

CITY OF LOCKPORT
CORPORATION PROCEEDINGS

Palace Theater

Regular Meeting
Official Record

January 1, 2018
1:00 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, Eggert, Farrell, Oates, and Wohleben.

INVOCATION

SWEARING IN CEREMONY

By Alderman Wohleben:

Resolved, that the Rules and Orders of the Common Council be and the same are hereby waived for this meeting.

Seconded by Alderman Abbott. Ayes 6.

010118.1

APPROVAL OF MINUTES

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

FROM THE MAYOR

Resignation:

12/7/17 Jennifer Stoll – resigned as a member of the Ethics Board effective Dec. 6, 2017.

Received and filed.

Appointments:

12/6/17 Jason S. Richards, 130 Erie Street, Lockport, NY – appointed as Water Treatment Plant Operator Trainee effective December 18, 2017. Said appointment is permanent and subject to the City of Lockport Municipal Civil Service rules and regulations.

Received and filed.

12/6/17 Nicholas D. Saunders, 426 Pine Street, Lockport, NY – appointed as Water Treatment Plant Operator Trainee effective December 11, 2017. Said appointment is permanent and subject to the City of Lockport Municipal Civil Service rules and regulations.

Received and filed.

12/12/17 Brian M. Smith, 362 Deerhurst Park Blvd., Tonawanda, NY – appointed as Director of Planning and Development effective December 12, 2017. Said appointment is permanent and subject to the City of Lockport Municipal Civil Service rules and regulations.
Received and filed.

12/18/17 James C. Bennett, 427 Vine Street, Lockport NY – appointed as Sr. Water Treatment Plant Operator effective December 15, 2017. 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)

Notice of Claim:

12/18/17 Mark A. & Joan E. Pickles, 265 Pine Street, Lockport, NY

12/19/17 Joseph & Josephine Doxey, 318 Walnut Street, Lockport, NY

Referred to the Corporation Counsel.

11/13/17 Jeff Tracy, Race Director, Score This! – request permission to conduct the 47th annual Lockport 10 Open Road Race on February 10, 2018.

Referred to the Committee of the Whole.

12/7/17 Ed Sandusky, 43 Woodbury Drive, Lockport, NY – request permission to conduct the 43rd annual Lockport Optimist Outdoor Arts & Craft Festival on June 23rd & 24th, 2018.

Referred to the Committee of the Whole.

12/11/17 Cristy Field, Senior Manager, Walk MS – request permission to conduct the Lockport Walk MS on May 19, 2018.

Referred to the Committee of the Whole.

12/15/17 Richelle J. Pasceri, City Clerk – notification that the Lockport Municipal Offices will be closed on the following days in December and January for Christmas and New Year's:

Friday, December 22 (closed at 12 noon)

Monday, December 25

Friday, December 29 (closed at 12 noon)

Monday, January 1, 2018

The garbage collection schedule is as follows:

Due to the Christmas and New Year's holidays, there will be no garbage collection on Monday, December 25th & Monday, January 1st.

Garbage scheduled for collection on the weeks beginning December 25th and January 1st will be collected on the day following regularly scheduled collection

Bulk items will be collected the week of January 1st

Referred to the media.

MOTIONS & RESOLUTIONS

010118.2

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 January 5, 2018 as follows:

General Fund	Account #001	\$ 208,019.74
Water Fund	Account #002	\$ 47,005.16
Sewer Fund	Account #003	\$ 201,092.78
Capital Projects	Account #004	\$ 345,552.19
Refuse Fund	Account #012	\$ 186,829.08
Self Insurance	Account #015	\$ 150,737.09
Payroll	Pay Date 12/7/17	\$ 693,789.70
Payroll	Pay Date 12/21/17	\$ 469,307.33

Seconded by Alderman Eggert and adopted. Ayes 6.

010118.3

By Alderman Abbott:

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>
Clayton C. Dimmick	10	Sr. Building Inspector
Jason C. Dool	10	Chief Building Inspector
Matthew M. Devine	10	Firefighter

Seconded by Alderman Devine and adopted. Ayes 6.

010118.4

By Alderman Wohleben:

Resolved, that the Director of Finance be and the same is hereby authorized and directed to transfer funds from under expended appropriations accounts to over expended accounts in the 2017 General, Water, Sewer, and Refuse Fund budgets, and furthermore, report to the Common Council on those accounts having had transfers.

Seconded by Alderman Farrell and adopted. Ayes 6.

010118.5

By Alderman Wohleben:

Resolved, that pursuant to the recommendation of the City Treasurer and Director of Finance, the Manufacturers & Traders Trust Company, J. P. Morgan Chase & Co. Bank, and Key Bank, be designated as depositories of City funds for fiscal year 2018, provided said banks comply with the terms and conditions as set forth in the City of Lockport's Investment Policy.

Seconded by Alderman Eggert and adopted. Ayes 6.

010118.6

By Alderman Devnie:

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

Whereas, on resolution 081617.6 the Common Council awarded the Fluoride Feed System Replacement project to Hohl Industrial Services, Inc., and

Whereas, the Chief Operator of the Water Treatment Plant requested additional work to fabricate and install a crossover ladder at the opening of the fluoride room and to replace the existing coating behind the fluoride tank, and

Whereas, Hohl Industrial Services, Inc. has submitted a change order for \$7,691.05 to complete the additional work and such change order has been approved by the City’s consultant engineering firm Nussbaumer and Clarke, and

Whereas, 2017 Budget needs to be amended to accommodate the cost of the additional work; now, therefore, be it

Resolved, that the Mayor, subject to Corporation Counsel approval, is hereby authorized and directed to sign Hohl Industrial Services, Inc.’s change order to fabricate and install a crossover ladder and to replace the existing coating behind the fluoride tank at the City of Lockport Water Treatment Plant; and, be it further

Resolved, that the 2017 Budget be amended.

Seconded by Alderman Oates and adopted. Ayes 6.

010118.7

ADJOURNMENT

At 1:33 P.M. Alderman Wohleben moved the Common Council be adjourned until 6:30 P.M., Wednesday, January 17, 2018.

Seconded by Alderman Abbott and adopted. Ayes 6.

RICHELLE J. PASCERI
City Clerk

CITY OF LOCKPORT
CORPORATION PROCEEDINGS

Lockport Municipal Building

Regular Meeting
Official Record

January 24, 2018
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, Eggert, Farrell, Oates, and Wohleben.

MAYOR’S UPDATE

RECESS

Recess for public input.

012418.1 APPROVAL OF MINUTES

On motion of Alderman Wohleben, seconded by Alderman Abbott, the minutes of the Regular Meeting of January 1, 2018 are hereby approved as printed in the Journal of Proceedings. Ayes 6. Carried.

FROM THE MAYOR

Appointments:

1/2/18 Under and by virtue of the authority conferred on me by the Charter of the City of Lockport, I, Anne McCaffrey, Mayor of the City of Lockport, do hereby make the following appointments:

For the term of one year expiring on December 31, 2018:

President of the Common Council	David Wohleben
Corporation Counsel	John J. Ottaviano
Deputy Corporation Counsel (1 st)	David E. Blackley
Deputy Corporation Counsel (2 nd)	David J. Haylett, Jr.
Traffic Advisory Committee	David J. Haylett, Jr.

2018 Common Council Standing Committees:

Finance Committee- Alderman Wohleben, Chairman
Members: Aldermen Eggert, Farrell, Abbott, Oates, Devine
City Treasurer, Director of Finance

Public Health & Safety Committee- Alderman Eggert, Chairman
Members: Aldermen Wohleben and Abbott
Fire Chief, Police Chief, and Chief Building Inspector

Highways & Parks Committee- Alderman Oates, Chairman
Members: Alderman Wohleben, Eggert, Farrell Abbott, Devine
City Engineer, Director of Streets and Parks, Director of Public Works

Water & Sewer Committee- Alderman Devine, Chairman
Members: Alderman Eggert, Wohleben, Farrell, Abbott Oates
City Engineer, Sr. Building Inspector, Chief Operator/WWTP, Chief Operator Water, Water Distribution
Maintenance Supervisor, Director of Public Works

Youth Committee- Alderman Farrell, Chairman
Members: Aldermen Abbott and Oates
Director of Finance

Personnel Committee- Alderman Eggert, Chairman
Members: Alderman Wohleben, Farrell, Oates, Abbott.
City Clerk, Director of Finance, Personnel Officer

Washington Hunt Committee- Mayor McCaffrey, Chairman
Members: Aldermen Wohleben and Abbott

For their term of office:

Police Board	Alderman David Wohleben
Fire Board	Alderman Richard Abbott
Community Cable Commission	Alderman David Wohleben
Community Pride	Aldermen Richard Abbott, Mark Devine & Joe Oates

Commissioner of Deeds:

For the term of two years expiring on December 31, 2019

Robert Norris, 174 Continental Drive, Lockport, New York, 14094
Michael Carney, 407 Bennett Street, N Tonawanda, New York, 14120
John D. Johnston, 1610 Youngstown-Lockport Rd, Youngstown, New York 14174
Ann Boci, 41 W. Grant Street, Lockport, New York, 14094
William Thompson, 820 Pasadena Avenue, Niagara Falls, New York, 14305
Adam Van DeMark, 587 Pine Street, Lockport, New York, 14094
Lawrence Eggert, 194 Independence Drive, Lockport, New York, 14094

1/4/18 John Lombardi III, 329 Chestnut Street – appointed as the City of Lockport representative for NIACAP effective January 1, 2018.
Received and filed.

1/9/18 Thomas Murphy, 441 Willow Street, Lockport, NY – appointed as a member of the Police Board.
Said term expires December 31, 2021.
Received and filed.

1/10/18 Joan Black, Ransomville, NY – appointed as Dog Control Officer for the City of Lockport effective January 9, 2018. Said appointment is permanent and subject to the City of Lockport Municipal Civil Service rules and regulations.
Received and filed.

1/11/18 Christian Landry, 16 Franklin Avenue, Lockport, NY – appointed as Municipal Worker for the Building Maintenance Department effective January 22, 2018. Said appointment is permanent and subject to the City of Lockport Municipal Civil Service rules and regulations.
Received and filed.

1/15/18 Mark S. Smith, 2 East Park Drive, Lockport, NY – appointed as Wastewater Treatment Plant Lab Tech effective January 9, 2018. Said appointment is permanent and subject to the City of Lockport Municipal Civil Service rules and regulations.
Received and filed.

1/15/18 Carol Noon, 5625 Jeffrey Drive, Lockport, NY – appointed as Senior Wastewater Treatment Plant Lab Tech effective January 9, 2018. Said appointment is permanent and subject to the City of Lockport Municipal Civil Service rules and regulations.
Received and filed.

1/19/18 Scott Sakellaris, 17 Elmira Street, Lockport, NY – appointed as Heavy Equipment Operator for the Water Distribution Department effective January 19, 2018. 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)

Notice of Defect:

1/8/18 192 Elmwood Avenue – tree

1/14/18 289 Ontario Street – tree

Referred to the Director of Streets and Parks.

Notice of Claim:

12/28/17 Zachary Smith, Philip DiVencenzo, Philip DiVencenzo on behalf of his children Mar.D, Mea.D, and Max.D -vs.- city of Lockport Police Officer Michael Wasik, Lieutenant Marshall Belling, and former Police Chief Lawrence Eggert

1/11/18 Progressive Insurance – Subrogee of Adam Strobele

1/12/18 James M. Timkey, 4668 Wilson Road, Lockport, NY

1/12/18 William R. Timkey, Jr. 7021 Northview Drive, Lockport, NY

Referred to the Corporation Counsel.

11/22/17 Ken Genewick, Co-Race Director, Great Lakes Racing LLC – request permission to conduct the 2018 Beast of Burden Ultra Marathon Race Series.

Referred to the Committee of the Whole

1/2/18 Neal Turvey, Niagara Jr. Thunder Wolves – request permission to conduct the 2018 Youth Baseball Tournament.

Referred to the Committee of the Whole

1/4/18 Lynn Harrington, Erie Canal Fishing Derby – request permission to erect a banner to advertise the 2018 Erie Canal Fishing Derby.

Referred to the Committee of the Whole

1/9/18 Flora Hawkins, Coordinator & Facilitator, Lockport New Beginnings Young Men and Women of Character Program – request permission to use the Council Chambers on Saturdays beginning January 27th through April 28th for the Beginnings Young Men and Women of Character Program. Referred to the Committee of the Whole

1/15/18 Sharon Voelker-Lacewell, Lockport Evangelical Ministries Association – request permission to conduct Praise in the Park on August 11, 2018.

Referred to the Committee of the Whole

MOTIONS & RESOLUTIONS

012418.2

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 January 26, 2018 as follows:

General Fund	Account #001	\$ 313,628.72
Water Fund	Account #002	\$ 52,929.61
Sewer Fund	Account #003	\$ 56,167.54
Capital Projects	Account #004	\$ 94,721.00
Refuse Fund	Account #012	\$ 90,589.07
Self Insurance	Account #015	\$ 99,758.71
Worker's Comp	Account #020	\$ 84,844.00
Payroll	Pay Date 1/4/18	\$ 478,046.95
	Pay Date 1/18/18	\$ 767,819.89

Seconded by Alderman Oates and adopted. Ayes 6.

012418.3

By Alderman Wohleben:

Resolved, that pursuant to their request, Score This!!! is hereby granted permission to conduct Lockport 10 Open Road Race and to close Market Street during the race and close East Avenue from Washburn Street to Elm Street at the beginning and end of the race on Saturday, February 10, 2018, subject to approval of the race route by the Police Chief and subject to Score This!!! 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 salting the streets in the City's portion of the race route if necessary, and to deliver barricades, cones, and "street closed" signs as required, and be it further

Resolved, that the Traffic Captain is hereby directed to arrange for police support for said event.

Seconded by Alderman Eggert and adopted. Ayes 6.

012418.4

By Alderman Farrell:

Resolved, that permission is hereby granted the Optimist Club of Lockport to conduct their 43rd Annual Lockport Optimists Arts and Craft Festival on June 23rd and 24th 2018 from 10:00 A.M. until 5:00 P.M. (street closing from 8:00 A.M. until 7:00 P.M.) with the following provisions:

- (1) The Lockport Optimist Club shall issue exhibitor's permits to arts and crafts exhibitors, vendors and peddlers, and to insure public safety and order and to avoid overcrowding of the exhibit areas, no other exhibits, displays, vendors or peddlers shall be permitted within the show area, whether located on public or private property, and the Lockport Optimist Club shall enforce this ban with the cooperation of the Lockport Police Department.
- (2) The Police Department is hereby directed to enforce the removal of all concessionaires, vendors, or peddlers from the show area not possessing an exhibitor's permit.
- (3) The show area shall include the blocks on Main Street from Washburn Street west to Saxton Street.
- (4) The Lockport Optimist Club shall file a certificate of insurance with the City Clerk naming the City of Lockport as additional insured, subject to the approval of the Corporation Counsel, and be it further

Resolved, that the Director of Streets and Parks is hereby authorized and directed to arrange for delivery and pick-up of City barricades and trash receptacles as needed, and be it further

Resolved, that permission is granted the Optimist Club to use the Police Garage for storage of a golf cart overnight on Friday and Saturday night, June 22nd and 23rd subject to the approval of the Chief of Police.

Seconded by Alderman Devine and adopted. Ayes 6.

012418.5

By Alderman Oates:

Resolved, that pursuant to their request, the National Multiple Sclerosis Society is hereby granted permission to conduct their annual MS Walk in the City on Sunday, May 19, 2018 subject to approval of the walk route by the Police Chief and the Multiple Sclerosis Society filing a certificate of insurance with the City Clerk naming the City of Lockport as additional insured.

Seconded by Alderman Farrell and adopted. Ayes 6.

012418.6

By Alderman Oates:

Resolved, that pursuant to their request, Great Lakes Racing, LLC is hereby granted permission to use the rest room facilities and pavilion at Nelson C. Goehle Wide Waters Marina on Saturday, February 17, and Saturday, August 4, 2018, for the annual Winter and Summer Beast of Burden Ultra Marathons. Said permission is subject Great Lakes Racing, LLC 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 the preparation of the restroom facilities for said event and to arrange for delivery of barricades to close off the parking lot.

Seconded by Alderman Wohleben and adopted. Ayes 6.

By Alderman Devine:

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

Seconded by Alderman Wohleben and adopted. Ayes 6.

012418.7

By Alderman Eggert:

Resolved, that the following Rules and Order of the Common Council are hereby adopted:

RULES AND ORDERS OF THE COMMON COUNCIL

1. **Roll Call** - At the hour appointed for the meeting of the Council, the Mayor shall take the chair and direct a call of the members of the Council, and the Clerk shall note the absentees. Upon the appearance of a quorum, the Mayor shall call the members to order. If a quorum be not present, they shall send for absent members. Following shall be the

ORDER OF BUSINESS

- a. Reading of minutes. Reading and approval of the minutes preceding meeting; but a majority of the members present may approve of, or dispense with, the reading of the minutes of any previous meeting.
- b. Communications from the Mayor.
- c. Communications and reports of officers of the corporation.
- d. Petitions and remonstrances.
- e. Reports of Standing Committees, in the order named in rule.
- f. Reports of Special Committees.
- g. Committee of the Whole.
- h. Executive business.
- i. Motions, resolutions and notices.
- j. Unfinished business.

DUTIES OF THE MAYOR AS PRESIDING OFFICER

2. **The Mayor, as presiding officer, shall possess the powers and perform the duties as herein prescribed:**

- a. They shall preserve order and decorum.
 - b. Question of Order. They shall decide all questions of order, subject to appeal of the Council. On every appeal they shall have the right in his/her place to assign his/her reason for his/her decision; but any member may state the grounds for his/her appeal.
 - c. Appointment of Committees. He/she shall appoint all committees except where the council shall otherwise order.
 - d. Temporary Chairman. He/she may substitute any member to perform the duties of the chair, but such substitution shall not extend beyond the adjournment of the Council, except by special consent of the Council.
 - e. Committee of the Whole. When the Council shall be ready to go into Committee of the Whole, he/she shall name a chairman to preside therein.
 - f. Privileges of the floor. He/she shall have the right to invite to the floor of the Council such persons as he/she shall deem deserving of the privilege; but the right of admission under such invitation shall not extend beyond the day on which it shall be given.
3. **While a question is being put** - While the presiding officer is putting a question, no member shall walk across or out of the room; nor in such case, or when a member is speaking, shall entertain any private discourse, nor, while a member is speaking, shall pass between him and the chair.
4. **Speaking** - Every member, when he/she speaks, shall, from his/her chair, address the presiding officer as Mr. /Madam Mayor, or proper title and shall not proceed until recognized by the presiding officer; and no member shall speak more than twice to the same question, nor more than five minutes each time at the same meeting, without requesting and receiving the consent of a majority of the members present, by a roll call vote.
5. **Speaker recognized** - When two or more members request recognition simultaneously, the presiding officer shall name the member he wishes to speak first.
6. **Call to order** - Any member may be called to order; in which case the member so called to order shall immediately sit down. The point of order shall be stated at the request of the presiding officer, by the member raising the question of order, and shall be decided without debate, before proceeding to other business.
7. **Vote** - Every member shall vote when a question is stated from the chair, unless excused by the Council; and every member voting shall be in his/her place.
8. **Petitions, etc.** - Petitions and other papers may be presented by the presiding officer or any member, but when presented by a member, he/she shall first endorse on the petition or paper the substance thereof.
9. **Motions or Resolutions** - No motion or resolution shall be debated or put until seconded. No member shall make or second a motion or resolution except he/she request recognition from his/her chair for that purpose; and when seconded the motion or resolution shall be stated distinctly by the presiding officer, before being put or debated. No motion or resolution shall be presented for action, unless it has been reviewed by Corporation Council and submitted in writing to the Clerk by noon of the day of the Committee of the Whole work session, one week prior to the Common Council meeting, excluding the work session the day of the Common Council Meeting, or unless by prior authorizations of the Mayor, City Clerk, and City Attorney and then by consent of two-thirds of the whole number of the Council. Resolutions submitted for consideration may go to the appropriate committee prior to submission. A motion or resolution referred to any committee may be recalled from that committee at any subsequent Council meeting by vote of a majority of the whole number of the Council. If any motion or resolution referred to a committee shall not have been reported out within forty-five days of the time when it was referred, then the sponsor of the motion or resolution may have it brought out for Council consideration without any committee report. Any motion or resolution may be withdrawn at any time before decision, commitment or amendment by unanimous consent.
10. **Ayes and noes** - If any member require it, the ayes and noes upon any question shall be taken and entered upon the minutes of the Council. In taking the same, the names of members shall be taken alphabetically.

11. **Appointment of committees** - All committees shall be appointed by the presiding officer, unless otherwise specially directed by the Council, in which case they shall be appointed by ballot.

