8

By Alderman Schratz:

Resolved, that pursuant to their request, the Shamus Restaurant, is hereby granted permission to conduct their third annual St. Patrick's Day Event on March 14, 2020, and be it further

Resolved, that permission is hereby granted to barricade Hawley Street from Genesee Street to West Avenue on Friday March 13th and Saturday March 14th for said event, and be it further

Resolved, that permission is hereby granted to allow the sale of crafts, food and alcoholic beverages during said event, and be it further

Resolved, that permission to erect a tent be granted, and be it further

Resolved, that said permission is subject to The Shamus Restaurant 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 for delivery of barricades, traffic cones, and street closed signs to the area prior to the event.

Seconded by Alderman Abbott and adopted. Ayes 6.

020520.9

By Alderman Oates:

Resolved, that pursuant to their request, the Cystic Fibrosis Foundation is hereby granted permission to use the pavilion at Nelson C. Goehle Park for their annual Great Strides Walk Event on Saturday, May 16, 2020.

Seconded by Alderman Devine and adopted. Ayes 6.

020520.10

By Alderman Vandemark:

Resolved, that pursuant to their request, the Exchange Club of Lockport is hereby granted permission to use city bleachers for the Exchange Club Circus to be held February 28th & 29th, 2020. Said permission is subject to the Exchange Club of Lockport 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 for delivery of the bleachers.

Seconded by Alderman Kantor and adopted. Ayes 6.

020520.11

By Alderman Schratz:

**City of Lockport
Local Law No. 1 of the year 2020.**

A LOCAL LAW to amend Chapter 66 of the Lockport City Code Building Construction Administration

BE IT ENACTED by the Common Council of the City of Lockport, New York as follows:

Section 66-15(C) of the Lockport City Code is hereby amended by deleting the same in its entirety and substituting therefore a new Section 66-15(C) to read as follows:

§ 66-15(C). Penalties for Offenses. In addition to those penalties prescribed by State law, any person who violates any provision of the Uniform Code, the Energy Code or this chapter, or any term or condition of any building permit, certificate of occupancy/certificate of completion, temporary certificate, stop-work order, operating permit or other notice or order issued by the Code Enforcement Officer pursuant to any provision of this chapter shall be liable to a penalty of not more than \$250.00 or imprisonment for a period not exceeding 15 days or both. Each day that a violation continues shall be deemed a separate offense and punishable as such.

This law shall be effective upon filing with the Office of the Secretary of State.

Seconded by Alderman Vandemark. A roll call vote was taken which resulted as follows:

Alderman Abbott	VOTING	Yes
Alderman Devine	VOTING	Yes
Alderman Kantor	VOTING	Yes
Alderman Oates	VOTING	Yes
Alderman Schratz	VOTING	Yes
Alderman Vandemark	VOTING	Yes

The Local Law was thereupon declared duly adopted.

020520.12

By Alderman Kantor:

Resolved, that the Mayor, subject to Corporation Counsel approval is hereby authorized to sign a Memorandum of Agreement with Lockport Professional Firefighters Association IAFF Local 963 related to calculation of overtime pay and longevity pay to resolve an Improper Practice Charge No. U-36915 and Grievance No. 19-001 regarding the same.

Seconded by Devine and adopted. Ayes 6.

020520.13

By Alderman Abbott:

Whereas, the City has solicited applicants for Director of Engineering, and
Whereas, the City has received numerous applications and the Mayor has selected James Elmer to the Director of Engineering position, and

Whereas, the appointee, the Department Head Association and the City wish to memorialize the terms and conditions of employment and clarify current contractual terms; now therefore, be it

Resolved, that the City agrees that the appointee will reside in the City of Lockport. In consideration of this, the City will grant, as allowed by the Collective Bargaining Agreement between the City and Department Head Association, ten days' vacation to accommodate this move. In addition, in agreement with the Department Head Association, the appointee shall be compensated at step 3 of the grade for a period of 6 years then in accordance with the step movement provisions contained in the Collective Bargaining Agreement; and be it further

Resolved, that all other terms and conditions of employment for the appointee will be in accordance with the Collective Bargaining Agreement between the City and the Department Head Association as it may be amended by the parties from time to time; and be it further

Resolved, that the City agrees to clarify contract language regarding sick time buyout and holiday schedule in the current Collective Bargaining Agreement; and be it further

Resolved, that the Mayor is authorized to execute a Memorandum of Agreement setting forth the terms and conditions above.

Seconded by Oates and adopted. Ayes 6.

020520.14

By Alderman Vandemark:

Whereas, the City of Lockport has adopted a salary schedule for the position of Confidential Assistant to the Mayor; and

Whereas, New York State Retirement System imposes a salary cap on employees returning to municipal service; and

Whereas, the City of Lockport desires to facilitate the appointment and employment of the current Confidential Assistant to the Mayor; and now therefore be it

Resolved, that salary schedule for the position of Confidential Assistant to the Mayor is suspended for 2020; and be it further

Resolved, that the salary for the position of Confidential Assistant to the Mayor shall be set at \$29,957.00 for the year 2020.

Seconded by Schratz and adopted. Ayes 6.

020520.15

By Alderman Oates:

Whereas, the Building Inspection overtime budget for 2020 was inadvertently funded at \$5,000; and

Whereas, the anticipated Building Inspection Department overtime budget for 2020 is \$10,000; Now therefore, Be it

Resolved, that the 2020 Budget is hereby amended as follows:

Expense:

Decrease:	A.1900.54765	Contingency	\$5,000
Increase:	A.3620.51100	Building Inspection Overtime	\$5,000

Seconded by Kantor and adopted. Ayes 6.

020520.16

By Alderman Abbott:

Whereas, the current STAR real property tax savings may be less than the amount of the STAR real property tax savings from the prior year and has no floor values, and

Whereas, the New York State Legislature is considering legislation amending Subparagraph (i) of Paragraph (a) of Subdivision 2 of Section 1306-a of the Real Property Tax Law, as amended by Section 1 of Part LL of Chapter 59 of the Laws of 2019 to add language in relation to providing that the amount of a STAR real property tax savings may not be less than the amount of the STAR real property tax savings from the previous year, which will create a floor for the STAR program, and

Whereas, the establishment of such legislation would create a floor that protects low income individuals and those on fixed incomes to ensure they receive, at a minimum, the same STAR real property tax savings in the following year, and

Whereas, the New York State Assessor’s Association supports this Bill, now therefore be it

Resolved, by the Common Council of the City of Lockport that the Real Property Tax Law be amended to provide that the amount of a STAR real property tax savings not be less than the amount of the STAR real property tax savings from the prior year and hereby supports the New York State Bill, and be it further

Resolved, that the City Clerk is hereby authorized to forward a copy of said resolution to the following persons:

- Governor Andrew Cuomo
- Assemblyman Michael Norris
- Senator Robert Ort
- Assemblywoman Sandy Galef
- Assemblyman Kenneth Zebrowski

Seconded by Alderman Vandemark and adopted. Ayes 6.

On motion of Alderman Devine, seconded by Alderman Kantor, the Common Council moved to Executive Session for pending litigation matters at 6:29 PM. Ayes 6. Carried.

On motion of Alderman Abbott, seconded by Alderman Oates, the Common Council ended Executive Session at 6:37 PM. Ayes 6. Carried.

020520.17

ADJOURNMENT

At 6:40 P.M. Alderman Devine moved the Common Council be adjourned until 5:30 P.M., Wednesday, February 19, 2020.

Seconded by Alderman Kantor and adopted. Ayes 6.

RICHELLE J. PASCERI
City Clerk