PRIVILEGED QUESTIONS

12. **Order of motions** - When a question is pending, no motion shall be received, except as hereinafter specified; which motion shall have preference in the order stated:
 - a. For an adjournment of the Council.
 - b. A call of the Council.
 - c. To lay on the table.
 - d. For the previous question.
 - e. To postpone indefinitely.
 - f. To postpone to a day certain.
 - g. To refer to the Committee of the Whole.
 - h. To refer to a standing committee.
 - i. To refer to a special or select committee.
 - j. To amend.
13. **Non-debatable motions** - A motion to adjourn, lay on the table, or for the previous question, shall be decided without amendment or debate; and all questions of order, and all questions relating to the order of business, shall be decided without debate. The several motions to postpone or to refer, shall preclude all debate of the main question.
14. **Reconsideration** - A motion for reconsideration if lost, shall not again be repeated at the same meeting of the Council, nor shall any question be reconsidered more than once.
15. **Executive business** - Executive business shall be governed by Chapter 511 of the Laws of 1976.
16. **Concerning applicant for office** - All information, or any remarks by any member concerning the character or qualifications of any person whose name shall be before the council for an appointment to any office, shall be kept secret, and all proceedings and things of the Council, or any member thereof, in secret session, shall be kept secret until the Council shall remove all injunctions to secrecy.
17. **Divisions of questions** - If any question contains several distinct propositions, it may be divided by the chair.
18. **Reading of paper** - Any member may have any paper in possession of the council read, upon request, unless the same shall be objected to by some other member; and then the question shall be determined by a vote of a majority of the whole council, without debate.
19. **Speaking to question** - After the roll-call upon any question has commenced, no member shall speak to the question except to explain his/her vote, and then not to exceed five minutes; nor shall any motion be made until after the result is declared.
20. **Committee's Report** - No report shall be received from any committee unless the committee, or a quorum thereof, shall have met and considered the matter in a regular or special meeting of the committee.
21. **Robert's Rule of Order** - Whenever any question not covered by these rules shall arise, this council shall be governed by the parliamentary rules as laid down in Robert's Rule of Order. The Corporation Counsel shall preside as the Parliamentarian at all meetings. (Amended 4/2/14)
22. **Standing Committees** - The following standing committees shall be appointed by the Mayor at the commencement of the session, or as soon thereafter as may be practicable:

FINANCE COMMITTEE – to consist of Common Council members as appointed by the Mayor, and ex-officio members: City Treasurer and Director of Finance.

PUBLIC HEALTH & SAFETY – to consist of Common Council members as appointed by the Mayor and ex-officio members: Police Chief, Fire Chief, and Chief Building Inspector.

HIGHWAYS & PARKS - to consist of Common Council members as appointed by the Mayor and ex-officio members: Assistant City Engineer, Director of Streets and Parks, Public Works Supervisor

WATER & SEWER - to consist of Common Council members as appointed by the Mayor and ex-officio members: Assistant City Engineer, Sr. Building Inspector, Chief Operator/WWTP, Chief Water Treatment Plant Operator, Water Distribution Maintenance Supervisor

YOUTH – to consist of Common Council members as appointed by the Mayor and ex-officio members: Assistant City Engineer.

PERSONNEL – to consist of Common Council members as appointed by the Mayor and ex-officio member: City Clerk and Personnel Officer.

WASHINGTON HUNT - to consist of three members: Mayor and two aldermen as appointed by the Mayor.

The Common Council President shall be qualified to sit as a member of any standing committee whenever his/her presence will enable such committee to reach a quorum for the transaction of business.

23. **Changing of Rules** - No standing rule or order of the council shall be amended, repealed, rescinded, changed or superseded, except by a vote of two-thirds of the whole council, nor shall any new rule be added thereto, except by a like vote; but they may be suspended at any time by a two-thirds consent of the whole council.
24. **Regular Meetings:**
 - a. The regular meeting of the Council shall be held on the first and third Wednesday of each month, except when otherwise directed by resolution of the Common Council. The hour of meeting shall be 5:30 P.M., and if a quorum shall not be present at 6:00 P.M. the Common Council shall stand adjourned. The Committee of the Whole shall meet one hour prior to the start of the regularly scheduled Common Council meetings.
 - b. The Committee of the Whole work sessions if scheduled shall be held at 4:30 P.M. every Wednesday of each month or any other day and time if so directed by the President of the Common Council.
25. **Business of Special Meeting** - It shall not be in order at any special meeting to proceed to any other business than that for which the meeting was convened, unless by unanimous consent of all members present.
26. **Regular Committee Meetings** - The standing committees shall have regular meetings for the transaction of committee business.
27. **Report of Committees** - It shall be the duty of the committees to report on every subject referred to them, within two weeks from the time of such reference, unless the time shall have been extended by the council.
28. **General rules and regulations for the letting of contracts for materials, supplies, equipment or public works projects (including local public improvements).**
 1. After any materials, supplies, equipment or public works project shall have been ordered, the Common Council shall, at the time of adopting the ordinance therefor, or at any time thereafter, give notice, or order and direct the same to be given, that proposals for the doing and completion of said work will be received.
 2. All notices shall be given by the City Clerk by publishing same in the official paper of this city.

3. Notices for the receiving of proposals shall be of the following form - the blanks therein to be filled at the time of publication as necessities require: NOTICE TO BIDDERS City Clerk's Office, Lockport, New York Sealed proposals shall be received by the undersigned at his office, Lockport Municipal Building, One Locks Plaza, Lockport, NY until (day), (date), at (time) for in accordance with the specifications made therefor and obtainable at the (appropriate City office). Proposals must be for the amount in gross and include everything connected with the proposed materials, supplies, equipment or public works project being bid. Each proposal must be accompanied by a certified check or bid bond in an amount equal to ten percent of the bid. The Common Council hereby reserves the right to reject any or all proposals. By order of the Common Council of the City of Lockport, N.Y. _____ City Clerk

4. No proposal after time expires. After the time in said notice specified for the reception of proposals shall have expired no further proposals for the work specified therein shall be received; and each and every plan and specification therein published shall be particularly and strictly observed by all concerned.

5. Proposals to be guarded. The City Clerk shall receive all proposals at his office in this City, and shall carefully guard and preserve the same unopened; he shall not permit either or any of them to be taken from his custody until such time and in such manner as the Common Council may order and direct.

6. Clerk to open. The Clerk shall publicly open and read the bids on the date and at the time specified in the Notice to Bidders.

7. Clerk to report to Council. The City Clerk shall submit a summary of those bids received and opened to the Common Council at its first regular meeting thereafter, under the order of "unfinished business."

8. Recess to examine. The Mayor may thereupon declare a recess, stating the duration thereof, in order that the members of the Council may critically examine each proposal.

9. Action on proposals. Upon re-assembling, the Common Council shall consider said proposal, and shall without adjournment take some action in relation thereto, either by accepting the proposal of the lowest responsible bidder, or by rejecting all bids, or by referring the same to some proper committee.

10. To again advertise. In case all bids are rejected, the Common Council shall again direct the publication of a notice to bidders, similar in all respects to that first advertised, and shall so continue to advertise for, receive and consider proposals for said items until by a vote of a majority of the council, a contract is finally awarded, except, however, in cases where the Common Council shall reconsider its action requiring such work to be performed by contract.

11. Certified Check or Bid Bond. Each proposal shall be accompanied by a certified check or bid bond in a sum not less than ten percent of the amount of the proposal. In the event the successful bidder fails to enter into contract within five days after being notified by the City Clerk, the check will be forfeited.

12. The Common Council reserves the right to reject any or all proposals.

29. **Two-thirds vote to repeal** - No legislative ordinance, act or resolution passed during any previous meeting of the current term of this council, shall be amended, repealed, rescinded, changed or superseded, in whole or in part, except by two-thirds vote of the whole Council.

30. **Recess for public input** - Following roll call at the Common Council meetings, any speaker desiring to speak at the Common Council meetings that signs up prior to the commencement of the meeting may be heard regarding city business on the Agenda for a period not to exceed 5 minutes with a 1 minute warning to conclude his or her speaking. At the close of the Common Council meeting any speaker that has signed up who desires to speak will be allowed to speak on matters concerning the General Welfare of the City for a period not to exceed 3 minutes with a 1 minute warning to conclude his or her speaking. No speaker shall be permitted to transfer their time to another speaker.

Seconded by Alderman Devine and adopted. Ayes 6.

By Alderman Devine:

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

Seconded by Alderman Abbott and adopted. Ayes 6.

012418.8

By Alderman Wohleben:

Resolved, that § 183-23 Parking Prohibited be amended by deleting it in its entirety and replaced as follows:

§ 183-23 Parking Prohibited

No vehicle shall be left parked or standing on any public highway in the City of Lockport between the hours of 2:00 a.m. and 6:00 a.m.

A. Overnight On-Street Parking

- (1) Effective November 30, 2016, no vehicle shall remain parked upon any street in the City between the hours of 2:00 a.m. and 6:00 a.m. unless the owner has applied to the Traffic Advisory Board, and received from the City Clerk upon recommendation of the Traffic Advisory Board, an authorized parking permit; provided, however, that this section shall not apply to physicians while making professional calls to or any ambulance or vehicle of a funeral director while such vehicle is engaged in professional calls.
 - (2) Annual Permits. Annual permits shall be effective from January 1 through December 31 of each year and available for passenger vehicles only. Annual permits shall be issued by the City Clerk upon recommendation of the Traffic Advisory Board, upon verification that suitable off-street parking is not available and that it is impractical for the owner to provide off-street parking. The annual fee for such permit shall be \$120.00. Payment shall be in cash, check or money order drawn on United States funds made payable to the "City Clerk." The fee is nonrefundable. In the event a check is returned for insufficient funds, the permit shall automatically be 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.
 - (3) Seasonal Permits. Seasonal permits shall be effective from April 15 through October 15, 2018, and available for passenger vehicles only. Seasonal permits shall be issued by the City Clerk upon submission of a completed application prescribed by the City Clerk. The fee for such permit shall be \$30.00 to be paid in cash, check, or money order drawn on United States funds payable to the "City Clerk." The fee is nonrefundable. In the event a check is returned for insufficient funds, the permit shall automatically be 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.
 - (4) Permits must be displayed in the driver's windshield of the vehicle and may not be transferred from vehicle to vehicle. Failure to properly display said permit shall result in the issuance of a parking ticket.
- A. Vehicles must be parked in front or within the immediate area of the respective property for which the vehicle is registered or the permit was issued.
- B. Funeral directors may receive temporary permits allowing them to mark off reasonable spaces in front of or paralleling their funeral homes or residences where remains of deceased persons are awaiting burial, to be used by them and mourners of the deceased. All parking by others in such areas during such period is prohibited.

C. Omnibuses or buses; exceptions.

- (1) No vehicle capable of carrying more than one-ton or an omnibus or bus having a carrying capacity of seven or more passengers shall be parked on any public highway in the City of Lockport.
- (2) Exceptions. Subject to any other limitations, vehicles capable of carrying more than one ton or omnibuses or buses having a carrying capacity of seven or more passengers may be parked on public highways that are located in business and industrial zones as classified by the City's Zoning Ordinance. Additionally, during the course of deliveries, vehicles capable of carrying more than one ton and omnibuses or buses having a carrying capacity of seven or more passengers may be parked on public highways of the City of Lockport.

Seconded by Alderman Farrell and adopted. Ayes 6.

012418.9

By Alderman Wohleben:

Resolved, that a public hearing be held at the Common Council Meeting of February 7, 2018 starting at 5:30 P.M. in the Common Council Chambers, Lockport Municipal Building, One Locks Plaza, Lockport, NY relative to PACE financing, and be it further

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

Seconded by Alderman Oates and adopted. Ayes 6.

012418.10

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 4th through July 15th, 2018. 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 Eggert and adopted. Ayes 6.

012418.11

By Alderman Oates:

Resolved, that pursuant to their request, Niagara Jr. Thunder Wolves is hereby granted permission to use the baseball field at Outwater Park for their 2018 Youth Baseball Tournaments subject to approval of the schedule by Highways & Parks Department and Niagara Jr. Thunder Wolves 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.

012418.12

By Alderman Wohleben:

WHEREAS, the City of Lockport was awarded a grant from the State of New York in 2017 for two license plate reader cameras in the amount of \$20,000, and

WHEREAS, the grant had not been accepted nor recognized by the City in the 2017 General Fund Budget; and

WHEREAS, the Chief of Police has requested that this grant and \$4,760 of Federal Forfeiture funds be recognized in 2017 to offset the expenses of the two license plate reader cameras;

NOW THEREFORE, BE IT

RESOLVED, that the City of Lockport hereby accepts a grant from the State of New York for the purchase of two license plate reader cameras in the amount of \$20,000 and hereby authorizes the use of Federal Forfeiture funds in the amount of \$4,760 for same; and be it further

RESOLVED, that the 2017 Budget is hereby amended as follows:

Increase:

Revenue	001.0001.3389	State Public Safety Revenue	\$20,000
Revenue	001.0001.4389	Federal Public Safety Revenue	\$ 4,760
Expense	001..3120.0260	Public Safety Equipment	\$24,760

Seconded by Alderman Farrell and adopted. Ayes 6.

012418.13

By Alderman Devine:

Whereas, the City of Lockport Wastewater Treatment Plant (WWTP) provides essential round the clock treatment of the City’s wastewater; and

Whereas, the WWTP has a single source of utility electric supply which is backed up by an on-site power generator for use during a power outage; and

Whereas, the Chief Operator of the WWTP has informed the Mayor that the on-site power generator no longer functions and that City staff and the City’s consulting engineer have determined that the generator has reached the end of its anticipated service life; and

Whereas, City staff and the City’s consulting engineer recommend that the on-site generator be replaced as soon as possible to ensure continuous treatment of the City’s wastewater; and

Whereas, Nussbaumer & Clarke, Inc. submitted a proposal to prepare design documents for furnishing and installing a new on-site power generator at the WWTP; 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 \$12,000 for the Scope of Work included in its proposal and be it further

Resolved, that the City Attorney and City Treasurer are hereby directed to prepare the necessary Bond Ordinances to authorize the issuance of debt to fund said project.

Seconded by Alderman Eggert and adopted. Ayes 6.

012418.14

By Alderman Devine:

Whereas, the City of Lockport Water Distribution Department is currently undergoing through staff reorganization and employees’ training is required to optimize the operation of the department;

Whereas, per Mayor request, the City’s engineering consultant firm, Nussbaumer & Clarke, Inc., has submitted a proposal to provide an active Grade D Licensed New York Water Operator with experience in management of water distribution systems; Nussbaumer & Clarke has also proposed to provide Water Distribution Department Staff training, including, but not limited to, safety practices, Department of Health reporting, work order system, inventory management, emergency response, and general supervision; 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 \$10,000 for the Scope of Work included in its proposal and to be charged to account #002.8340.4428.

Seconded by Alderman Oates and adopted. Ayes 6.

By Alderman Wohleben:

Resolved, that the reading of the foregoing resolutions, 15 – 18, be and the same is hereby waived.

Seconded by Alderman Devine and adopted. Ayes 6.

012418.15

By Alderman Devine:

Whereas, the Chief Operator of the Waste Water Plant informed the Mayor that the Plank Road culvert is deteriorated and in need of repair, and

Whereas, per Engineering Department request, the City's consulting engineering firm, Nussbaumer and Clarke, Inc. performed a condition assessment of the Plank Road culvert and determined that the culvert superstructure has reached the end of its anticipated service life and should be replaced in order to maintain its integrity and safety; and

Whereas, Nussbaumer & Clarke, Inc. submitted a proposal dated December 5, 2017 to provide engineering services related to the design of the replacement of the Plank Road culvert superstructure; 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 \$19,100 for the Scope of Work included in its proposal and to be charged to Capital Projects, and be it further

Resolved, that the City Attorney and City Treasurer are hereby directed to prepare the necessary Bond Ordinances to authorize the issuance of debt to fund said project.

Seconded by Alderman Farrell and adopted. Ayes 6.

012418.16

By Alderman Devine:

Whereas, the Chief Operator of the Lockport Water Treatment Plant has informed the Mayor that the North Tonawanda Water Pumping Station is in need of an upgrade to a digital SCADA data transfer to improve the operation of the Water Treatment Plant, and

Whereas, the Chief Operator of the Lockport Water Treatment Plant has requested quotes from qualified contractors to implement an adequate SCADA system at the NT Pumping Station and has received three proposals as follows: OCI Opferbeck Consulting, Inc. \$17,189.79; PlantIQ \$19,074.00; and Saia Communications, Inc. \$8,354.48; and

Whereas, after discussions with the City's engineering consultant firm, Nussbaumer & Clarke, Inc., the Chief Operator of the Lockport Water Treatment Plant considers that the SCADA system option contained in the quote submitted by Saia Communications, Inc. fully meets the requirements for upgrading the NT Pumping Station to a digital SCADA data transfer, and subsequently, it is the quote with more added value for the NT Pumping Station operation; now, therefore, be it

Resolved, that the Mayor, subject to Corporation Counsel approval, is hereby authorized and directed enter into contract with Saia Communications, Inc., 100 Stradtman Street, Buffalo, New York 14206, to provide the Scope of Work described in its proposal dated November 14, 2017 for an amount of \$8,454.48 which is contained within the 2018 budget.

Seconded by Alderman Eggert and adopted. Ayes 6.

012418.17

By Alderman Oates

Whereas, the City of Lockport proposes to conduct a Wastewater Engineering Planning Study to identify locations of excessive infiltration and inflow and to prioritize rehabilitation activities for the City's wastewater collection system; and

Whereas, the City of Lockport prepared a successful application for a NYS Environmental Facilities Corporation Engineering Planning Competitive Grant Program to investigate sewers in the Market Street area; and

Whereas, 6 NYCRR Section 617.5 (Title 6 of the New York Code of Rules and Regulations) under the State Environmental Quality Review Act (SEQR) provides that certain actions identified in subdivision (c) of that section are not subject to environmental review under the Environmental Conservation Law; now, therefore, be it

Resolved, that the City of Lockport hereby determines that the proposed engineering report for the Market Street Sewer Investigation Project is a Type II action in accordance with 6 NYCRR Section 617.5 (c) subparagraph 18 which states that "information collection including basic data collection and research, water quality and pollution studies, traffic counts, engineering studies, surveys, subsurface investigations and soils studies that do not commit the agency to undertake, fund or approve any Type I or Unlisted action" and subparagraph 21 which states "conducting concurrent environmental, engineering, economic, feasibility and other studies and preliminary planning and budgetary processes necessary to the formulation of a proposal for action, provided those activities do not commit the agency to commence, engage in or approve such action" are not subject to review under 6 NYCRR Part 617.

Seconded by Alderman Abbott and adopted. Ayes 6.

012418.18

By Alderman Oates:

Whereas, the City of Lockport proposes to conduct a Wastewater Engineering Planning Study to identify locations of excessive infiltration and inflow and to prioritize rehabilitation activities for the City's wastewater collection system; and

Whereas, the City of Lockport prepared a successful application for a NYS Environmental Facilities Corporation Engineering Planning Competitive Grant Program to investigate sewers in the Market Street area which will fund a maximum of 80% of the proposed Planning Study costs up to \$30,000; now, therefore, be it

Resolved, that the Mayor, subject to Corporation Counsel approval, is authorized to execute a Grant Agreement with the New York State Environmental Facilities Corporation (NYSEFC) and any and all other contracts, documents, and instruments necessary to bring about the Project and to fulfill the City of Lockport's obligations under the Engineering Planning Grant Agreement; and be it further

Resolved, that the City of Lockport authorizes and appropriates a minimum 20% local match as required by the Engineering Planning Grant for the Market Street Sewer Investigation Project. Under the Engineering Planning Grant Program, this local match must be at least 20% of the grant award of \$30,000. The maximum local share appropriated subject to any changes agreed to by the Mayor shall not exceed \$6,000. The total estimated maximum project cost is \$36,000. The Mayor may increase this local match through the use of in kind services without further approval from the City of Lockport. Local Match expenses to be charged to Capital Projects

Seconded by Alderman Abbott and adopted. Ayes 6.

012418.19

By Alderman Wohleben:

WHEREAS, on January 6, 2016, the Common Council adopted Resolution 010616.9B creating the Ad Hoc Committee "City Department Review Committee," and

WHEREAS, the City Department Head Committee Review Committee failed to meet and carry out its designated purpose, and

WHEREAS, on April 6, 2016, the Common Council adopted Resolution 040616.8 creating the Ad Hoc Committee "Citizens Refuse and Recycling Advisory Board," and

WHEREAS, the Citizens Refuse and Recycling Advisory Board failed to meet and carry out its designated purpose, and

WHEREAS, the Common Council desires to replace the two non-function Ad Hoc Committees with two new committees: "Environmental Advisory Committee" and "Building and Grounds Accessibility Committee."

NOW THEREFORE BE IT

RESOLVED, that the "City Department Review Committee" and the "Citizens Refuse and Recycling Advisory Board" are hereby abolished, and be it further

RESOLVED, that the Common Council hereby creates two new Ad Hoc Committees: "Environmental Advisory Committee" and "Building and Grounds Accessibility Committee" and that the Mayor in accordance with the City Charter appoint not less than three members to each Committee.

Seconded by Alderman Eggert and adopted. Ayes 6.

012418.20

By Alderman Devine:

Resolved, that the Mayor and Common Council do hereby extend condolences to the family of Robert "Bob" Muenzer Sr., a retired City of Lockport [Heavy Equipment Operator](#) who recently passed away.

Seconded by Alderman Oates and adopted. Ayes 6.

012418.21

By Alderman Wohleben:

Resolved, that pursuant to their request, the Lockport Evangelical Ministries Association is hereby granted permission to conduct "Praise in The Park" at Nelson C. Goehle Park on August 11, 2018.

Seconded by Alderman Farrell and adopted. Ayes 6.

012418.22

By Alderman Oates:

Whereas, the City of Lockport proposes to conduct a Wastewater Engineering Planning Study to identify locations of excessive infiltration and inflow and to prioritize rehabilitation activities for the City's wastewater collection system; and

Whereas, the City of Lockport prepared a successful application for a NYS Environmental Facilities Corporation Engineering Planning Competitive Grant Program to investigate sewers in the Market Street area which will fund a maximum of 80% of the proposed Planning Study costs up to \$30,000, and

Whereas, the City's engineering consultant Nussbaumer & Clarke, Inc. assisted the City with preparation of the grant application and submitted a proposal dated January 19, 2018 to provide engineering services related to the Market Street sewer evaluation ; and

Whereas, TECSMITH, Inc., an environmental services company that specializes in water and wastewater monitoring systems, submitted a proposal to the City dated January 8, 2018 for flow monitoring services required for the Market Street sewer evaluation; TECSMITH, Inc. has successfully completed similar work for the City on previous such studies; now, therefore, be it

Resolved, that the Mayor, subject to Corporation Counsel approval, is hereby authorized and directed to execute agreements for the proposal dated January 19, 2018 from Nussbaumer & Clarke, Inc., 3556 Lake Short Road, Suite 500, Buffalo, NY 14219 for \$24,800, and for the proposal dated January 8, 2018 from TECSMITH, Inc., 5700 Maelou Dr., Hamburg, NY 14075, for \$11,200 to complete the proposed Wastewater Planning Study.

Seconded by Alderman Devine and adopted. Ayes 6.

012418.23

By Alderman Wohleben:

WHEREAS, the City of Lockport had been designated a city in fiscal distress and placed under the guidance of the New York State Financial Restructuring Board (FRB) to oversee and assist in improvements to the City's financial systems; and

WHEREAS, the City recently submitted a request to the FRB to fund a shared service project between the City of Lockport and Niagara County for an Information Technology Program, and

WHEREAS, the Financial Restructuring Board has awarded the City of Lockport a grant in the amount of \$470,000 to fund an initiative to replace and improve the City's information technology to include new servers which will be housed and maintained by Niagara County necessitating a fiber optic cable connection between City Hall and the County Office Building utilizing NYSEG/Verizon utility poles; and

WHEREAS, the City has received a proposal from Ferguson Electric, an approved Niagara County provider, to furnish and install 24 strand multimode OM3 fiber optic cable in the amount of \$21,000; NOW THEREFORE, BE IT

RESOLVED, that the Director of Finance is authorized and directed to execute a purchase order in the amount of \$21,000 with Ferguson Electric for the fiber optic cable; and be it further

RESOLVED, that the Mayor is authorized to execute any and all pole rental agreements and permits for the use of poles to effectuate this installation.

Seconded by Alderman Oates and adopted. Ayes 6.

By Alderman Wohleben:

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

Seconded by Alderman Devine and adopted. Ayes 6.

012418.24

By Alderman Wohleben:

WHEREAS, the City of Lockport had been designated a city in fiscal distress and placed under the guidance of the New York State Financial Restructuring Board (FRB) to oversee and assist in improvements to the City's financial systems; and

WHEREAS, the City recently submitted a request to the FRB to fund a shared service project between the City of Lockport and Niagara County for an Information Technology Program, and

WHEREAS, the Financial Restructuring Board has awarded the City of Lockport a grant in the amount of \$470,000 to fund an initiative to replace and improve the City's information technology to include a new virtual server environment which will be housed and maintained by Niagara County through a shared service agreement; and

WHEREAS, the City has received a proposal from I-Evolve, an approved Niagara County provider, to furnish and install the new virtual server environment to include but not be limited to Hewlett Packard servers, storage arrays, switches and software in the aggregate amount of \$120,000, below New York State contract pricing; NOW THEREFORE, BE IT

RESOLVED, that the Director of Finance is authorized and directed to execute purchase orders not to exceed \$120,000 with I-Evolve, 501 John James Audubon Parkway, Amherst, NY for the virtual server environment to be housed at Niagara County.

Seconded by Alderman Farrell and adopted. Ayes 6.

012418.25 Withdrawn - Accept donation & authorize installation from the Historical Society for signs to be installed At Packet Park

012418.26

By Alderman Abbott:

Whereas, Section C-45 of the city charter requires employees to become a resident of the City of Lockport within six months of the commencement of service, and

Whereas, Section C-45 (8) (a) permits a waiver of the residency requirement in instances where the City of Lockport has difficulty hiring the most qualified person because of its residency requirements, and

Whereas, the Mayor and Common Council have determined that it is in the best interest of the city waive the residency requirement for Michele Gelnet for the position of Account Clerk effective January 26, 2018, now therefore be it

Resolved, that the Mayor and Common Council having considered all of the aspects of the residency requirement and for the reason of lack of qualified candidates within the City limits hereby determines that

Michele Gelnet shall be exempt from said residency requirement for the position of Account Clerk for the City of Lockport Fire and Building Inspection Departments.

Seconded by Alderman Eggert and adopted. Ayes 5. Nos 1. Ald. Devine voted no.

012418.26A

By Alderman Wohleben:

Whereas, the city of Lockport Department Head Association and the City of Lockport are parties to a collective bargaining agreement which expired on December 31, 2012; and

Whereas, the parties have resolved their differences and have negotiated a successor agreement which is attached thereto and incorporated herein as Exhibit "A"; and

Whereas, the Department Head Association ratified the successor agreement at a meeting held on January 11, 2018.

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

1. The Common Council hereby ratifies and approves the Collective Bargaining Agreement by and between the City of Lockport and the City of Lockport Department Head Association for the period of January 1, 2013 through December 31, 2026 as attached hereto and made part hereof as Exhibit "A" and be it further that
2. The Mayor is authorized on behalf of the City to execute said collective bargaining agreement with the City of Lockport Department Head Association.

Seconded by Alderman Abbott and adopted. Ayes 6.

012418.26B

By Alderman Devine:

Resolved, that Taren Lagamba be and the same is hereby authorized to submit an application on behalf of the City of Lockport to the 2018 William G. Mayne, Jr. Business/Community Enhancement Program for a grant to be used for John Henry Park.

Seconded by Alderman Farrell and adopted. Ayes 6.

012418.26C

By Alderman Eggert:

WHEREAS, Section C-80 of the City of Lockport Charter states that the Corporation Counsel shall prosecute and defend all actions brought by or against the City, and

WHEREAS, John J. Ottaviano, Esq. has served as Corporation Counsel for the City of Lockport for the past 25 years, and

WHEREAS, due to the confidential nature of the position the Corporation Counsel is not part of any collective bargaining unit and therefore is not entitled to annual step increases in salary/wages as in the other respective collective bargaining unit agreements, and

WHEREAS, the Corporation Counsel's salary is set by the Common Council,

WHEREAS, the Corporation Counsel has not received a raise in 9 years, and

WHEREAS, the Corporation Counsel, John J. Ottaviano, Esq., has over 25 years of experience in municipal law, and

NOW, THEREFORE, BE IT

RESOLVED, that the salary for Corporation Counsel, John J. Ottaviano, Esq. for 2018 be increased from \$58,700 to \$68,000.00.

Seconded by Alderman Wohleben and adopted. Ayes 6.

012418.27

ADJOURNMENT

At 7:12 P.M. Alderman Wohleben moved the Common Council be adjourned until 5:30 P.M., Wednesday, February 7, 2018.

Seconded by Alderman Abbott and adopted. Ayes 6.

RICHELLE J. PASCERI
City Clerk

CITY OF LOCKPORT
CORPORATION PROCEEDINGS

Lockport Municipal Building

Regular Meeting
Official Record

February 7, 2018
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, Eggert, Farrell, Oates, and Wohleben.

MAYOR'S UPDATE

RECESS

Recess for public input.

020718.1

APPROVAL OF MINUTES

On motion of Alderman Wohleben, seconded by Alderman Devine, the minutes of the Regular Meeting of January 24, 2018 are hereby approved as printed in the Journal of Proceedings. Ayes 6. Carried.

PUBLIC HEARING

The Mayor announced a public hearing on a Local Law to establish a sustainable energy loan program in the City of Lockport.

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:

1/25/18 Erick Hinton, 39 Continental Drive, Lockport, NY – appointed as Municipal Worker effective January 26, 2018. Said appointment is permanent and subject to the City of Lockport Municipal Civil Service rules and regulations.

Received and filed.

1/25/18 Christopher Walker, 94 Continental Drive, Lockport, NY – appointed as Water Meter Service Worker effective January 26, 2018. Said appointment is provisional and subject to the City of Lockport Municipal Civil Service rules and regulations.

Received and filed.

1/25/2018 Michele Gelnet, 5700 Keck Road, Lockport, NY- appointed as Account Clerk effective January 26, 2018. Said appointment is permanent and subject to the City of Lockport Municipal Civil Service rules and regulations.

Received and filed.

2/2/18 Mark P. Davis, 8464 Ridge Road, Gasport, NY – appointed as Water Maintenance Worker effective February 2, 2018. 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)

2/5/18 Cookie Butcher, Armed Forces LockRock 5k – request permission to conduct a 5k Road Race on Saturday May 19, 2018.

Referred to the Committee of the Whole

1/30/18 Ann Murphy, Shamus Restaurant – request permission to conduct a St. Patrick’s Day Event on Saturday March 17, 2018

1/29/18 Richelle J. Pasceri, City Clerk – notification that the Lockport Municipal Offices will be closed as follows in the month of February in observance of the President’s Birthdays:

Monday, February 12

Monday, February 19

2/2/18 Richelle J. Pasceri, City Clerk - notification of bids received on February 2, 2018 for the Police Station Interior Improvements are as follows:

R. B. Mac Construction Inc. Lockport, NY	Alternate	\$175,000.00 \$22,500.00
Telco Construction, Inc. East Aurora, NY	Alternate	\$190,700.00 \$19,700.00
Walter S. Johnson Building Co, Inc. Niagara Falls, NY	Alternate	\$170,710.00 \$17,000.00
Willett Builders, Inc.		\$214,287.25

Corfu, NY	Alternate	\$37,000.00
Sicoli Construction Services, Inc. Niagara Falls, NY	Alternate	\$182,085.00 \$20,000.00

2/2/18 Richelle J. Pasceri, City Clerk – notification of bids received on February 2, 2018 for the Outwater Memorial Park Building Renovations are as follows:

R. B. Mac Construction Inc. Lockport, NY	Alternate	\$317,000.00 \$23,600.00
Walter S. Johnson Building Co, Inc. Niagara Falls, NY	Alternate	\$279,440.00 \$21,000.00
Sicoli Construction Services, Inc. Niagara Falls, NY	Alternate	\$329,914.00 \$20,500.00

Referred to the Committee of the Whole

Notice of Defect:

Referred to the Director of Streets and Parks.

Notice of Claim:

1/22/2018 Pauline E. Laubacker, 6177 Ketchum Avenue, Newfane, NY 14108
 1/29/2018 Kevin Jordan 164 Vine Street, Lockport, NY 14094
 Referred to the Corporation Counsel.

MOTIONS & RESOLUTIONS

020718.2

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 February 9, 2018 as follows:

General Fund	Account #001	\$ 242,876.61
Water Fund	Account #002	\$ 40,321.98
Sewer Fund	Account #003	\$ 46,443.74
Capital Projects	Account #004	\$ 44,786.73
Payroll	Pay Date 2/1/18	\$ 465,821.09

Seconded by Alderman Oates and adopted. Ayes 6.

020718.3

By Alderman Eggert:

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>
Travis A. Mapes	15	Police Officer
Ryan D. MaGee	10	WWTP Operator

Michael P. Galanis 10 Firefighter
Timothy M. Loucks 10 Firefighter
Seconded by Alderman Oates and adopted. Ayes 6.

020718.4

By Alderman Wohleben:

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

Seconded by Alderman Devine and adopted. Ayes 6.

LOCAL LAW NO. 1 – 2018

A LOCAL LAW TO ESTABLISH A SUSTAINABLE ENERGY LOAN PROGRAM IN THE CITY OF LOCKPORT, NEW YORK

Be it enacted by the Common Council of the City of Lockport, New York as follows:

Section 151 of the Code of the City of Lockport is hereby repealed in its entirety and the following adopted in its place:

Section 1. This Local Law shall be known as the “Energize NY Benefit Financing Program,” and shall read as follows:

ARTICLE I

§1. Legislative findings, intent and purpose, authority.

- A. It is the policy of both the City of Lockport and the State of New York to achieve energy efficiency and renewable energy goals, reduce greenhouse gas emissions, mitigate the effect of global climate change, and advance a clean energy economy. The City of Lockport finds that it can fulfill this policy by providing property assessed clean energy financing to property owners for the installation of renewable energy systems and energy efficiency measures. This chapter establishes a program that will allow the Energy Improvement Corporation (“EIC”), a local development corporation, acting on behalf of the City of Lockport pursuant to the municipal agreement to be entered into between the City of Lockport and EIC pursuant to Article 5-G of the New York General Municipal Law (the “Municipal Agreement”), to make funds available to qualified property owners that will be repaid by such property owners through charges on the real properties benefited by such funds, thereby fulfilling the purposes of this law and fulfilling an important public purpose.
- B. The City of Lockport is authorized to implement this Energize NY Benefit Financing Program pursuant to the Municipal Home Rule Law and Article 5-L of the New York General Municipal Law.
- C. This law shall be known and may be cited as the “Energize NY Benefit Financing Program Law of the City of Lockport”.

§2. Definitions

For purposes of this law, and unless otherwise expressly stated or unless the context requires, the following terms shall have the meanings indicated:

Authority – The New York State Energy Research and Development Authority, as defined by subdivision two of section eighteen hundred fifty-one of the Public Authorities Law, or its successor.

EIC – the Energy Improvement Corporation, a local development corporation, duly organized under section fourteen hundred eleven of the Not-For-Profit Corporation Law, authorized hereby on behalf of the City of Lockport to implement the Energize NY Benefit Financing Program by providing funds to qualified property owners (as defined in this law) and providing for repayment of such funds from monies collected by the City of Lockport tax collecting officer as a charge to be levied on the real property and collected in the same manner and same form as the City of Lockport taxes.

Energy Audit – A formal evaluation or “assessment” of the energy consumption of a permanent building or structural improvement to real property, conducted by a contractor certified by the Authority, or certified by a certifying entity approved by the Authority, for the purpose of identifying appropriate energy efficiency improvements that could be made to the property.

Energy Efficiency Improvement – Any renovation or retrofitting of a building to reduce energy consumption, such as window and door replacement, lighting, caulking, weatherstripping, air sealing, insulation, and heating and cooling system upgrades, and similar improvements, determined to be cost-effective pursuant to criteria established by the Authority, not including lighting measures or household appliances that are not permanently fixed to real property.

Qualified Property Owner – An owner of residential or commercial real property located within the boundaries of the City of Lockport that is determined to be eligible to participate in the Energize NY Benefit Financing Program under the procedures for eligibility set forth under this law.

Renewable Energy System – An energy generating system for the generation of electric or thermal energy, to be used primarily at such property, except when the Qualified Property Owner is a commercial entity in which case the system may be used for other properties in addition to the subject property, by means of solar thermal, solar photovoltaic, wind, geothermal, anaerobic digester gas-to-electricity systems, fuel cell technologies, or other renewable energy technology approved by the Authority not including the combustion or pyrolysis of solid waste.

Renewable Energy System Feasibility Study – A written study, conducted by a contractor certified by the Authority, or certified by a certifying entity approved by the Authority, for the purpose of determining the feasibility of installing a renewable energy system.

§3. Establishment of an Energize NY Benefit Financing Program

- A. An Energize NY Benefit Financing Program is hereby established by the City of Lockport, whereby EIC acting on its behalf pursuant to the Municipal Agreement, may provide funds to Qualified Property Owners in accordance with the procedures set forth under this law, to finance the acquisition, construction and installation of Renewable Energy Systems and Energy Efficiency Improvements and the verification of the installation of such systems and improvements.
- B. For funds provided to a Qualified Property Owner which is a commercial entity, not-for-profit organization, or entity other than an individual, EIC shall have the authority to impose requirements on the maximum amount of funds to be provided, which may consider factors including but not limited to the property value, projected savings, project cost, and existing indebtedness secured by such property.
- C. For financings made to a Qualified Property Owner who is an individual, the funds provided shall not exceed the lesser of: (i) ten percent of the appraised value of the real property where the Renewable Energy Systems and/or Energy Efficiency Improvements will be located, or (ii) the actual cost of installing the Renewable Energy Systems and/or Energy Efficiency Improvements, including the costs of necessary equipment, materials, and labor and the cost of verification of such systems and improvements.

§4. Procedures for eligibility

- A. Any property owner in the City of Lockport may submit an application to EIC on such forms as have been prepared by EIC and made available to property owners on the website of EIC and at the City of Lockport offices.
- B. Every application submitted by a property owner shall be reviewed by EIC acting on behalf of the City of Lockport, which shall make a positive or negative determination on such application based upon the criteria for making a financing enumerated in section 5 of this law. EIC may also request further information from the property owner where necessary to aid in its determination.
- C. If a positive determination on an application is made by EIC acting on behalf of the City of Lockport, the property owner shall be deemed a Qualified Property Owner and shall be eligible to participate in the Energize NY Benefit Financing Program in accordance with the procedure set forth under section 6 of this law; provided that in no case shall a property owner that has received funds from another municipal corporation for the acquisition, construction and installation of Energy Efficiency Improvements and/or Renewable Energy Systems be deemed a Qualified Property Owner.

§5. Application criteria

Upon the submission of an application, EIC acting on behalf of the City of Lockport, shall make a positive or negative determination on such application based upon the following criteria for the making of a financing:

- A. The proposed Energy Efficiency Improvements and/or Renewable Energy Systems are determined to be cost effective based on guidelines issued by the Authority;
- B. The property owner may not be in bankruptcy and the property may not constitute property subject to any pending bankruptcy proceeding.
- C. The amount financed under the Energize NY Benefit Financing Program shall be repaid over a term not to exceed the weighted average of the useful life of Renewable Energy Systems and Energy Efficiency Improvements to be installed on the property as determined by EIC;
- D. Sufficient funds are available from EIC to provide financing to the property owner;
- E. The property owner is current in payments on any existing mortgage;
- F. The property owner is current in payments on any existing real property taxes and has been current on real property taxes for the previous three years; and
- G. Such additional criteria, not inconsistent with the criteria set forth above, as the City of Lockport, or EIC acting on its behalf, may set from time to time.

§6. Opt-in Energize NY Finance Agreement

- A. A Qualified Property Owner may participate in the Energize NY Benefit Financing Program through the execution of an energize Finance Agreement made by and between the Qualified Property Owner and EIC, acting on the behalf of the City of Lockport, (the "Energize NY Finance Agreement").

- B. Upon execution of the Energize NY Finance Agreement, the Qualified Property Owner shall be eligible to receive funds from EIC acting on behalf of City of Lockport, for the acquisition, construction, and installation of qualifying Renewable Energy Systems and Energy Efficiency Improvements; provided the requirements of Section 7 of this law have been met.
- C. The Energize NY Finance Agreement shall include the terms and conditions of repayment set forth under section 8 of this law.

§7. Energy audit, renewable energy system feasibility study

- A. No funds shall be made available for Energy Efficiency Improvements unless determined to be appropriate through an Energy Audit as defined in Section 2.
- B. No funds shall be made available for a Renewable Energy System unless determined to be feasible through a Renewable Energy System Feasibility Study as defined in Section 2.
- C. The cost of such Energy Audit and/or Renewable Energy System Feasibility Study shall be borne solely by the property owner but may be included in the financed amount if the work is approved.

§8. Terms and conditions of repayment

The Energize NY Finance Agreement between the Qualified Property Owner and EIC acting on behalf of the City of Lockport, shall set forth the terms and conditions of repayment in accordance with the following:

- A. The principal amount of the funds paid to the Qualified Property Owner hereunder, together with the interest thereon, shall be paid by the property owner as a charge on their City of Lockport tax bill and shall be levied and collected at the same time and in the same manner as City of Lockport property taxes, provided that such charge shall be separately listed on the tax bill. The City of Lockport, shall make payment to EIC or its designee in the amount of all such separately listed charges within 30 days of the date the payment is due to be made to the City of Lockport.
- B. The term of such repayment shall be determined at the time the Energize NY Finance Agreement is executed by the property owner and EIC, provided that in no case shall the term exceed the weighted average of the useful life of the systems and improvements as determined by EIC acting on behalf of the City of Lockport.
- C. The rate of interest for the charge shall be fixed by EIC acting on behalf of the City of Lockport at the time the Energize NY Finance Agreement is executed by the property owner and EIC.
- D. The charge shall constitute a lien upon the real property benefited by the Energize NY Benefit Financing Program as set forth in Article 5-L of the General Municipal Law and shall run with the land. A transferee of title to the benefited real property shall be required to pay any future installments, including interest thereon.

§9. Verification and report

- A. EIC shall be responsible for verifying and reporting to the City of Lockport on the installation and performance of Renewable Energy Systems and Energy Efficiency Improvements financed by such Program.

B. The City of Lockport shall verify and report on the installation and performance of Renewable Energy Systems and Energy Efficiency Improvements financed by the Energize NY Benefit Financing Program in such form and manner as the Authority may establish.

Section 2. This local law shall take effect upon filing with the Secretary of State.

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

Alderman Abbott	VOTING	YES
Alderman Devine	VOTING	YES
Alderman Eggert	VOTING	YES
Alderman Farrell	VOTING	YES
Alderman Oates	VOTING	YES
Alderman Wohleben	VOTING	YES

The Local Law was thereupon declared duly adopted.

020718.5 WITHDRAWN (Agreement with Lockport Main St., Inc.)

020718.6

By Alderman Devine:

Resolved, that pursuant to their request, the Lockport Monday Night Cruise Optimist Club is hereby granted permission to conduct Monday night car cruises in Ida Fritz Park beginning May 14th through September 10th, 2018 from 6:00 p.m. to 9:00 p.m., (Memorial Day and Labor Day Super Cruise begin at 3:00 p.m.) and be it further

Resolved, that said permission includes the following:

1. to operate a market place at the park for the sale of food and drink items including alcoholic beverages, crafts, and related items
2. barricade West Avenue and Park Avenue at Hawley Street to North Transit Street and Hawley Street between Park Avenue and West Avenue

and, be it further

Resolved, that said permission is subject to the Lockport Monday Night Cruise Optimist Club 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, street closed signs and extra picnic tables to the area prior to the events, and be it further

Resolved, that the City of Lockport hereby prohibits entry to Ida Fritz Park of all bicycles, skateboards, and dogs on Cruise Nights during the events due to the expected heavy pedestrian traffic.

Seconded by Alderman Eggert and adopted. Ayes 6.

020718.7

By Alderman Wohleben:

Resolved, that pursuant to their request, organizers for Armed Forces Lock Rock 5K is hereby granted permission to conduct a 5K run on May 19, 2018, subject to Armed Forces LockRock 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.

020718.8

By Alderman Eggert:

Whereas, on January 24, 2018, the Common Council approved resolution 012418.24 authorizing the Director of Finance to execute various purchase orders with I-Evolve to furnish and install the new virtual server environment including the purchase of software, and

Whereas, the purchase order needs to be amended to include Microsoft Office, now therefore be it

Resolved, that the Director of Finance is authorized to amend the purchase order with I-Evolve to include the purchase of Microsoft Office for a price not to exceed \$31,512.00.

Seconded by Alderman Farrell and adopted. Ayes 6.

020718.9

By Alderman Devine:

Resolved, that pursuant to their request, the Shamus Restaurant, is hereby granted permission to conduct a St. Patrick's Day Event on March 17, 2018, and be it further

Resolved, that permission is hereby granted to barricade Hawley Street from Genesee Street to West Avenue for said event, and be it further

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

Resolved, that permission to erect a tent in the case of inclement weather 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 Oates and adopted. Ayes 6.

020718.10

By Alderman Wohleben:

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 23rd & 24th, 2018. 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 Abbott and adopted. Ayes 6.

020718.11

By Alderman Oates:

Resolved, that the Mayor, subject to Corporation Counsel approval, is hereby authorized to execute the 2018 agreement between the City of Lockport and Niagara Community Action Program, Inc. at a cost not to exceed \$2,500.00. Cost of same to be charged to account #001-8697-4325.

Seconded by Alderman Abbott and adopted. Ayes 6.

020718.12 WITHDRAWN (Great Race Lockport)

020718.12A

By Alderman Devine:

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, the Environmental Facilities Corporation (EFC) has requested to modify the agreement between the City and GHD Consulting Services Inc. to include EFC’s terms and conditions into the original Contract; now, therefore, be it

Resolved, that the Mayor, subject to Corporation Counsel approval, is hereby authorized and directed to modify the Agreement between the City and GHD Consulting Services Inc. to meet EFC’s terms and conditions included in the Environmental Facilities Corporation Program Requirements and Bid Packet for Non-Construction Contracts for Treatment Works and Drinking Water projects funded with NYS Clean Water State Revolving Fund or Drinking Water State Revolving Fund and Non-Treatment Works projects funded with NYS Clean Water State Revolving Fund.

Seconded by Alderman Oates and adopted. Ayes 6.

020718.12B

By Alderman Eggert:

Whereas, Section C-45 of the city charter requires employees to become a resident of the City of Lockport within six months of the commencement of service, and

Whereas, Section C-45 (8) (a) permits a waiver of the residency requirement in instances where the City of Lockport has difficulty hiring the most qualified person because of its residency requirements, and

Whereas, the Mayor and Common Council have determined that it is in the best interest of the city waive the residency requirement for the position of Water Maintenance Worker for the City of Lockport Water Department, now, therefore, be it

Resolved, that the Mayor and Common Council having considered all of the aspects of the residency requirement and for the reason of lack of qualified candidates within the City limits hereby determines that the Water Maintenance Worker position shall be exempt from said residency requirement for the City of Lockport Water Department.

Seconded by Alderman Wohleben and adopted. Ayes 6.

020718.12C

By Alderman Wohleben:

Whereas, the City of Lockport has an aging housing stock, and

Whereas, the City of Lockport completed a Community Needs Assessment through the New York State Office of Community, and

Whereas, the Community Needs Assessment recommended an action plan that identified the need to offer grants to homeowners for making significant housing improvements, and

Whereas, the New York State Office of Community Renewal offers a Home Improvement Program that offers grants for significant housing improvements, now, therefore, be it

Resolved, that the City of Lockport apply for a \$500,000 grant through the Office of Community Renewal for a Home Improvement Program. Application to be submitted to the Affordable Home Ownership Development Program under Article 19 of the Private Housing Finance Law, 1110 et seq.

Seconded by Alderman Farrell and adopted. Ayes 6.

020718.13

ADJOURNMENT

At 5:45 P.M. Alderman Wohleben moved the Common Council be adjourned until 5:30 P.M.,
Wednesday, February 21, 2018.

Seconded by Alderman Devine and adopted. Ayes 6.

RICHELLE J. PASCERI
City Clerk

CITY OF LOCKPORT
CORPORATION PROCEEDINGS

Lockport Municipal Building

Regular Meeting
Official Record

February 21, 2018
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, Eggert, Farrell and Oates.

Absent: Alderman Wohleben.

MAYOR'S UPDATE

RECESS

Recess for public input.

022118.1 APPROVAL OF MINUTES

On motion of Alderman Abbott, seconded by Alderman Oates, the minutes of the Regular Meeting of February 7, 2018 are hereby approved as printed in the Journal of Proceedings. Ayes 5. Carried.

FROM THE MAYOR

Appointments:

2/13/18 Jeanne E. Goff, 233 Waterman Street, Lockport, NY – appointed as Deputy City Clerk for the City Clerk's Office effective February 13, 2018. Said appointment is permanent and subject to the City of Lockport Municipal Civil Service rules and regulations.
Received and filed.

2/13/18 Jeanne E. Goff, 233 Waterman Street, Lockport, NY – appointed as Registrar of Vital Statistics for the City of Lockport effective January 26, 2018. Said appointment is for a term of four years and will expire on December 31, 2021.
Received and filed.

2/21/18 Richard E. Abbott, 93 Lewis Street, Lockport, NY –appointed as temporary Common Council President to preside over the meeting held on February 20, 2018.

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)

2/14/18 Richard McIntosh, The Great Race – request permission to conduct a Great Race Trophy Run Lockport lunch stop through the City of Lockport on June 22, 2018. Referred to the Committee of the Whole.

2/21/18 Richelle J. Pasceri, City Clerk - notification of bids received on February 16, 2018 for the WWTP Emergency Generator Replacement are as follows:

Weydman Electric, Inc. Tonawanda, NY	Total	\$382,945.00
	Bid Item 1	\$286,295.00
	Bid Item 2	\$25,000.00
	Bid Item 3	\$21,650.00
	Bid Item 4	\$50,000.00
CIR Electrical Construction Corp Buffalo, NY	Total	\$389,000.00
	Bid Item 1	\$279,000.00
	Bid Item 2	\$25,000.00
	Bid Item 3	\$35,000.00
	Bid Item 4	\$50,000.00
Frey Electric Construction Co. Tonawanda, NY	Total	\$310,000.00
	Bid Item 1	\$225,000.00
	Bid Item 2	\$25,000.00
	Bid Item 3	\$10,000.00
	Bid Item 4	\$50,000.00
O'Connell Electric Co. Lancaster, NY	Total	\$427,400.00
	Bid Item 1	\$337,500.00
	Bid Item 2	\$25,000.00
	Bid Item 3	\$14,900.00
	Bid Item 4	\$50,000.00
Ferguson Electric Buffalo, NY	Total	\$369,900.00
	Bid Item 1	\$268,500.00
	Bid Item 2	\$25,000.00
	Bid Item 3	\$26,400.00
	Bid Item 4	\$50,000.00

Notice of Claim:

MOTIONS & RESOLUTIONS

022118.2

By Alderman Eggert:

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 23, 2018 as follows:

General Fund	Account #001	\$ 117,706.78
Water Fund	Account #002	\$ 10,124.80
Sewer Fund	Account #003	\$ 24,190.29
Capital Projects	Account #004	\$ 17,583.98
Small Cities	Account #013	\$ 4,940.00
Payroll	Pay Date 2/15/18	\$449,923.41

Seconded by Alderman Farrell and adopted. Ayes 5.

022118.3

By Alderman Farrell:

Whereas, Lockport Main Street Inc. has been an integral part of the City's economic development, and

Whereas, a three-year contract between the City and Lockport Main Street Inc. has expired, and
Whereas, the City's annual \$17,500 payment leverages another \$52,500 in matching funds to Lockport economic development, now therefore be it

Resolved, the Mayor, subject to Corporation Counsel approval, be and the same is hereby authorized and directed to enter into a three-year agreement with Lockport Main Street Inc., for \$17,500 annually.

Seconded by Alderman Oates and adopted. Ayes 5.

022118.4

By Alderman Abbott:

Resolved, that pursuant to their request, the Great Race, is hereby granted permission to conduct a Great Race Trophy Run Lockport lunch stop on Friday June 22, 2018, and be it further

Resolved, that permission is hereby granted to barricade Main Street from Cottage Street to Locust Street and Pine Street from Walnut Street to Ontario Street from 9:00AM – 3:30PM for said event, and be it further

Resolved, that permission to erect an inflatable arch on Main Street be granted, and be it further

Resolved, that said permission is subject to The Great Race 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, temporary no parking signs and street closed signs to the area prior to the event.

Seconded by Alderman Eggert and adopted. Ayes 5.

022118.5

By Alderman Farrell:

Whereas, the GLDC desires to apply for \$20,000 in financial assistance through the 2018 Consolidated Funding Application (CFA) under the New York Main Street Technical Assistance Grant; and

Whereas, the proposed funding will contribute to ongoing community revitalization efforts; and

Whereas, the grant application requires that the applicant obtain the approval and endorsement of the governing body of the municipality in which the project will be located; now therefore be it

Resolved, that the Common Council of the City of Lockport NY approves and endorses the 2018 New York Main Street Technical Assistance Grant for assistance prepared and to be submitted by the GLDC.

Seconded by Alderman Devine and adopted. Ayes 5.

022118.6

By Alderman Oates:

Resolved, that pursuant to their request, the American Cancer Society is hereby granted permission to conduct their annual Mother's Day Breast Cancer Canal Walk and Pink Dress 5K Run on Sunday, May 13, 2018 and to barricade Market Street from North Adam Street to Wide Waters Marina between the hours of 9AM and 11AM and to erect a tent at Nelson C. Goehle Park for said event, subject to approval of the walk route by the Police Chief and the American Cancer Society 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 make arrangements to deliver barricades, traffic cones, and street closed signs and arrange to have the restroom open at the park on said date.

Seconded by Alderman Eggert and adopted. Ayes 5.

022118.7

By Alderman Eggert:

Whereas, the City of Lockport received a grant for \$1,315,000 from Empire State Development for continued rehabilitation of the historic Erie Canal Flight of Five locks, and

Whereas, the City of Lockport contracted with Bergmann Associates to complete the final design, Phase 2 (Lock 68), of the Flight of Five rehabilitation project, and

Whereas, a number of factors (including an additional \$200,000 National Maritime Heritage grant through the National Park Service for said rehabilitation) have led to additional design work needing to be completed pursuant to the proposal for supplemental services from Bergmann Associates dated August 30th, 2017. NOW THEREFORE BE IT

Resolved, that the Mayor be and is hereby authorized and directed to execute a supplemental agreement with Bergmann Associates for a sum not-to-exceed \$231,455.00 for additional services needed to complete the Construction Documents for the 2nd Phase of Constructions that rehabilitates Lock 68 of the Flight of Five.

Seconded by Alderman Abbott and adopted. Ayes 5.

022118.8

Alderman Eggert:

Resolved, that pursuant to the approval of the Civil Service Commission, the following job titles, Program Administrator (Community Development), Water and Sewer Billing and Service Coordinator, be and the same are hereby incorporated into the 2018 Budget, and be it further

Resolved, that the positions of Administrative Assistant (Water) and Rehab Coordinator are abolished.

Seconded by Alderman Farrell and adopted. Ayes 5.

022118.9

ADJOURNMENT

At 5:44 P.M. Alderman Abbott moved the Common Council be adjourned until 5:30 P.M., Wednesday, March 7, 2018.

Seconded by Alderman Eggert and adopted. Ayes 5.

RICHELLE J. PASCERI
City Clerk

CITY OF LOCKPORT
CORPORATION PROCEEDINGS

Lockport Municipal Building

Mayor Anne E. McCaffrey called the meeting to order.

ROLL CALL

The following Common Council members answered the roll call:

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

MAYOR'S UPDATE

RECESS

Recess for public input.

030718.1 APPROVAL OF MINUTES

On motion of Alderman Wohleben, seconded by Alderman Abbott, the minutes of the Regular Meeting of February 21, 2018 are hereby approved as printed in the Journal of Proceedings. Ayes 6. Carried.

FROM THE MAYOR

Appointments:

1/3/18 Jeffrey Schratz, 390 Locust Street, re-appointed as member of the Fire Board. Said term expires December 31, 2021.

Resignations:

2/9/18 Tom Prisaznuk – resigned as member of the Planning Board effective February 9, 2018.

2/20/18 David Sholk – resigned as member of the Audit Committee effective February 20, 2018.
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)

2/28/18 Mayor Anne E. McCaffrey – recommendation that Shelley Richards, 385 Pine Street, Lockport NY be appointed as a member of the Board of Ethics, with a term expiring on July 2, 2018 to fill the unexpired term of Jennifer Stoll.

2/28/18 Mayor Anne E. McCaffrey – recommendation that Margaret Truax be re-appointed as a member of the Board of Ethics, with a term expiring on October 15, 2020.

10/1/17 Mayor Anne E. McCaffrey – recommendation that Christopher Dool, 809 Willow Street, Lockport, NY be re-appointed as a member to the Assessment Review Board, with a term expiring September 30, 2022.

3/7/18 Mayor Anne E. McCaffrey – Public Employment Relation Board Fact Finding Report with Recommendations in Impasse Bargaining with CSEA Local 832, M2016-124 dated February 19, 2018.

3/7/18 Richelle J. Pasceri, City Clerk – notification of bids received on March 2, 2018 for the Gas & Electric Building Stabilization are as follows:

Highland Masonry & Restoration. West Seneca, NY	Total Base	\$101,146.00
	Alternate 1	\$61,590.00
	Alternate 2	\$108,730.00
Morris Masonry Restoration Buffalo, NY	Total Base	\$183,940.00
	Alternate 1	\$88,485.00
	Alternate 2	\$137,385.00
Horizon Masonry Restorations Depew, NY	Total Base	\$90,300.00
	Alternate 1	\$120,000.00
	Alternate 2	\$99,000.00
FSR Contracting, Inc. Orchard Park, NY	Total Base	\$197,000.00
	Bid Item 1	\$78,000.00
	Bid Item 2	\$28,000.00

Notice of Claim:

2/26/18 Allstate Insurance – Subrogee of Lindsey Kapoor.
3/2/18 James Lamantia, 3262 Southway Dr., Sanborn, NY
Referred to the Corporation Counsel.

MOTIONS & RESOLUTIONS

030718.2

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 March 9, 2018 as follows:

General Fund	Account #001	\$ 192,314.22
Water Fund	Account #002	\$ 15,834.72
Sewer Fund	Account #003	\$ 39,210.85
Capital Projects	Account #004	\$ 73,291.29
Self Insurance	Account #015	\$ 150,161.05
Payroll	3/1/2018	\$ 465,045.58

Seconded by Alderman Oates and adopted. Ayes 6.

030718.3

By Alderman Eggert:

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>
Craig A. Butler	25	Firefighter
Thomas E. Lupo	25	Asst. Fire Chief
Mark A. White	20	Firefighter
Kendra L. Ditullio	15	Police Lieutenant
Kevin R. High	15	Firefighter
Henry P. Nevins	15	Police Officer
Joel P. Diel	15	WWTP Lab Tech
Christopher Peacock	15	Chief Compost Plant Operator
Kristopher W. Pratt	10	Heavy Equip. Operator
Marshall K. Belling	10	Police Lieutenant
Heather M. Rohde	10	Police Detective
Paul C. Meerboth Jr.	10	Police Officer

Seconded by Alderman Abbott and adopted. Ayes 6.

030718.4

By Alderman Devine:

Resolved, that pursuant to their request, Lock City Glee Club is hereby granted permission to use Ida Fritz Park, including the Gazebo, on Saturday, June 9, 2018 from 8:30 a.m. to 5:30 p.m. For a volunteer fair titled "Never Too Late to Start an Art". Said permission is subject to Lockport City Glee Club, Inc. filing a certificate of insurance with the City Clerk naming the City of Lockport as additional insured.

Seconded by Alderman Oates and adopted. Ayes 6.

030718.5

By Alderman Devine:

Resolved, that pursuant to their request, Empire State Ride/Roswell Park Alliance Foundation is hereby granted permission to use the pavilion at Ida Fritz Park on Saturday, August 4, 2018 for a water stop for their 7-day Empire State Ride. Said permission is subject to Empire State Ride/Roswell Park Alliance Foundation filing a certificate of insurance with the City Clerk naming the City of Lockport as additional insured.

Seconded by Alderman Farrell and adopted. Ayes 6.

030718.6

By Alderman Oates:

Resolved, that the Mayor, subject to Corporation Counsel approval, be and the same is hereby authorized and directed to execute a contract with Lockport Little Loop Football for use of Exchange Field for their 2018 season.

Seconded by Alderman Eggert and adopted. Ayes 6.

030718.7

By Alderman Farrell:

Resolved, that pursuant to their request, Soccer Shots Buffalo is hereby granted permission to conduct a Spring, Summer and Fall Soccer Program on Thursday's and Saturday's at Altro Park beginning April 12, 2018 through November 15, 2018, subject to Soccer Shots Buffalo 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.

030718.8

By Alderman Wohleben:

Resolved, that pursuant to their request, VFW Post No. 2535 is hereby granted permission to conduct a Memorial Day Parade in the City of Lockport on Sunday, May 27, 2018 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. Cost of same to be charged to account #001-8510-4379.

Seconded by Alderman Abbott and adopted. Ayes 6.

030718.9

By Alderman Oates:

Whereas, the City of Lockport seeks to provide expanded recreational opportunities to Lockport residents and tourists at the Erie Canal and demand for kayak access to the Canal in Lockport has been expressed; and

Whereas, the City has evaluated the potential to install a kayak launch at the Lockport Widewaters Marina and determined that it is feasible to do so; and

Whereas, engineering design plans and specifications will be required to properly permit, bid, and construct the project including permits from New York State Department of Environmental Conservation (NYSDEC), US Army Corps of Engineers (USACOE), Canal Corporation, and New York State Department of State (NYS DOS); and

Whereas, the City consultant engineering firm, Nussbaumer & Clarke, Inc., has examined the site and proposed kayak launch equipment options and submitted a proposal to prepare the required design documents for installation of a kayak launch at the Lockport Marina; now, therefore, be it

Resolved, that the City Council hereby approves a capital project in the amount of \$45,000 for the purchase and installation of a kayak launch at Widewaters Marina to be funded by the use of General Fund contingency, and be it further

Resolved, that the Mayor, subject to Corporation Counsel approval, is hereby authorized to execute an agreement with Nussbaumer & Clarke, Inc. for a Not-to-Exceed-Fee of \$13,110 for the Scope of Work included in their November 30, 2017 proposal to the City for Professional Engineering Services related to installation of a kayak launch at the Lockport Widewaters Marina; and be it further

Resolved, the 2018 Budget is hereby amended in relation thereto.

Seconded by Alderman Farrell and adopted. Ayes 6.

030718.10

By Alderman Farrell:

Resolved, that pursuant to the recommendation of Mayor McCaffrey, the following are hereby appointed to the Board of Ethics:

Shelley A. Richards, 385 Pine Street, Lockport, NY – term expires July 2, 2018

Margaret Truax, 29 Spruce Street, Lockport, NY – term expires October 15, 2020

Seconded by Alderman Wohleben and adopted. Ayes 6.

030718.11

By Alderman Devine:

Bond Issuance - **WITHDRAWN**

030718.12

By Alderman Eggert:

Whereas, the New York State Canal Corporation has entered in contract with Mohawk Valley Materials, Inc. to perform maintenance in the area known as the NYS Canal Corporation Culvert 125 Inlet/Spillway located on the south side of the Erie Barge Canal, west of the Exchange Street Lift Bridge, and adjacent to the City owned Josephine Carveth Packet Park; and

Whereas, The New York Canal Corporation has requested permission to enter onto City property and agreed that such work shall be limited to the described area; now, therefore, be it

Resolved, that the Mayor, subject to Corporation Counsel approval, is hereby authorized to grant permission and give consent to the Deputy Director of Engineering and Maintenance of the New York State Canal Corporation, his/her agents or Contractors, to enter onto the property identified above and gain access to Culvert 125 through the Josephine Carveth Packet Park in order to remove vegetation on NYS Canal Corporation property.

Seconded by Alderman Abbott and adopted. Ayes 6.

030718.13

By Alderman Oates:

Whereas, the City of Lockport sought Requests for Proposals for the Widewaters Marina Operation on April 10, 2017, and

Whereas, the City did not receive any proposals, and

Whereas, the City entered into a contract with James Kane, the owner of Widewaters Restaurant, to operate the Marina for the sum of \$3,000.00 from June 26, 2017 to September 30, 2017, and

Whereas, the City of Lockport desires to seek Requests for Proposals for the summer of 2018. Now, therefore, be it

Resolved, that the corporation Counsel prepare an RFP to include activities such as kayaking, canoeing, cycling, concerts and related events, and be it further

Resolved, that the RFP be published on or about March 1, 2018 with proposals due April 2, 2018.

Seconded by Alderman Abbott and adopted. Ayes 6.

030718.14 Withdrawn- Approve job titles as approved by Civil Service Commission

030718.14A

By Alderman Oates:

Resolved, that the Mayor and Common Council do hereby extend condolences to the family of Phyllis Green, a former City Alderman who recently passed away.

Seconded by Alderman Devine and adopted. Ayes 6.

030718.14B

By Alderman Eggert:

Resolved, that a public hearing be held at the Common Council Meeting of March 21, 2018 starting at 5:30PM in the Common Council Chambers, Lockport Municipal Building, One Locks Plaza, Lockport, NY relative to Public Employment Relation Board Fact Finding Report with recommendations in Impasse Bargaining with CSEA, Local 832 pursuant to the New York State Public Employee's Fair Employment Act – The Taylor Law dated February 19, 2018, and be it further

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

Seconded by Alderman Wohleben and adopted. Ayes 6.

030718.14C

By Alderman Oates:

Resolved, that the Mayor subject to Corporation Counsel approval be and is hereby authorized to enter into a management agreement with James Kane as an independent contractor for the management and operation of Widewaters Marina under the following terms:

1. The term shall be for one year during the months of June 25, 2018 through September 30, 2018;
2. The fee shall be \$2,500;
3. The Independent Contractor shall present a plan for improvements to the Marina.
4. The Independent Contractor shall present promotional ideas for the Marina.
5. All dock rental fees and launch fees shall belong to the City as well as all ice and gas sales and dump station fees
6. Independent Contractor shall provide boaters with a system to allow boaters to pay with credit card for docks, gas and related; if necessary
7. City shall provide summer help and materials to assist Independent Contractor with the maintenance and operation of the Marina
8. The City shall cut the grass, weedwack, landscape, paint , clean docks, provide lighting as well as clean bathrooms every morning and supply all cleaning and paper products as currently standard operating procedure
9. City shall be responsible for signage.

Motion was made by Alderman Oates seconded by Alderman Devine to amend resolution 030718.14C to include:

10. The Independent Contractor shall have exclusive rights to retail, catering and entertainment.

Ayes 2. No – Aldermen Abbott, Eggert, Farrell and Wohleben. Motion to amend failed.

Seconded by Alderman Devine and adopted. Ayes 6.

030718.14D

By Alderman Wohleben:

Resolved, that pursuant to the recommendation of Mayor Anne E. McCaffrey, Christopher Dool, 809 Willow Street, Lockport NY is hereby re-appointed as a member of the City of Lockport Assessment Review Board. Said term expires on September 30, 2022.

Seconded by Alderman Eggert and adopted. Ayes 6.

ADJOURNMENT

At 6:12 P.M. Alderman Wohleben moved the Common Council be adjourned until 5:30 P.M., Wednesday, March 21, 2018.

Seconded by Alderman Eggert and adopted. Ayes 6.

RICHELLE J. PASCERI
City Clerk

CITY OF LOCKPORT
CORPORATION PROCEEDINGS

Lockport Municipal Building

Regular Meeting
Official Record

March 21, 2018
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 Devine, Eggert, Farrell, Oates, and Wohleben.

Absent Alderman Abbott

MAYOR'S UPDATE

RECESS

Recess for public input.

APPROVAL OF MINUTES

On motion of Alderman Wohleben, seconded by Alderman Eggert, the minutes of the Regular Meeting of March 7, 2018 are hereby approved as printed in the Journal of Proceedings. Ayes 5. Carried.

PUBLIC HEARING

The Mayor announced a public hearing on the Public Employment Relations Board Fact Finding Report.

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

3/13/18 Dominic Luna, Labor Relations Specialist, CSEA – declined the Fact Finders report in its entirety.

Recess for public input.

The Mayor closed the public hearing.

FROM THE MAYOR

Appointments:

3/14/18 Under and by virtue of the authority conferred on me by the Charter of the City of Lockport, I, Anne McCaffrey, Mayor of the City of Lockport, do hereby make the following appointments:

Commissioner of Deeds:

For the term of term of one year expiring on December 31, 2018

Scott Kiedrowski, 1253 Bowen Court, North Tonawanda, New York, 14120

3/7/18 David Sholk, 432 Willow Street, Lockport, NY – appointed as Water and Sewer Billing and Service Coordinator for the Water Department effective February 23, 2018. Said appointment is provisional and subject to the City of Lockport Municipal Civil Service Rules and Regulations.

Received and filed.

3/7/18 Jennifer L. Torrey, 54 Regent Street, Lockport, NY – appointed as Senior Account Clerk for the Clerk's Office. Effective March 5, 2018. Said appointment is provisional and subject to the City of Lockport Municipal Civil Service Rules and Regulations.

Received and filed.

3/7/18 Demetrius J. Grant, 102 Bridlewood Drive, Lockport, NY – appointed as Account Clerk for the Clerk's/Treasurer's Office effective March 5, 2018. Said appointment is provisional and subject to the City of Lockport Municipal Civil Service Rules and Regulations.

Received and filed.

3/8/18 Andrew Rosenberg, 268 Genesee Street, Lockport, NY – appointed to the Zoning Board of Appeals. Said term expires November 15, 2020.

Received and filed.

3/8/18 Sheila Tracy, 19 Grosvenor Street, Lockport, NY - appointed to the Zoning Board of Appeals. Said term expires November 15, 2020.

Received and filed.

3/14/18 Jason Hunt, 644 Old Niagara Road, Lockport, NY – appointed as Senior Water and Sewer Maintenance Worker for Water Distribution Department effective March 12, 2018. Said appointment is provisional and subject to the City of Lockport Municipal Civil Service Rules and Regulations.

Received and filed.

3/14/18 Mark P. Davis, Jr., 8464 Ridge Road, Gasport, NY - appointed as Senior Water and Sewer Maintenance Worker for Water Distribution Department effective March 12, 2018. Said appointment is provisional and subject to the City of Lockport Municipal Civil Service Rules and Regulations.

Received and filed.

Resignations:

3/13/18 Larry Eggert – resigned as member of the Board of Directors of the Lockport Housing Authority effective April 1, 2018.

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)

3/16/18 Richelle J. Pasceri, City clerk – notification that the Lockport Municipal Offices will be closed as follows in the month of March in observance of Good Friday

Friday, March 30

Garbage collection for Friday March 30 remains the same.

3/13/18 Polla Milligan, Director of Marketing and Development, Niagara County SPCA – request permission to use Wide Waters to conduct the NCSPCA Hound Hike on August 19, 2018.

Referred to the Committee of the Whole

Notice of Defect:

Referred to the Director of Streets and Parks.

Notice of Claim:

3/12/18 Susan Wolf, 2785 Albright Rd., Ransomville, NY -vs- City of Lockport

Referred to the Corporation Counsel.

3/8/18 Karen Kilbury-Mensch, 52 Ambelside Road, Lockport, NY.

Referred to the Corporation Counsel

3/19/18 Dawn Johnson, 175 South Transit St. Apt.2, Lockport, NY -vs- City of Lockport

Referred to the Corporation Counsel

MOTIONS & RESOLUTIONS

032118.2

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 March 15 & 21, 2018 as follows:

General Fund	Fund A	\$ 73,431.39
Water Fund	Fund FX	\$ 36,322.19
Sewer Fund	Fund G	\$ 32,713.66
Refuse Fund	Fund CL	\$ 179,297.01
Self Insurance	Fund MS	\$ 1,380.30
Worker's Comp.	Fund S	\$ 6,075.00
Payroll	Pay Date 3/15/18	\$ 458,701.69

Seconded by Alderman Oates and adopted. Ayes 5.

032118.3

By Alderman Oates:

Resolved, that pursuant to the request of "Hair's to You", the Director of Streets and Parks be and the same is hereby authorized and directed to arrange for delivery of temporary no parking signs and traffic cones on Market Street in front of the Bewley Building on April 10, 2018.

Seconded by Alderman Wohleben and adopted. Ayes 5.

032118.4

By Alderman Wohleben:

Whereas, City of Lockport Police Station facilities, including supervisor's office and locker room, men's bathroom, and officers' locker room located at the basement of the Municipal Building were determined to be in need of renovation to replace furnishings and finishes that have reached the end of their service life; and

Whereas, the City prepared an application for an State and Municipal Facilities Program ("SAM") Grant to perform the required renovations and it was subsequently awarded a DASNY grant of \$200,000; and

Whereas, the City entered into agreement with Nussbaumer & Clarke, Inc. (Nussbaumer) for \$10,000 to develop plans and bid documents for the renovations; and

Whereas, the City advertised a Notice to Bidders and accepted bids from contractors on February 2, 2018, which were publicly opened and read as follows: Walter S. Johnson Bldg. Co. \$187,710.00; R.B. Mac Construction Co. \$197,500.00; Sicoli Construction \$202,085.00; TELCO Construction \$210,400.00; and Willett Builders \$251,287.25; and

Whereas, Nussbaumer reviewed the contractor bids and references and recommends that the City awards the contract to the low bidder, Walter S. Johnson Building Company, including alternate bid item #1 for a total amount of \$187,710.00; now, therefore, be it

Resolved, that the Mayor, subject to Corporate Counsel approval, is hereby authorized to execute an Agreement with Walter S. Johnson Building Company, 6638 Mooradian Drive, Niagara Falls, New York 14302 in the amount of \$187,710.00. The total cost of the project \$197,710.00 which includes engineering fees and the cost of renovations will be funded with the \$200,000 awarded DASNY grant.

Seconded by Alderman Eggert and adopted. Ayes 5.

032118.5

By Alderman Oates:

Whereas, the City of Lockport Outwater Memorial Park Stone Shelter Building was determined to be in need of renovation in order to replace furnishings and finishes that have reached the end of their service life; and

Whereas, the City prepared an application for an State and Municipal Facilities Program ("SAM") Grant to perform the required renovations and it was subsequently awarded a DASNY grant of \$250,000; and

Whereas, the City entered into agreement with Nussbaumer & Clarke, Inc. (Nussbaumer) for \$30,000 to develop plans and bid documents for the renovations; and

Whereas, the City advertised a Notice to Bidders and accepted bids from contractors on February 2, 2018, which were publicly opened and read as follows: Walter S. Johnson Bldg. Co. \$300,440.00; R.B. Mac Construction Co. \$340,600.00; and Sicoli Construction \$350,414.00; and

Whereas, the total cost of the project exceeds the grant funds available for the project necessitating a City share of approximately \$80,000 which is best funded through the issuance of a bond; and

Whereas, Nussbaumer reviewed the contractor bids and references and recommends that the City awards the contract to the low bidder, Walter S. Johnson Building Company, including alternate bid item #1, for a total amount of \$300,440.00; now, therefore, be it

Resolved, that the Mayor, subject to Corporation Counsel approval, is hereby authorized to execute an Agreement with Walter S. Johnson Building Company, 6638 Mooradian Drive, Niagara Falls, New York 14302 in the amount of \$300,440.00. The total cost of the project \$330,400.00, which includes engineering fees and cost of renovations of the building, to be funded with the awarded DASNY grant (\$250,000.00) and be it further

RESOLVED, that the City Council hereby authorizes and directs the City Attorney and City Treasurer to prepare any and all documents necessary to issue a bond in the amount not to exceed \$80,000 for the City's share of this project.

Seconded by Alderman Devine and adopted. Ayes 5.

032118.6

By Alderman Devine:

Whereas, the emergency power generator at the City of Lockport Wastewater Treatment Plant is a critical component to ensure continuous proper treatment of the City's Wastewater; and

Whereas, the generator has reached the end of its service life and been determined by City staff and the City's consulting engineer that it must be replaced; and

Whereas, the City entered into agreement with Nussbaumer & Clarke, Inc. (Nussbaumer) for a not exceed fee of \$12,000 to develop plans and bid documents for the generator replacement; and

Whereas, the City publicly advertised a Notice to Bidders and subsequently accepted bids from contractors on February 16, 2018 at 11:00 a.m. which were publicly opened and read as follows: Frey Electric Const. Co. \$310,000.00; Ferguson Electric Const. Co. \$369,900.00; Weydman Electric Const. Co. \$382,945.00; CIR Electrical Const. Co. \$389,000.00; and O'Connell Electric Company, Inc. \$427,400.00; and

Whereas, Nussbaumer reviewed the contractor bids and references and recommends that the City award the contract to the low bidder, Frey Electric Construction Company, including all alternate bid items for a total amount of \$310,000.00; now, therefore, be it

Resolved, that the Mayor, subject to Corporation Counsel approval, is hereby authorized to execute an Agreement with Frey Electric Construction Company, Inc., 100 Pearce Avenue, Tonawanda, NY 14150 in the amount of \$310,000.00. The total cost of the project \$322,000.00, which includes engineering fees, will be funded with Capital Projects.

Seconded by Alderman Farrell and adopted. Ayes 5.

032118.7 WITHDRAWN (Establish Standard Work Day)

032118.8

By Alderman Farrell:

Resolved, that pursuant to their request, permission is hereby granted to Events and Planning Committee to conduct an Easter egg hunt on Saturday, March 31, 2018 beginning at 12:00 p.m. at Outwater Park, and be it further

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

Seconded by Alderman Wohleben and adopted. Ayes 5.

032118.9

By Alderman Devine:

Whereas, The City of Lockport is contemplating replacement of an approximately two-mile segment of its Raw Water Supply Main and replacement of approximately 2000 feet of the 24-inch water main parallel to the Raw Water Supply Main on Summit Street; and

Whereas, The City previously determined that the proposed two-mile replacement of the Raw Water Supply Main is a Type II action pursuant to NYCRR 617.5(c)(1) as defined under SEQR; considered Parts 1, 2 and 3 of the Full Environmental Assessment Form prepared for this action; declared itself as Lead Agency for the Raw Water Supply Main Replacement Project, and issued a Negative Declaration for the work on the Raw Water Supply Main; and

Whereas, it was subsequently determined that a 2000-foot section of the 24-inch water main on Summit Street is in deteriorated condition and likely to fail as a result of the work required to replace the Raw Water Supply Main; and

Whereas, The City intends to replace the 24-inch water main on Summit Street and has amended the previous SEQR forms to consider the impacts of replacing the 24-inch water main as part of the project, now therefore be it

Resolved, that the City of Lockport declares that based on the amended Full Environmental Assessment Form which has been prepared, the project will result in no significant environmental impacts and, therefore, a Negative Declaration under SEQR is issued for this project to replace the two-mile segment of the Raw Water Supply Main and the parallel 24-inch water main on Summit Street.

Seconded by Alderman Eggert and adopted. Ayes 5.

032118.10

By Alderman Oates:

Resolved, that pursuant to their request, the Niagara County SPCA be and the same is hereby given permission to use Nelson C. Goehle Park (Wide Waters) for the NCSPCA Hound Hike on Saturday, August 19, 2018, and be it further

Resolved, that the Director of Streets and Parks is authorized and directed to arrange to deliver refuse containers to the area prior to the said event.

Seconded by Alderman Farrell and adopted. Ayes 5.

032118.11

By Alderman Wohleben:

Whereas, the City of Lockport (City) received a \$300,000 Dormitory Authority of the State of New York (DASNY) Grant for the stabilization of the former Holly Edison Gas and Electric Building which is in a continually deteriorating condition; and

Whereas, the City entered into agreement for a not to exceed amount of \$15,000.00 with Nussbaumer & Clarke, Inc. (Nussbaumer) to develop plans and bid documents for the stabilization of the Gas and Electric Building; and

Whereas, the City publicly advertised a Notice to Bidders and subsequently accepted bids from contractors on March 2, 2018 at 11:00 a.m. which were publicly opened and read as follows, including Base Bid and lower Alternate Bid: Morris Masonry \$272,425.00; FSR Contracting \$225,000.00; Horizon Masonry \$189,300.00; and Highland Masonry \$164,595.00; and

Whereas, Nussbaumer reviewed the contractor bids and references and recommends that the City awards the contract to the low bidder including Alternate Bid Item #1, Highland Masonry, for a total amount of \$164,595.00; and

Whereas, the City elected to award the bid to the low bidder for the Base Bid and Alternate 1, and

Whereas, the low bid for the Base Bid and Alternate Bid 1 contained a minor mathematical error; now, therefore, be it

Resolved, that the mathematical error of Highland Masonry, 33 Ransier Drive, West Seneca, New York 14224 be and is hereby waived; and be it further

Resolved, that the Base Bid and Alternate Bid be and is hereby awarded to the lowest Base Bid and Alternate Bid #1 Highland Masonry, 33 Ransier Drive, West Seneca, New York 14224 in the amount of \$164,595.00, The total cost of the project \$179,595.00, which includes engineering fees, will be funded with the \$300,000 DASNY grant; and be it further

Resolved, that the Mayor, subject to Corporation Counsel approval, be and is hereby authorized to execute an Agreement with Highland Masonry, 33 Ransier Drive, West Seneca, New York 14224 in the amount of \$164,595.00, The total cost of the project \$179,595.00, which includes engineering fees, will be funded with the \$300,000 DASNY grant.

Seconded by Alderman Eggert and adopted. Ayes 5.

032118.12

By Alderman Eggert:

Resolved, that the Mayor, subject to Corporation Counsel approval, be and the same is hereby authorized to enter into an agreement with Steve Abbott for Information Technology Services for the City of Lockport, at a cost of \$15 per hour.

Seconded by Alderman Farrell and adopted. Ayes 5.

By Alderman Devine:

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

Seconded by Alderman Oates and adopted. Ayes 5.

032118.13

The following ordinance was offered by Councilmember Wohleben, who moved its adoption, seconded by Councilmember Devine to wit:

BOND ORDINANCE DATED MARCH 21, 2018.

AN ORDINANCE AUTHORIZING THE ISSUANCE OF AN ADDITIONAL \$400,000 BONDS OF THE CITY OF LOCKPORT, NIAGARA COUNTY, NEW YORK, TO PAY PART OF THE COST OF THE RECONSTRUCTION OF A WATER LINE, FOR SAID CITY.

WHEREAS, the capital project hereinafter described has been determined to be a Type II Action pursuant to the regulations of the New York State Department of Environmental Conservation promulgated pursuant to the State Environmental Quality Review Act, the implementation of which as proposed, such regulations provide, will not result in any adverse significant environmental effect; and

WHEREAS, it is now desired to authorize additional bonds for the financing thereof, NOW, THEREFORE,

BE IT ORDAINED, by the affirmative vote of not less than two-thirds of the total voting strength of the Common Council of the City of Lockport, Niagara County, New York, as follows:

Section 1. For the specific object or purpose of paying part of the cost of the reconstruction of a water line running from the Niagara River to the City's Water Treatment Plant, including reconstruction of a parallel high pressure distribution line, together with original furnishings, equipment, apparatus, appurtenances, and incidental improvements and expenses in connection therewith, in and for the City of Lockport, Niagara County, New York, there are hereby

authorized to be issued an additional \$400,000 bonds pursuant to the provisions of the Local Finance Law. Said specific object or purpose is hereby authorized at the new maximum estimated cost of \$6,500,000.

Section 2. The plan for the financing of such \$6,500,000 maximum estimated cost is as follows:

- a) By the issuance of the \$6,100,000 bonds of said City heretofore authorized to be issued therefor pursuant to a bond ordinance dated April 6, 2016; and
- b) By the issuance of the additional \$400,000 bonds of said City herein authorized; provided, however, that

the amount of obligations ultimately to be issued will be reduced by any State and/or Federal grants-in-aid to be received by said City for said purpose.

Section 3. Section 2 of the bond ordinance dated April 6, 2016 hereinabove described is hereby amended to read as follows:

Section 2. The plan for the financing of the aforesaid maximum estimated cost is by the issuance of \$6,100,000 serial bonds of said City, hereby authorized to be issued therefor pursuant to the provisions of the Local Finance Law.

Section 4. It is hereby determined that the period of probable usefulness of the aforesaid specific object or purpose is forty years, pursuant to subdivision 1 of paragraph a of Section 11.00 of the Local Finance Law.

Section 5. The faith and credit of said City of Lockport, Niagara County, New York, are hereby irrevocably pledged for the payment of the principal of and interest on such obligations as the same respectively become due and payable. An annual appropriation shall be made in each year sufficient to pay the principal of and interest on such obligations becoming due and payable in such year. There shall annually be levied on all the taxable real property of said City, a tax sufficient to pay the principal of and interest on such obligations as the same become due and payable.

Section 6. Subject to the provisions of the Local Finance Law, the power to authorize the issuance of and to sell bond anticipation notes in anticipation of the issuance and sale of the bonds herein authorized, including renewals of such notes, is hereby delegated to the Treasurer, the chief fiscal officer. such notes shall be of such terms, form and contents, and shall be sold in such manner, as may be prescribed by said Treasurer, consistent with the provisions of the Local Finance Law.

Section 7. Such bonds shall be in fully registered form and shall be signed in the name of the City of Lockport, Niagara County, New York, by the manual or facsimile signature of the Treasurer and a facsimile of its corporate seal shall be imprinted or impressed thereon and may be attested by the manual or facsimile signature of the City Clerk.

Section 8. The powers and duties of advertising such bonds for sale, conducting the sale and awarding the bonds, are hereby delegated to the City Treasurer, who shall advertise such bonds for sale, conduct the sale, and award the bonds in such manner as she shall deem best for the interests of said City, including, but not limited to, the power to sell said bonds to the New York State Environmental Facilities Corporation; provided, however, that in the exercise of these delegated powers, she shall comply fully with the provisions of the Local Finance Law and any order or rule of the State Comptroller applicable to the sale of municipal bonds. The receipt of the City Treasurer shall be a full acquittance to the purchaser of such bonds, who shall not be obliged to see to the application of the purchase money.

Section 9. All other matters, except as provided herein relating to such bonds, including determining whether to issue such bonds having substantially level or declining debt service and all matters related thereto, prescribing whether manual or facsimile signatures shall appear on said bonds, prescribing the method for the recording of ownership of said bonds, appointing the fiscal agent or agents for said bonds, providing for the printing and delivery of said bonds (and if said bonds are to be executed in the name of the City by the facsimile signature of the City Treasurer, providing for the manual countersignature of a fiscal agent or of a designated official of the City), the date, denominations, maturities and interest payment dates, place or places of payment, and also including the consolidation with other issues, shall be determined by the Treasurer. It is hereby determined that it is to the financial advantage of the City not to impose and collect from registered owners of such serial bonds any charges for mailing, shipping and insuring bonds transferred or exchanged by the fiscal agent, and, accordingly, pursuant to paragraph c of Section 70.00 of the Local Finance Law, no such charges shall be so collected by the fiscal agent. Such bonds shall contain substantially the recital of validity clause provided for in section 52.00 of the Local Finance Law and shall otherwise be in such form and contain such recitals in addition to those required by section 52.00 of the Local Finance Law, as the Treasurer shall determine.

Section 10. The City Treasurer is hereby further authorized, at her sole discretion, to execute a project finance and loan agreement, and any other agreements with the New York State Department of Health and/or the New York State Environmental Facilities Corporation, including amendments thereto, and including any instruments (or amendments thereto) in the effectuation thereof, in order to effect the financing or refinancing of the specific object or purpose described in Section 1 hereof, or a portion thereof, by a bond, and/or note issue of said City in the event of the sale of same to the New York State Environmental Facilities Corporation.

Section 11. The power to issue and sell notes for said specific object or purpose to the New York State Environmental Facilities Corporation pursuant to Section 169.00 of the Local Finance Law is hereby delegated to the City Treasurer. Such notes shall be of such terms, form and contents as may be prescribed by said City Treasurer consistent with the provisions of the Local Finance Law.

Section 12. The validity of such bonds and bond anticipation notes may be contested only if:

- 1) Such obligations are authorized for an object or purpose for which said City is not authorized to expend money, or
- 2) The provisions of law which should be complied with at the date of publication of this ordinance are not substantially complied with,

and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication, or

- 3) Such obligations are authorized in violation of the provisions of the Constitution.

Section 13. This ordinance shall constitute a statement of official intent for purposes of Treasury Regulations Section 1.150-2. Other than as specified in this ordinance, no monies are, or are reasonably expected to be, reserved, allocated on a long-term basis, or otherwise set aside with respect to the permanent funding of the object or purpose described herein.

Section 14. This ordinance, which takes effect immediately, shall be published in summary form in the official newspaper, together with a notice of the City Clerk in substantially the form provided in Section 81.00 of the Local Finance Law.

The question of the adoption of the foregoing ordinance was duly put to a vote on roll call, which resulted as follows:

Alderman Abbott	VOTING	Absent
Alderman Devine	VOTING	Yes
Alderman Eggert	VOTING	Yes
Alderman Farrell	VOTING	Yes
Alderman Oates	VOTING	Yes
Alderman Wohleben	VOTING	Yes

The ordinance was thereupon declared duly adopted.

032118.14

By Alderman Oates:

Resolved, that pursuant to their request, permission is hereby granted to Groff's Tavern to barricade Union Street from Washburn Street to Ann Street on July 7, 2018 for a fundraising event from 10:00 a.m. – 8:00 p.m. 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 barricades and refuse containers to said area prior to said event.

Seconded by Alderman Devine and adopted. Ayes 5.

032118.15 WITHDRAWN (Microenterprise)

032118.16

ADJOURNMENT

At 6:06 P.M. Alderman Wohleben moved the Common Council be adjourned until 5:30 P.M., Wednesday, April 11, 2018.

Seconded by Alderman Eggert and adopted. Ayes 5.

RICHELLE J. PASCERI
City Clerk

CITY OF LOCKPORT
CORPORATION PROCEEDINGS

Lockport Municipal Building

Regular Meeting
Official Record

April 11, 2018
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, Eggert, Oates, and Wohleben.

Absent: Alderman Farrell

MAYOR'S UPDATE

RECESS

Recess for public input.

On motion of Alderman Wohleben, seconded by Alderman Abbott, the minutes of the Regular Meeting of March 21, 2018 are hereby approved as printed in the Journal of Proceedings. Ayes 5. Carried.

FROM THE MAYOR

Appointments:

3/27/18 Robert Bragg, 536 Willow Street, Lockport, NY- appointed as a member of the Planning and Zoning Board. Said term expires October 14, 2020.

Received and filed.

3/27/18 Daniel J. Stapleton, 5901 Collins Drive, Lockport, NY- appointed as a member of the Environmental Advisory Committee. Said term expires March 27, 2020.

Received and filed.

3/27/18 Greg Sutton, 47 Jesson Parkway, Lockport, NY – appointed as a member of the Environmental Advisory Committee. Said term expires March 27, 2020.

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)

3/22/18 Kyle and Dawn Lambalzer, Matthew and Danielle Warchocki, 2018 Lockport in Bloom Committee- request permission to hold there 14th Annual Garden Walk on July 14th and 15th. Also request permission to install a banner and signage promoting same.

Referred to the Committee of the Whole.

3/28/18 Heather M. McKeever, Executive Director Cystic Fibrosis Foundation- request permission to use Wide Waters Pavilion for their Great Strides Walk on May 19th.

Referred to the Committee of the Whole.

4/2/18 Jennifer Murphy, Race for Fitness Chair DeSales Catholic School- request permission to use part of the City sidewalk/streets for their race course on May 5th.

Referred to the Committee of the Whole.

4/5/18 Rachel Sandle-Sacco, YWCA of the Niagara Frontier- request permission to hold their Walk a Mile in Her Shoes event on April 21st.

Referred to the Committee of the Whole.

Notice of Defect:

3/27/18 Patricia Chutko – trees various locations

3/28/18 484 & 488 Prospect Street – trees

Referred to the Director of Streets and Parks.

Notice of Claim:

3/22/18 Pastor Edgar DeLeon, 32 W. High Street, Lockport, NY
Referred to the Corporation Counsel.

3/26/18 Nicole Jordan, 53 Washington Street, Lockport, NY
Referred to the Corporation Counsel.

3/27/18 Nicole Jordan as PNG of Aviana Jordan, 53 Washington Street, Lockport, NY
Referred to the Corporation Counsel.

3/29/18 Kaitlin M. Walker, 317 Washburn Street Apt. D, Lockport, NY
Referred to the Corporation Counsel.

MOTIONS & RESOLUTIONS

041118.2

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 April 13, 2018 as follows:

General Fund	Fund A	\$ 73,531.58
Water Fund	Fund FX	\$ 18,295.92
Sewer Fund	Fund G	\$ 14,916.53
Self Insurance	Fund MS	\$ 51,877.05
Worker's Comp	Fund S	\$ 7,500.00
Payroll	Pay Date 3/29/18	\$ 460,159.47

Seconded by Alderman Oates and adopted. Ayes 5.

041118.3

By Alderman Eggert:

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>
James M. Nunnari	30	Chief Operator WWTP
Douglas E. Sibolski	30	Asst. Chief Operator WWTP
Ronald B. Dernbach	15	Senior WWTP Operator
Dennis McNamara	15	Chief Water Treat. Plant Operator
Kristen M. Schubring	10	Senior Acct Clerk
Mark J. Haenle, II	10	Tree Trimmer

Seconded by Alderman Devine and adopted. Ayes 5.

041118.4

By Alderman Wohleben:

Resolved, that a public hearing be held at the Common Council Meeting of April 18, 2018 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 Joseph Taylor, for approval to utilize the existing building at 174 Walnut Street for a fitness club 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 Eggert and adopted. Ayes 5.

041118.5

By Alderman Wohleben:

Resolved, that pursuant to their request, the Lockport in Bloom committee is hereby granted permission to conduct their 14th annual Lockport In Bloom "City Garden Tour 2018" event the weekend of Saturday, July 14th and Sunday, July 15th, 2018 from 10:00 a.m. to 4:00 p.m., and from 6:30 – 9:00 pm on Saturday, July 14th, and be it further

Resolved, that permission is also granted to hang signs advertising the event on the three Historic Lockport entrance signs beginning June 25th to July 13th and to erect 18" X 24" Lockport in Bloom garden signs in Ida Fritz Park, Locust Street Park, Children’s Memorial Park and Veteran’s Memorial Park, and be it further

Resolved, that permission is hereby granted to erect a vinyl banner across East Avenue at Davison Road at least 17 feet from the ground to promote Lockport in Bloom weekend. Banners are to be erected for a minimum of two weeks prior to the event based on a schedule approved by 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 Oates and adopted. Ayes 5.

041118.6

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 19, 2018.

Seconded by Alderman Devine and adopted. Ayes 5.

041118.7

By Alderman Wohleben:

Resolved, that in accordance with Section 11-C of the New York Domestic Relations Law, the Common Council of the City of Lockport appoints Richelle J. Pasceri as a Marriage Officer for the City of Lockport for her term of office.

Seconded by Alderman Abbott and adopted. Ayes 5.

041118.8

By Alderman Abbott:

Resolved, that the Common Council hereby creates a new Ad Hoc Committee: “Tree Advisory Committee” and that the Mayor in accordance with the City Charter appoint not less than three members to same Committee.

Seconded by Alderman Eggert and adopted. Ayes 5.

041118.9

By Alderman Eggert:

Whereas, Section C-45 of the city charter requires employees to become a resident of the City of Lockport within six months of the commencement of service, and

Whereas, Section C-45 (8) (a) permits a waiver of the residency requirement in instances where the City of Lockport has difficulty hiring the most qualified person because of its residency requirements, and

Whereas, the Mayor and Common Council have determined that it is in the best interest of the city to waive the residency requirement for Carrie Gugliuzza for the position of Program Administrator (Community Development) effective April 27, 2018, now therefore be it

Resolved, that the Mayor and Common Council having considered all of the aspects of the residency requirement and for the reason of lack of qualified candidates within the City limits hereby determines that

Carrie Gugliuzza shall be exempt from said residency requirement for the position of Program Administrator for the City of Lockport Community Development Department.

Seconded by Alderman Abbott and adopted. Ayes 4, Alderman Devine abstained.

041118.10 WITHDRAWN (Fact Finders Report)

041118.11

By Alderman Abbott:

Resolved, that pursuant to their request, permission is hereby granted to DeSales Catholic School to conduct their Annual DeSales Race for Fitness, a 5K run and a 1 mile fun run, on Saturday, May 5, 2018 beginning at 10:00 a.m. subject to approval of the race route by the Police Chief, and 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 and street closed signs to the area prior to the event.

Seconded by Alderman Oates and adopted. Ayes 5.

By Alderman Devine:

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

Seconded by Alderman Wohleben and adopted. Ayes 5.

041118.12

By Alderman Wohleben:

Whereas; the City of Lockport desires to establish a safe and accessible community by improving bicycle and pedestrian friendliness through consistent public realm design standards to revitalized mixed-use neighborhoods, and

Whereas; The City of Lockport desires to plan for, design, construct, operate and maintain appropriate facilities for all transportation users in all new construction, retrofit and reconstruction projects, and

Whereas; Streets that integrate multiple transportation choices for pedestrians, bicyclists, and transit, with special consideration for children, the elderly and people with disabilities, contribute to the public life of a community, sustainable economic development and efficient movement of people and goods, and

Whereas; The City of Lockport desires to the maximum extent practical, scope, plan, design, construct, operate and maintain all streets to provide a comprehensive and integrated network of facilities for all users of all abilities, and

Whereas; Any exception to applying this Complete Streets Policy to a specific roadway project must be approved by the Lockport City Council with documentation of the reason for the exception. Exceptions may be made when the project involves a roadway on which non-motorized use is prohibited by law. In this case, an effort shall be made to accommodate pedestrians and bicyclists elsewhere, and

Whereas; This policy will create a comprehensive, integrated, connected transportation network for the City of Lockport that balances access, mobility, health and safety needs for all residents. Planning, funding, designing, constructing, managing and maintaining a complete multi-modal network, ensures this, and

Whereas; It is the intent of this policy to foster partnerships with the State of New York, Niagara County, Lockport School District, citizens, businesses, interest groups and neighborhoods to implement complete streets, and

Whereas; The City of Lockport shall adapt, develop and adopt departmental policies, design criteria, standards and guidelines based upon recognized best practices in street design, construction and operations including but not limited to the latest editions of American Association of State Highway Transportation Officials

(AASHTO) A Policy on Geometric Design of Highways and Streets; AASHTO Guide for Planning, Designing, and Operating Pedestrian Facilities; AASHTO Guide for the Development of Bicycle Facilities; Institute of Transportation Engineers (ITE) Designing Walkable Urban Thoroughfares: A Context Sensitive Approach; National Association of City Transportation Officials (NACTO) Urban Bikeway Design Guide; U.S. Access Board Public Right-of-Way Accessibility Guidelines; Highway Capacity Manual and Highway Safety Manual, and

Whereas; The implementation of this policy shall reflect the context and character of the surrounding built and natural environments while enhancing the appearance of such. In doing so, the City of Lockport shall consider methods of providing development flexibility within safe design parameters such as context-sensitive design solutions and shall attempt to employ all solutions consistent with and sensitive to the context of the project, and

Whereas; Complete Streets should be continuously evaluated for success and opportunities for improvement sought. This policy encourages the regular evaluation and reporting of implementing complete streets through the following performance measures:

- 1) Increase in the share of bicycles, pedestrians and transit users;
- 2) Crash data;
- 3) Use of new projects by mode;
- 4) Compliments and complaints;
- 5) Linear feet of pedestrian accommodations built;
- 6) Number of ADA accommodations built;
- 7) Miles of bike lanes/trails built or striped;
- 8) Number of transit accessibility accommodations built;
- 9) Number of street trees planted;
- 10) Number of building permits issued along new complete street;
- 11) Number of exemptions from this policy.

NOW, THEREFORE, BE IT

RESOLVED, that the City of Lockport shall implement the following steps to ensure successful implementation of complete streets:

Advisory Board: The City of Lockport will establish an interdepartmental advisory board to oversee the implementation of this policy. The committee should include members of various constituencies, including the Lockport City Council, the Lockport Planning and Community Development Departments, the Lockport School District, the New York State Department of Transportation and the Lockport Police Department as well as representatives from bicycling, pedestrian, disabled, youth and elderly communities or any other organizations as deemed relevant. This committee will meet quarterly and provide a written report to the Mayor of Lockport evaluating progress and advising on implementation.

- 1) Inventory: The City of Lockport will maintain a comprehensive inventory of the pedestrian and bicycle infrastructure and will prioritize projects to eliminate gaps in the sidewalk and bikeway networks.
- 2) Capital Improvement and Maintenance Project Prioritization: The City of Lockport will reevaluate capital improvement and maintenance project prioritization annually to encourage implementation of pedestrian and bicycle improvements.
- 3) Revisions to Existing Plans and Policies: The City of Lockport will incorporate complete street principles into the comprehensive plan, zoning code and other plans and manual, rules, regulations and programs.

- 4) Other Plans: The City of Lockport will prepare, implement and maintain a Bicycle and Pedestrian Transportation Plan, a Safe Routes to School Plan, an Americans with Disabilities Act Transition Plan, and a Street Tree and Landscape Plan.
- 5) Storm Water Management: The City of Lockport will prepare and implement a plan to transition to sustainable storm water management techniques along our streets.
- 6) Staff Training: The City of Lockport will train all pertinent staff on the content of the complete streets principles and best practices for implementing the policy.
- 7) Coordination: The City of Lockport will utilize inter-departmental project coordination to promote the most responsible and efficient use of fiscal resources for activities that occur within the public right of way.
- 8) Street Manual: The City of Lockport will create and adopt a Complete Streets Design Manual to support implementation of this policy.
- 9) Funding: The City of Lockport will actively seek sources of appropriate funding to implement complete streets.

Seconded by Alderman Eggert and adopted. Ayes 5.

By Alderman Devine:

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

Seconded by Alderman Wohleben and adopted. Ayes 5.

041118.13

By Alderman Wohleben:

Whereas, the City of Lockport believes in Home Rule and should be able to determine the most preferable way to pay for service to promote tourism; and

Whereas, the City of Lockport sees an advantage to an additional 1% increase of the current Bed Tax to aid and promote tourism in the City of Lockport and Niagara County; and

Whereas, the City of Lockport has an opportunity to assist the Niagara Falls National Heritage Area in its operation of the Discover Niagara Shuttle or other entities for transportation or economic development purposes pursuant to New York State Tax Law Article 29 § 1201-d(a) authority to impose tax; and

Whereas, the Discover Niagara Shuttle Service presently serves the City of Niagara Falls, and along the Niagara River Corridor to the Village of Youngstown; and

Whereas, the City of Lockport anticipates several benefits to an additional 1% increase of the current Bed Tax, which would include:

1. Promote tourism by the ease of transportation to and from all the tourist sites in the City of Niagara, Town of Lewiston, Village of Youngstown and in the future the City of Lockport and City of North Tonawanda;
2. Increase Shuttle connections to the City of Lockport and City of North Tonawanda;

3. Relieve congestion of tourism traffic on the roads, parking, and provide a scenic commute throughout the existing City of Lockport and Niagara County tourist locations and

Whereas, there are several attractions in the City of Lockport: The Flight of Five Locks, Lockport Discovery Center, and the Lockport Caves. Also, attractions in the City of North Tonawanda: The Carousel Factory Museum and the Canal Fest. Thus, the shuttle service would promote these attractions. Now, therefore be it

Resolved, that the City of Lockport Common Council requests the State of New York Legislature to draft companion bills for the purposes of increasing the existing Bed Tax by 1% designated specifically to the Discover Niagara Shuttle or other entities for transportation or economic development purposes pursuant to New York State Tax Law Article 29 § 1201-d(a) authority to impose tax: and be it further

Resolved, that the drafting of this legislation on the State level would provide the City of Lockport the option of passing a Home Rule Message in support of such legislation; and be it further

Resolved, that subsequent to the State's adoption, the City of Lockport would have an opportunity to present a local law which would call for action to allow the City of Lockport residents and visitors, easy, comfortable transportation between the City of Lockport and Niagara County attractions; and be it further

Resolved, that the City Council of the City of Lockport respectfully requests that the New York State Senate and Assembly submit companion bills that would pave the way for the City of Lockport Local Law and Public Hearing and that copies of this resolution be sent immediately to the City of Lockport's state representatives.

Seconded by Alderman Abbott and adopted. Ayes 5.

041118.14

By Alderman Abbott:

Resolved, that pursuant to their request, #MSSUCKS is hereby granted permission to conduct a 5K run and barricade Vine Street from Walnut Street to Remick Parkway starting at approximately noon on May 6, 2018, subject to #MSSUCKS 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 5.

041118.15

By Alderman Oates:

Resolved, that pursuant to their request, permission is hereby granted to the YWCA of Niagara to conduct a "Walk a Mile in Her Shoes" fundraising event on Saturday, April 21, 2018 beginning at 10:00 a.m. at the YWCA of Niagara, subject to approval of the walk route by the Police chief and 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 to the area prior to the event.

Seconded by Alderman Wohleben and adopted. Ayes 5.

041118.15A

By Alderman Eggert:

Resolved, that the Mayor and Common Council do hereby extend condolences to the family of Joan Abbott, a retired City of Lockport Crossing Guard who recently passed away.

Seconded by Alderman Wohleben and adopted. Ayes 5.

041118.15B

By Alderman Wohleben:

Whereas, the City of Lockport Received correspondence from the United States Environmental Protection Agency (“EPA) seeking consent to enter Upson Park and 501 West Jackson Street to collect soil samples, and

Whereas, the EPA plans to begin work in the Spring of 2018, and

Whereas, the EPA included the above sites in the National Priorities List of hazardous waste sites for remediation; Now, therefore, be it

Resolved, the Mayor be and is hereby authorized to execute Consent for Access to Upson Park and 501 West Jackson Street for the above stated purposes.

Seconded by Alderman Oates and adopted. Ayes 5.

041118.

ADJOURNMENT

At 5:57 P.M. Alderman Wohleben moved the Common Council be adjourned until 5:30 P.M., Wednesday, April 18, 2018.

Seconded by Alderman Devine and adopted. Ayes 5.

RICHELLE J. PASCERI
City Clerk

CITY OF LOCKPORT
CORPORATION PROCEEDINGS

Lockport Municipal Building

Regular Meeting
Official Record

April 18, 2018
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, Eggert, Farrell, Oates, and Wohleben.

INVOCATION

MAYOR’S UPDATE

RECESS

Recess for public input.

On motion of Alderman Wohleben, seconded by Alderman Devine, the minutes of the Regular Meeting of April 11, 2018 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 to utilize the existing building at 174 Walnut St. for a fitness club.

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

4/4/18 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)

4/6/18 Mike Finnerty, President Lockport Soccer Club – request permission to use part of Kibler Park for Soccer Club practices April 23rd - August 1st

Referred to the Committee of the Whole.

4/10/18 Barbara A. McGaffin, 114 Niagara Street, Lockport, NY – request permission to conduct the second annual Thomas C. Rotondo Jr. Memorial Scholarship Fund Road Race on July 21, 2018.

Referred to the Committee of the Whole.

4/11/18 Ellen Martin, Lockport Public Arts Council, Inc. – request permission to conduct Sweet Sweet Summer 2018 with 4 projects.

Referred to the Committee of the Whole.

4/12/18 Judith A. Newbold, Town Clerk, Town of Lockport – Notice of Public Hearing

Referred to the Committee of the Whole.

Notice of Defect:

4/13/18 314 Washburn Street – tree

4/16/18 198 Ontario Street - tree

Referred to the Director of Streets and Parks.

Notice of Claim:

4/6/18 Audrey Seagrave, 97 Spalding Street, Lockport, NY

4/1/18 Karen Grabowski, 8920 Tonawanda Creek Road, Clarence Center, NY

4/11/18 Brenden Neill, 390 Willow Street, Lockport, NY

4/12/18 Sawsan AL-Maani, 130 Locust Street, Lockport, NY

Referred to the Corporation Counsel.

MOTIONS & RESOLUTIONS

041818.2

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 April 20, 2018 as follows:

General Fund	Fund A	\$ 159,403.24
Water Fund	Fund FX	\$ 39,143.19
Sewer Fund	Fund G	\$ 30,158.12
Refuse Fund	Fund CL	\$ 89,608.27
Health Insurance	Fund MS	\$ 1,930.20
Payroll	Pay Date 4/12/18	\$ 450,082.83

Seconded by Alderman Oates and adopted. Ayes 6.

041818.3

By Alderman Oates:

Whereas, The “Solarize Lockport” campaign seeks to target City of Lockport residents and businesses - with an emphasis placed on outreach to eligible applicants of low-to-moderate income – in order to increase energy efficiency in the City of Lockport.

The goals of this campaign are to:

1. Bring together the community to educate and engage potential solar customers.
2. Provide transparent and clear pricing for community solar subscriptions or purchases, including incentives and benefits.
3. Raise awareness and increase the adoption of solar energy city-wide.

Now therefore be it

Resolved, that the Director of Planning and Development, be and the same is hereby authorized and directed to prepare bid specifications for “Solarize Lockport” and be it further

Resolved, that the City Clerk is authorized and directed to advertise the Request for Proposal (RFP) for the “Solarize Lockport” campaign.

Seconded by Alderman Farrell and adopted. Ayes 6.

041818.4

By Alderman Eggert:

Resolved, that pursuant to the approval of the Civil Service Commission, the following job titles, Water and Sewer Distribution Maintenance Supervisor , Senior Water and Sewer Maintenance Worker and Water and Sewer Maintenance Worker, be and the same are hereby incorporated into the 2018 Budget, and be it further

Resolved, that the positions of Water Distribution Maintenance Supervisor and Senior Water Maintenance Worker are abolished.

Seconded by Alderman Wohleben and adopted. Ayes 6.

041818.5

By Alderman Abbott:

WHEREAS, The City of Lockport received a \$450,000 grant through the National Park Service's Environmental Protection Fund for the creation of a playground at 50 Elmwood (109.64-1-17), Lockport, New York 14094, and

WHEREAS, it is the City's intention to establish a playground the community will be proud of, and

WHEREAS, the City would like to name the playground to commemorate a great historic citizen, and

WHEREAS, Aaron Albert Mossell was a Lockport resident and business owner who moved to Lockport in the 1860s, owning his own brickyard on Trowbridge Street, where he also built a house for his family, and

WHEREAS, Mr. Mossell donated all of the bricks for the Lockport AME Church on South Street, which is still in use today, and

WHEREAS, Mr. Mossell donated bricks for a new school on High Street, hoping his children could attend there despite schools being segregated at that time, and

WHEREAS, Mr. Mossell led a movement in 1872 to desegregate Lockport schools, resulting in the desegregation of schools in Lockport four years later, and 78 years ahead of nationwide desegregation resulting from Brown Vs. Board of Education of Topeka in 1954, and

WHEREAS, Mr. Mossell was a trailblazer for education, and a role model citizen of Lockport, and

WHEREAS, the City of Lockport intends to properly commemorate his contributions to the City and society, and

WHEREAS, 210 Walnut Street, LLC, a wholly owned subsidiary of the Greater Lockport Development Corporation has authorized the transfer of 50 Elmwood (109.64-1-17), Lockport, New York 14094 for one and no more dollars.

Therefore let it be

RESOLVED, that the City of Lockport hereby accepts the donation and transfer of 50 Elmwood (109.64-1-17), Lockport, New York 14094 from 210 Walnut Street, LLC, a wholly owned subsidiary of the Greater Lockport Development Corporation to the City, subject to receipt of a Phase I environmental report, and be it further

RESOLVED, that upon the transfer of 50 Elmwood (109.64-1-17) Lockport, New York from 210 Walnut Street, LLC to the City of Lockport and the completion of the installation of a playground the playground be and is hereby named the "Aaron Mossell Playground".

Seconded by Alderman Farrell and adopted. Ayes 4. Alderman Oates, Devine voted no.

041818.6

By Alderman Abbott:

Resolved, that pursuant to their request, Lockport Soccer Club is hereby granted permission to conduct soccer practice Monday -Thursday between 6-8 p.m. at Kibler Park beginning April 23 through August 1, 2018, subject to Lockport Soccer Club filing a certificate of insurance with the City Clerk naming the City of Lockport as additional insured.

Seconded by Alderman Oates and adopted. Ayes 6.

041818.7 Engineering Services / Community Development **WITHDRAWN**

041818.8

By Alderman Wohleben:

Resolved, that the request for a special use permit made by Joseph Taylor to open a fitness club, located at 174 Walnut 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 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.

041818.9

By Alderman Wohleben:

Whereas, on January 13, 2018 an accident involving a police car occurred, and
Whereas, the City received an insurance check in the amount of \$29,443.00, now therefore be it
Resolved, that the 2018 budget be amended as follows:

Increase:

001-0001-2680	Other Compensation for Loss	\$ 29,443.00
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Increase:

001-3120-0230	Vehicle Purchase	\$ 29,443.00
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Seconded by Alderman Oates and adopted. Ayes 6.

041818.10

By Alderman Devine:

Resolved, that pursuant to their request, the Thomas C. Rotondo, Jr. Scholarship Fund is hereby granted permission to conduct a fundraising event including a 5k and 1 mile walk in the memory of former Lockport Mayor Thomas Rotondo, Jr. on Saturday, July 21, 2018 starting at approximately 9:00 am subject to approval of the run/walk route by the Police Chief, and be it further

Resolved, that permission is granted to erect tents in the Municipal Building parking lot, barricade the Municipal Building parking lot and spaces on Main Street in front of the Municipal Building, and to use the restrooms in the Municipal Building for said event, and be it further

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

Seconded by Alderman Eggert and adopted. Ayes 6.

041818.11

By Alderman Abbott:

Resolved, that pursuant to their request, Lockport Public Arts Council, Inc. is hereby granted permission to stage four events as part of "Sweet Sweet Summer 2018" to promote the City of Lockport.

1. Sweet Chalk Festival, July 13-17, in the parking lots on Pine and Main St., requiring both lots to be blocked off for that period.
2. Mural Mania, July 7-14, in various locations
3. Inspiration bench, all summer, located in the memorial tree garden on Market St.
4. Big Red Planters on Pine Street Bridge, all summer, ten planters with a tree and flowers in each.

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 and trash receptacles as needed, and be it further

Resolved, the Mayor be and is hereby authorized to execute Consent for Access to the above listed locations for the above stated purposes.

Seconded by Alderman Farrell and adopted. Ayes 6.

041818.12 Close Capital Projects 2017- **WITHDRAWN**

041818. **ADJOURNMENT**

At 6:04 P.M. Alderman Wohleben moved the Common Council be adjourned until 5:30 P.M., Wednesday, May 2, 2018.

Seconded by Alderman Devine and adopted. Ayes 6.

RICHELLE J. PASCERI
City Clerk

CITY OF LOCKPORT
CORPORATION PROCEEDINGS

Lockport Municipal Building

Regular Meeting
Official Record

May 2, 2018
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 Devine, Eggert, Farrell, Oates, and Wohleben.

Absent: Alderman Abbott.

INVOCATION

MAYOR'S UPDATE

RECESS

Recess for public input.

050218.1 **APPROVAL OF MINUTES**

On motion of Alderman Wohleben, seconded by Alderman Devine, the minutes of the Regular Meeting of April 18, 2018 are hereby approved as printed in the Journal of Proceedings. Ayes 5. Carried.

FROM THE MAYOR

Appointments:

4/24/18 David P. Smith, 49 Regent Street, Lockport, NY – appointed as a member of the Housing Authority. Said term expires April 26, 2023.

Received and filed.

4/25/18 Scott Collins, 70 Maple Street, Lockport, NY – appointed as a member of the Environmental Advisory Committee. Said term expires April 25, 2020.

Received and filed.

4/25/18 Marc Glynn, 415 South Transit Street, Lockport, NY – appointed as a member of the Environmental Advisory Committee. Said term expires April 25, 2020.

Received and filed.

4/26/18 Ronald B. Dernbach, 19 Livingston Place, Lockport, NY – appointed as Assistant Chief Operator for the Waste Water Treatment Plant effective April 26, 2018. Said appointment is provisional and subject to the City of Lockport Municipal Civil Service Rules and Regulations.

Received and filed.

5/2/18 Steven J. Barone, 198 Ash Street, Lockport, NY – appointed as Operator Trainee for the Waste Water Treatment Plant effective May 7, 2018. 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)

4/26/18 Kelly Standage of the Buffalo Niagara YMCA, requests permission to hold their Fitness in the Parks program at Nelson G. Goehle Marina on Wednesdays, June through August this summer.

Referred to the Committee of the Whole.

Notice of Defect:

4/23/18 437 Walnut Street – tree

4/23/18 Lincoln Avenue at Kingston Circle – sinkhole

4/25/18 169 Allen Street – tree

Referred to the Director of Streets and Parks.

Notice of Claim:

4/24/18 Joseph Taylor, 178 Irving Street, Lockport, NY

4/25/18 Jack and Melissa Carson, Jr., 5878 Locust Street Ext., Lockport, NY

4/25/18 Jonathan Castro, 420 Pine Street, Lockport, NY

Referred to the Corporation Counsel.

MOTIONS & RESOLUTIONS

050218.2

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 May 4, 2018 as follows:

General Fund	Fund A	\$ 115,256.19
Water Fund	Fund FX	\$ 42,344.40
Sewer Fund	Fund G	\$ 12,670.99
Capital Projects	Fund H181	\$ 81,472.04
Refuse & Recycling	Fund CL	\$ 232.20
Health Insurance	Fund MS	\$ 290,738.17
Payroll	Pay Date 4/26/18	\$ 452,719.32

Seconded by Alderman Oates and adopted. Ayes 5.

050218.3

By Alderman Eggert:

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>
Paul M. Chaffin	20	Municipal Worker
Toby J. Trowbridge	10	Police Lieutenant

Seconded by Alderman Oates and adopted. Ayes 5.

050218.4

By Alderman Wohleben:

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 as of 12/31/2017 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 projects be closed, the account balances 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>
#0108	General	Economic Development	Debt	\$2,803.89
#4155	General	Flagpole Improvement	Debt	\$295.00
#4122	General	Interest	General	\$1,146.41
#4162	General	Veterans Bricks	General	\$7,651.96
TOTAL				\$11,897.26

And be it further

Resolved, that the cash balance total of \$11,897.26 be returned to the original funding source as follows:

Debt Service Reserve, General	\$3,098.89
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General Fund	\$8,798.37
TOTAL	\$11,897.26

Seconded by Alderman Farrell and adopted. Ayes 5.

050218.5

By Alderman Devine:

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, GHD Consulting Services Inc. and the City of Lockport have determined that additional engineering design and construction phase services in connection to the replacement of the existing 24-inch watermain on Summit Street is needed to optimize water distribution in the industrial area located at the west side of the City; and

Whereas, GHD Consulting Services Inc. has submitted a proposal for Professional Engineering Services to provide said engineering services; now, therefore, be it

Resolved, that the Mayor, subject to Corporation Counsel approval, is hereby authorized and directed to modify the Agreement between the City and GHD Consulting Services Inc. and accept its Proposal for Professional Engineering Services Amendment dated April 16, 2018 for \$49,700, to be charged to the NYS Environmental Facilities Corporation grant and loan awarded to the City through the New York State Water Infrastructure Improvement Act Grant Program and the New York State Revolving Fund Program. The original cost of \$427,700 for professional engineering services of the project is hereby amended to be \$477,400.

Seconded by Alderman Eggert and adopted. Ayes 5.

050218.6

By Alderman Wohleben:

Whereas, the City of Lockport (City) supports clean energy actions and improving the environment; and

Whereas, the City applied for a 2017 Zero-Emission Vehicle (ZEV) Clean Vehicle Infrastructure Grant administered by the New York State (State) Department of Environmental Conservation (NYSDEC) for the installation of and electric vehicle charging station at the Municipal Building; and

Whereas, the City has been awarded \$16,000 from the grant program and offered a contract from the State; and

Whereas, Nussbaumer & Clarke, Inc. submitted a proposal dated April 23, 2018 to prepare design documents for installation of an ZEV charging station at the municipal building; now, therefore, be it

Resolved, that the Mayor is hereby authorized to execute a grant agreement and all other required documents related to the ZEV grant program with the State; and be it further

Resolved, that the Mayor is hereby authorized to execute with Nussbaumer & Clarke, Inc. for a Lump Sum Fee of \$7,500 for the Scope of Work included in their April 23, 2018 proposal to the City.

Seconded by Alderman Oates and adopted. Ayes 5.

050218.7

By Alderman Oates:

Whereas, the City of Lockport (City) proposes to have constructed a public kayak launch into the Erie Canal at the Widewaters Marina; and

Whereas,

1. In accordance with the New York State Environmental Quality Review regulations (SEQR), the City of Lockport intends to serve as Lead Agency for the proposed action;

2. The City of Lockport has determined that the proposed action is a Type II action pursuant to NYCRR 617.5 (c)(1) as defined under SEQR;
3. Although not required for Type II actions, the City of Lockport, has caused to be prepared a Short Environmental Assessment Form to consider the significance of and potential environmental impact of the action described above.
4. The City of Lockport has considered Parts 1, 2 and 3 of the Short Environmental Assessment Form prepared for this action; and

Whereas, a permit application will be required from the New York State Canal Corporation (NYSCC) to install a kayak launch within the Erie Canal Right-of-Way; and

Whereas, a New York State Department of Environmental Conservation (NYSDEC) / United States Army Corps of Engineers (USACOE) Joint Application must also be completed for the project; now, therefore, be it

Resolved, The City of Lockport declares that it will serve as Lead Agency for the construction of the public kayak launch at Widewaters Marina; and, The City of Lockport declares that, based on the Short Environmental Assessment Form which has been prepared, the project will result in no significant adverse environmental impacts and, therefore, a Negative Declaration under SEQR is issued for this project; and be it further

Resolved, that the Mayor is authorized to sign the NYSCC and Joint Applications and related documents for the construction of a Public Kayak launch at Widewaters Marina.

Seconded by Alderman Devine and adopted. Ayes 5.

050218.8

By Alderman Oates:

Resolved, that pursuant to their request, permission is hereby granted to All Saints Church to barricade Church Alley Street from Church St to Lock St on June 7, 2018, for a Chicken Barbeque, 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 Wohleben and adopted. Ayes 5.

050218.9

By Alderman Oates:

Resolved, that pursuant to their request, AN-JO Bombers 14U Baseball is hereby granted permission to use the 90 ft baseball diamond at Outwater Park for their 2018 home games subject to approval of the schedule by Highways & Parks Department and AN-JO Baseball filing a certificate of insurance with the City Clerk naming the City of Lockport as additional insured.

Seconded by Alderman Devine and adopted. Ayes 5.

050218.10

By Alderman Devine:

Whereas, on January 24, 2018 the Common Council approved resolution 012418.14 authorizing the Mayor to enter into an agreement with Nussbaumer & Clarke Inc. to provide an active Grade D Licensed New York Water Operator with experience in management of water distribution systems, and

Whereas, the Common Council would like to extend the Scope of Work for an additional not-to-exceed \$10,000 through August 2018, now, therefore be it

Resolved, that the Mayor, subject to Corporation Counsel approval, is hereby authorized to enter into an agreement with Nussbaumer & Clarke, Inc. to extend the Scope of Work for consulting services for a fee not-to-exceed \$10,000 and be charged to account #002-8340.4428.

Seconded by Alderman Farrell and adopted. Ayes 5.

050218.11

By Alderman Wohleben:

Whereas, the City has created the Hometown Heroes program to honor local past and present members of the community that have served in the military; and

Whereas, as part of this program, the City will be purchasing banners paid from donations received requiring amending the 2018 budget; and

Whereas, the City has incorporated this program into its accounting system to preserve these donations; now, therefore, be it

Resolved, that the 2018 General Fund Budget is hereby amended as follows:

Revenue:

Increase:

A.0000.32705.HH Gifts & Donations – Hometown Heroes \$ 10,000

Expense:

Increase:

A.8510.54510.HH Program Expense – Hometown Heroes \$ 10,000

Seconded by Alderman Eggert and adopted. Ayes 5.

050218.12

By Alderman Wohleben:

Whereas, the City solicited a proposal for a fleet management system from its cellular provider, Verizon; and

Whereas, Verizon holds a State contract for the provision of vehicle monitoring equipment; and

Whereas, implementation of a fleet management and monitoring system is expected to improve the maintenance and management of the City's fleet, improve productivity and reduce maintenance and fuel costs;

Now, therefore, be it

Resolved, that the Mayor, subject to Corporation Counsel approval, is hereby authorized and directed execute an agreement with Verizon in an amount of \$4,515, one time and a reoccurring monthly amount of \$2,430 for fleet management services.

Seconded by Alderman Farrell and adopted. Ayes 4. Alderman Devine voted no.

050218.13

By Alderman Oates:

Resolved, that pursuant to their request, permission is hereby granted to the residents of Howard Avenue to barricade their Street from East Avenue to E. Union Street on May 27, 2018, 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 Eggert and adopted. Ayes 5.

050218.14

By Alderman Oates:

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 Wednesdays beginning June 6, 2018 until August 22, 2018. 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 Farrell and adopted. Ayes 5.

050218.14A

By Alderman Wohleben:

Resolved, that pursuant to the request of the American Cancer Society, permission is hereby granted to "Paint the City Purple" to raise awareness of the fight against cancer by placing purple ribbons on various trees within the City's right-of-ways throughout the business district.

Seconded by Alderman Devine and adopted. Ayes 5.

050218.15

ADJOURNMENT

At 5:56 P.M. Alderman Wohleben moved the Common Council be adjourned until 5:30 P.M., Wednesday, May 16, 2018.

Seconded by Alderman Devine and adopted. Ayes 5.

RICHELLE J. PASCERI
City Clerk

CITY OF LOCKPORT
CORPORATION PROCEEDINGS

Lockport Municipal Building

Regular Meeting
Official Record

May 16, 2018
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, Eggert, Farrell, Oates, and Wohleben.

INVOCATION

MAYOR'S UPDATE

RECESS

Recess for public input.

051618.1

APPROVAL OF MINUTES

On motion of Alderman Wohleben, seconded by Alderman Abbott, the minutes of the Regular Meeting of May 2, 2018 are hereby approved as printed in the Journal of Proceedings. Ayes 6. Carried.

FROM THE MAYOR

Appointments:

5/7/18 Carrie A. Gugliuzza, 7150 Northview Drive, Lockport, NY – appointed as Program Administrator for the Community Development Department effective May 7, 2018. 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)

5/3/18 Teresa Manna, Emmanuel United Methodist Church – request permission to Barricade Wakeman Alley on May 19th for a church event, a Vendor Fair & Bike Blessing.
Referred to the Committee of the Whole.

4/30/18 Cathy L. Maloney, Executive Director Cornell Cooperative Extension – request permission to erect a banner across East Avenue to promote the 2018 Niagara County Fair from July 25 thru August 5.
Referred to the Committee of the Whole.

5/8/18 Richelle J. Pasceri, City Clerk – notification that the Lockport Municipal Offices will be closed as follows in the month of May in observance of Memorial Day.

Monday, May 28

Garbage will be collected on the day following regularly scheduled collection that week.

Referred to the media.

Notice of Defect:

5/1/18 50 Rogers Ave. – two trees

5/2/18 293 Cottage St. – tree

5/4/18 449 Walnut St. - tree

Referred to the Director of Streets and Parks.

Notice of Claim:

4/27/18 Anthony Allee, 10202 Ridge Road, Medina, NY

Referred to the Corporation Counsel.

4/30/18 Adaley Watkins, 22 Van Buren Street, Lockport, NY

Referred to Corporation Counsel.

4/30/18 Ryan S. Whitmore, 47 Allen Street, Lockport, NY

Referred to Corporation Counsel.

4/30/18 Alexandria E. Lewis, 8209 Porter Road, Sanborn, NY

Referred to Corporation Counsel.

5/1/18 David Linsley, 146 West Avenue, Lockport, NY

Referred to Corporation Counsel

5/4/18 Jeanette Howell, 284 Willow Street, Apt. 3, Lockport, NY

Referred to Corporation Counsel.

MOTIONS & RESOLUTIONS

051618.2

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 May 18, 2018 as follows:

General Fund	Fund A	\$ 71,998.79
Water Fund	Fund FX	\$ 5,569.91
Sewer Fund	Fund G	\$ 12,225.89
Capital Projects	Fund	\$149,243.94
Refuse Fund	Fund CL	\$ 90,859.97
Self Insurance	Fund MS	\$ 1,401.80
Payroll	Pay Date 5/10/18	\$442,852.87

Seconded by Alderman Oates and adopted. Ayes 6.

051618.3

By Alderman Abbott:

Whereas, the City of Lockport sought Requests for Proposals for the Widewaters Marina Operation, and

Whereas, the City receive a proposal from Erie Canal Boat Company, and

Whereas, Erie Canal Boat Company desires to use the City's newly constructed Kayak launch in conjunction with the general public, and

Whereas, Erie Canal Boat Company desires access to the Kayak launch and the permission to assist handicapped customers with launching Kayaks, and

Whereas, Erie Canal Boat Company has agreed to pay a fee of \$500 per season for such right. Now, therefore, be it

Resolved, that for an annual fee of \$500.00 Erie Canal Boat Company shall be given access to the Kayak launches and permission to assist handicapped customers with launching Kayaks at the City's new Kayak launch subject to the City of Lockport's receipt of a certificate of insurance naming the City of Lockport as an additional insured.

Seconded by Alderman Farrell and adopted. Ayes 6.

051618.4

By Alderman Oates:

Resolved, that pursuant to their request, Lockport Main Street, Inc. is hereby granted permission to have a Lockport Community Farmers Market on Canal Street, the pocket park and the adjoining parking lot each Saturday 9am-2pm beginning June 9th and running through October 20th, 2018, and be it further

Resolved, that permission is hereby granted to access the electricity available at the light posts and for the city to install the outdoor extension cords at each junction box, and be further

Resolved, that the Director of Streets and Parks is authorized and directed to arrange to deliver refuse containers to the area prior to the said dates.

Seconded by Alderman Eggert and adopted. Ayes 6.

051618.5

By Alderman Oates:

Resolved, that a public hearing be held at the Common Council Meeting of June 6, 2018 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 Wide Waters on the Canal, for approval for an outdoor concert series to be located at 767 & 801 Market Street, situated in a R-1 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 Devine and adopted. Ayes 6.

051618.6

By Alderman Wohleben:

Resolved, that a public hearing be held at the Common Council Meeting of June 6, 2018 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 Wayne Harvey, for approval to utilize the property for a towing business and to erect a 30' x 40' pole barn to be located at 349 Mill Street, situated in a I-3 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 Farrell and adopted. Ayes 6.

051618.7 Stephen Adorian Memorial 5k - WITHDRAWN

051618.8

By Alderman Oates:

Resolved, that pursuant to their request, permission is hereby granted to Emmanuel United Methodist Church to barricade Wakeman Alley on Saturday May 19, 2018, from 11:00 to 6:00 p.m. for a Vendor Fair & Bike blessing, 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 and traffic cones to said area prior to said event.

Seconded by Alderman Wohleben and adopted. Ayes 6.

051618.9

By Alderman Oates:

Resolved, that pursuant to their request, Cornell Cooperative Extension, Niagara County is hereby granted permission to erect a banner at least 17' from the ground across East Avenue at Davison Road to promote the 2018 Niagara County Fair. Banner is to be erected from July 25 thru August 6, 2018 based on a schedule approved by the City Clerk, and be it further

Resolved, that said permission is subject to Cornell Cooperative Extension, Niagara County filing a certificate of insurance with the City Clerk naming the City of Lockport as additional insured and subject to payment of \$50, and be it further

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

Seconded by Alderman Eggert and adopted. Ayes 6.

051618.10 (*corrected 6/6/18)

By Alderman Oates:

Resolved, that pursuant to their request, permission is hereby granted to the residents of Lakeview Parkway to barricade Lakeview Parkway on ~~June 19, 2018~~ *June 9, 2018 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 the area prior to said event.

Seconded by Alderman Farrell and adopted. Ayes 6.

051618.11

By Alderman Oates:

Resolved, that the Director of Engineering is hereby authorized and directed to prepare bid specifications for milling and paving of Clinton Street, and be it further

Resolved, that upon receipt of said specifications, the City Clerk is authorized and directed to advertise for bid proposals for same.

Seconded by Alderman Devine and adopted. Ayes 6.

051618.12

By Alderman Eggert:

Whereas, Section C-45 of the city charter requires employees to become a resident of the City of Lockport within six months of the commencement of service, and

Whereas, Section C-45 (8) (a) permits a waiver of the residency requirement in instances where the City of Lockport has difficulty hiring the most qualified person because of its residency requirements, and

Whereas, the Mayor and Common Council have determined that it is in the best interest of the city to waive the residency requirement for the position of Director of Public Works effective June 15, 2018, now therefore be it

Resolved, that the Mayor and Common Council having considered all of the aspects of the residency requirement and for the reason of lack of qualified candidates within the City limits hereby determines that the position shall be exempt from said residency requirement for the position of Director of Public Works for the City of Lockport.

Seconded by Alderman Farrell and adopted. Ayes 6.

051618.13

By Alderman Wohleben:

WHEREAS, the Municipal Building Supervisor has informed the Mayor that the Municipal Building Niagara Street elevator is no longer functional; and

WHEREAS, the City and its consulting engineer Nussbaumer & Clarke, Inc. met with elevator repair technicians and requested quotes to make the necessary elevator repairs; and

WHEREAS, the City received three quotes to complete the elevator repair work as follows: Otis Elevator Company \$37,575.00; Schindler Elevator Corporation \$43,287.00; and Thyssenkrupp Elevator \$49,900.00; and

WHEREAS, Nussbaumer & Clarke reviewed the repair quotes and recommends that the City awards a contract to Otis Elevator Company for a total amount of \$37,575.00; and

WHEREAS, the City did not budget for the repair costs of this elevator necessitating the use of contingency and amending the 2018 Budget; 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 \$37,575.00; and be it further

RESOLVED, that the 2018 General Fund Budget is hereby amended as follows:

Expense:

Decrease:

A 1900.54775	Contingency	\$40,000
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Increase:

A 1620.54076	Property Repairs	\$40,000
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Seconded by Alderman Devine and adopted. Ayes 6.

051618.14

By Alderman Wohleben:

Resolved, that the Corporation Counsel is hereby authorized and directed to prepare bid specifications for City of Lockport Chief of Police, and be it further

Resolved, that upon receipt of said specifications, the City Clerk is authorized and directed to advertise for bid proposals for same.

Seconded by Alderman Eggert and adopted. Ayes 5. Alderman Devine voted no.

By Alderman Devine:

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

Seconded by Alderman Farrell and adopted. Ayes 6.

051618.15

By Alderman Wohleben:

Whereas, the Common Council of the City of Lockport has considered the Palace Theatre Interior Renovation Project at the 2 East Avenue, Lockport, New York 14094 (the "Project"), and

Whereas, the Project is an Unlisted Action, and the Common Council is conducting an uncoordinated review of those actions for which it is responsible, pursuant to the State Environmental Quality Review Act (SEQRA); and

Whereas, the Common Council of the City of Lockport has duly considered the Short Environmental Assessment Form, the proposed Project in its entirety, and the criteria for determining significance set forth in 6 N.Y.C.R.R. 617.7 (c) of the SEQRA regulations, and such other information deemed appropriate; and

Whereas, the Common Council has identified the relevant areas of environmental concern, has taken a hard look at these areas, and has made a reasoned elaboration of the basis for its determination, now, therefore, be it

Resolved, by the Common Council of the City of Lockport as follows:

1. The Common Council declares that the proposed Palace Theatre Interior Renovation Project at the 2 East Avenue, Lockport, New York 14094 will not result in any large and important impacts, and therefore, the approval of the Project does not include the potential for any significant adverse environmental impacts. Accordingly, the Common Council issued the attached negative declaration under SEQRA for the Project.
2. The reasons for the decision are stated in the attached negative declaration.
3. This resolution shall be effective immediately.

Seconded by Alderman Devine and adopted. Ayes 6.

051618.16

By Alderman Oates:

Whereas, the City of Lockport Received correspondence from the United States Environmental Protection Agency ("EPA) seeking consent to access City owned property along Plank Road to collect soil samples, and

Whereas, the EPA plans to begin work in the Summer of 2018, and

Whereas, the EPA included the above sites in the National Priorities List of hazardous waste sites for remediation; Now, therefore, be it

Resolved, the Mayor be and is hereby authorized to execute Consent for Access to City owned property along Plank Road for the above stated purposes.

Seconded by Alderman Devine and adopted. Ayes 6.

051618.17

By Alderman Abbott:

Whereas, the City applied for and was subsequently awarded a \$100,000 grant from the Dormitory Authority of the State of New York (DASNY) to repair the Veterans Memorial Monument in Veterans Memorial Park; and

Whereas, on October 4, 2017, the City of Lockport authorized the Mayor to sign an agreement with Modern Surface Solutions to repair the monument by Resolution 100417.4A, and

Whereas, per Engineering Department request, Modern Surface Solutions submitted a change order to perform additional work that includes cleaning and painting the western flag pole, reworking the flag pole base, replacing lighting fixtures on the four sides of the monument, and improving the access to the monument from the south side by regrading drainages and resetting pavers. Modern Surface Solutions proposed to complete this additional work for \$18,200; now, therefore, be it

Resolved, that the Mayor, subject to Corporation Counsel approval, is hereby authorized to amend the contract signed on October 10, 2017 with Modern Surface Solutions, Inc., 7292 Akron Road, Lockport, New York 14094 for an amount of \$18,200 to be charged to Capital Projects. The up to date cost of the project of \$78, 526.70 is hereby amended to be \$96,726.70

Seconded by Alderman Wohleben and adopted. Ayes 6.

051618.17A

By Alderman Farrell:

Resolved, that the Youth Board is hereby granted permission to conduct an Independence Day Parade on Tuesday, July 3, 2018, commencing at 6:00PM at Ida Fritz Park, east on Main Street to Charles Street, subject to the approval of the Parade route by the Police Chief and issuance of a parade permit by the City Clerk, and be it further

Resolved, to barricade the following streets beginning at 5:00 PM on July 3, 2018 for the City of Lockport fireworks display to be held on Canal Street:

Pine Street from Main to Gooding
Gooding from Pine to Caledonia
Lock St from Pine to Caledonia
Ontario St from Church to Pine
Canal St between the pedestrian walk and Church
Church Street (Big Bridge) from Main to Niagara St.,

and be it further

Resolved, that the Main Street Parking Lot and the Pine Street Parking Lot be closed beginning at 5:00 PM, and the Canal Street Parking Lot be closed from 2:00 PM until 11:00 PM and temporary no-parking on the south side of Main Street for the parade, 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 the area prior to the event.

Seconded by Alderman Wohleben and adopted. Ayes 5. Alderman Devine voted no.

051618.17B

By Alderman Abbott:

Whereas, the Fire Chief, Fire Board and the City Council have identified a need for Fire Engine to replace the auxiliary 1988 Fire Engine due to its unreliability and potential imminent catastrophic failure; and

Whereas, the Penfield Fire District is offering the City of Lockport a 2009 Pierce Fire Engine that will fit the City's needs for \$200,000; and

Whereas, the City must immediately replace this fire engine to provide reliable firefighting apparatus to its fire fighters to ensure to their safety as well as ensure adequate firefighting capabilities for the protection of the City's residents, businesses and general public; and

Whereas, additional costs necessary to outfit the engine to be purchased are estimated to total \$15,000; and

Whereas, the City has not budgeted the capital expenditure for the replacement of this fire engine necessitating the issuance of a bond;

Now, therefore, be it

Resolved, that the City Council hereby authorizes the Mayor execute a purchase offer for the acquisition of the 2009 Pierce Fire Engine with the Penfield Fire District in the amount of \$200,000 pursuant to Section 103, paragraph 4 of NYS General Municipal Law which allows for the forgoing of the City's regular procurement process due to a public emergency caused by an unforeseen occurrence that jeopardizes the public's health and safety; and Be It Further

Resolved, that the City Attorney and Director of Finance are directed to prepare a Bond Ordinance for the acquisition of the fire engine and ancillary equipment in an amount not to exceed \$215,000 plus issuance costs.

Seconded by Alderman Oates and adopted. Ayes 6.

051618.17C

By Alderman Wohleben:

Whereas, on April 11, 2018, the Common Council adopted Resolution No. 041118.13 requesting the State of New York Legislature draft companion bills for the purpose of increasing the existing Bed Tax by 1% to be designated specifically to the Discover Niagara Shuttle or other entities for transportation or economic development purposes pursuant to New York State Tax Law Article 29, § 1201-d(a), Authority to Impose Tax: and

Whereas, Senate Bill 8420 and Assembly Bill 10528 were recently introduced in the Senate and Assembly to impose an additional 1% bed tax on rooms located in the City of Lockport to be dedicated to the Discovery Niagara Shuttle. Now, therefore be it

Resolved, that pursuant to Section 3 of Article IX of the New York State Constitution and Section 2 of the Municipal Home Rule Law of the State of New York the City of Lockport hereby requests enactment of Senate bill No. 8420 entitled "An Act to amend the tax law, in relation to imposing an additional one percent occupancy tax in the City of Lockport, Niagara County to be dedicated to the operation of the Discovery Niagara Shuttle, and be it further

Resolved, that a necessity exists for the enactment of such legislation, and that the facts establishing such necessity are that the City of Lockport does not have the power to enact such legislation by local law, and be it further

Resolved, that such request is hereby made by the Mayor of the City of Lockport and the Common Council

Seconded by Alderman Abbott and adopted. Ayes 6.

051618.18

ADJOURNMENT

At 6:17 P.M. Alderman Wohleben moved the Common Council be adjourned until 5:30 P.M., Wednesday, June 6, 2018.

Seconded by Alderman Farrell and adopted. Ayes 6.

RICHELLE J. PASCERI
City Clerk

Lockport Municipal Building

Special Meeting
Official Record

May 30, 2018
4:30 P.M.

A Special Meeting was called by Mayor Anne E. McCaffrey relative to Home Rule Request Assembly Bill 10528

Mayor Anne E. McCaffrey called the meeting to order.

ROLL CALL

The following Common Council members answered the roll call:

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

053018.1

By Alderman Wohleben:

Resolved, that the Rules and Orders of the Common Council be and the same are hereby waived for this meeting.

Seconded by Alderman Eggert. Ayes 4.

053018.2

By Alderman Wohleben:

Whereas, on April 11, 2018, the Common Council adopted Resolution No. 041118.13 requesting the State of New York Legislature draft companion bills for the purpose of increasing the existing Bed Tax by 1% to be designated specifically to the Discover Niagara Shuttle or other entities for transportation or economic development purposes pursuant to New York State Tax Law Article 29, § 1201-d(a), Authority to Impose Tax: and

Whereas, Senate Bill 8420 and Assembly Bill 10528 were recently introduced in the Senate and Assembly to impose an additional 1% bed tax on rooms located in the City of Lockport to be dedicated to the Discovery Niagara Shuttle. Now, therefore be it

Resolved, that pursuant to Section 3 of Article IX of the New York State Constitution and Section 2 of the Municipal Home Rule Law of the State of New York the City of Lockport hereby requests enactment of Assembly Bill 10528 entitled "An Act to amend the tax law, in relation to imposing an additional one percent occupancy tax in the City of Lockport, Niagara County to be dedicated to the operation of the Discovery Niagara Shuttle, and be it further

Resolved, that a necessity exists for the enactment of such legislation, and that the facts establishing such necessity are that the City of Lockport does not have the power to enact such legislation by local law, and be it further

Resolved, that such request is hereby made by the Mayor of the City of Lockport and the Common Council

Seconded by Alderman Abbott. Ayes 4.

053018.3

ADJOURNMENT

At 4:35 P.M. Alderman Wohleben moved the Common Council be adjourned until 5:30 P.M., Wednesday, June 6, 2018.

Seconded by Alderman Oates and adopted. Ayes 4.

RICHELLE J. PASCERI
City Clerk

CITY OF LOCKPORT
CORPORATION PROCEEDINGS

Lockport Municipal Building

Regular Meeting
Official Record

June 6, 2018
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, Eggert, Farrell, and Oates.
Absent: Alderman Wohleben

MAYOR'S UPDATE

RECESS

Recess for public input.

Minutes Correction – May 16, 2018:

051618.10 Resolved, that pursuant to their request, permission is hereby granted to the residents of Lakeview Parkway to barricade Lakeview Parkway on ~~June 19, 2018~~ **June 9, 2018**, 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 the area prior to said event.

060618.1 APPROVAL OF MINUTES

On motion of Alderman Abbott, seconded by Alderman Oates, the minutes of the Regular Meeting of May 16, 2018 are hereby approved as printed in the Journal of Proceedings. Ayes5. Carried.

PUBLIC HEARING

The Mayor announced a public hearing on a request for a Special Use Permit for an outdoor concert series at Wide Waters on the Canal located at 767 & 801 Market Street.

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

5/11/18 Charlene Seekins-Smith, Chairman, Lockport Planning and Zoning Board – the board recommends the request be approved with stipulations.

Recess for public input.

The Mayor closed the Public hearing.

PUBLIC HEARING

The Mayor announced a public hearing on a request for a Special Use Permit to utilize the property at 349 Mill Street for a towing business and to erect a 30' x 40' pole barn.

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

5/11/18 Charlene Seekins-Smith, Chairman, Lockport Planning and Zoning Board – the board recommends the request be denied.

Recess for public input.

The Mayor closed the public hearing.

FROM THE MAYOR

Appointments:

5/21/18 Daniel Cavallari, 387 High Street, Lockport, NY- appointed as a member of the Audit Committee effective May 21, 2018.

Received and filed.

5/21/18 Richard Bertrand, 284 Willow Street, #23, Lockport, NY – appointed as a member of the Lockport Housing Authority. Said term expires on April 26, 2021.

Received and filed.

5/29/18 Andrew A. Learn, 24 Minard Street, Lockport, NY – appointed as Water Treatment Plant Operator for the Water Filtration Department effective May 16, 2018. Said appointment is permanent and subject to the City of Lockport Municipal Civil Service Rules and Regulations.

Received and filed.

5/29/18 Jeremy M. Antonik, 310 Church Street, Lockport, NY – appointed as Water Treatment Plant Operator for the Water Filtration Department effective May 16, 2018. Said appointment is permanent and subject to the City of Lockport Municipal Civil Service Rules and Regulations.

Received and filed.

5/31/18 Anne F. Calos, 89 Independence Drive, Lockport, NY – appointed as Senior Account Clerk for the City of Lockport Police Department effective May 29, 2018. Said appointment is permanent and subject to the City of Lockport Municipal Civil Service Rules and Regulations.

Received and filed.

5/31/18 Jennifer L. Torrey, 54 Regent Street, Lockport, NY – appointed as Senior Account Clerk for the Clerk’s Office effective May 29, 2018. Said appointment is permanent and subject to the City of Lockport Municipal Civil Service Rules and Regulations.

Received and filed.

5/31/18 Jennifer G. Wochna, 863 Willow Street, Lockport, NY – appointed as Senior Account Clerk for the Water and Police Departments effective May 29, 2018. Said appointment is permanent and subject to the City of Lockport Municipal Civil Service Rules and Regulations.

Received and filed.

Commissioner of Deeds:

For the term of two years expiring on December 31, 2019

John M. Wick, 6617 North Canal Road, Lockport, New York, 14094

Kevin P. Newman, 18 McIntosh Drive, Lockport, New York, 14094

Andrew G. Rosenberg, 242 Genesee Street, Lockport, New York, 14094

Daniel L. Weiss, 919 Maple Avenue, Niagara Falls, New York, 14305

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:

5/16/18 322 Chestnut Street – tree

5/21/18 19 Treehaven Drive – tree

5/21/18 209 Price Street - tree

Referred to the Director of Streets and Parks.

Notice of Claim:

5/16/18 William Richardson, 111 Allen Street, Lockport, NY

5/18/18 Dylan Simon, 471 Hawley Street, Lockport, NY

5/18/18 Lucia C. Wronski, 5626 Keck Road, Lockport, NY

5/21/18 Kristilyn Juliana, 188 Jackson Street, Apt. 1, Lockport, NY

5/25/18 Phyllis O’Byrne, 7366 Rochester Road, Lockport, NY, NY

Referred to the Corporation Counsel.

MOTIONS & RESOLUTIONS

060618.2

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 June 8, 2018 as follows:

General Fund	Fund A	\$ 163,498.07
Water Fund	Fund FX	\$ 44,339.27
Sewer Fund	Fund G	\$ 37,529.05
Capital Projects	Fund	\$ 276,981.73
Refuse Fund	Fund CL	\$ 23,164.78
Self Insurance	Fund MS	\$ 147,467.35
Payroll	Pay Date 5/24/18	\$ 454,356.96

Seconded by Alderman Eggert and adopted. Ayes 5.

060618.3

By Alderman Eggert:

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>
Patrick K. Brady	25	Fire Chief
Kevin L. Seekins	20	Firefighter
Joshua T. Fiegl	15	Electrician

Seconded by Alderman Abbott and adopted. Ayes 5.

060618.4

By Alderman Oates:

Resolved, that pursuant to their request, permission is hereby granted to Emmanuel United Methodist Church to barricade Wakeman Alley on Saturday June 9, 2018 from noon-6PM for a church event and Wednesday July 18, 2018 from 1:00 to 9:00PM 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 and traffic cones to said area prior to said events.

Seconded by Alderman Devine and adopted. Ayes 5.

060618.5

By Alderman Oates:

Resolved, that the Lockport Business Association is hereby granted permission to use Main Street between Elm Street and Cottage Street to conduct "A Taste of Lockport" on Sunday, August 12, 2018 from 11:00a.m. to 7:00 p.m., and be it further

Resolved, that the Common Council hereby designates the aforesaid event as a temporary event as defined by Section 53-1 of the City Code (alcoholic beverages) which shall terminate/lapse upon completion of said event, and be it further

Resolved, that said permissions are subject to the Taste of Lockport (1) depositing the sum of \$250.00 to be held by the City as security for the Taste of Lockport providing sufficient staff to empty waste containers provided by the City into a dumpster or truck provided by the Taste of Lockport; and (2) a certificate of insurance 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 to the area prior to the event.

Seconded by Alderman Farrell and adopted. Ayes 5.

060618.6

By Alderman Oates:

Resolved, that the request for a special use permit made by Wide Waters on the Canal to have a concert series on the properties located at 767 and 801 Market Street, situated in an R-1 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.

Barricades are installed to control ingress and egress

Traffic shall be limited to right hand turns only leaving the venue from both Wide Waters and the Marina

The Lockport Police Department approves the method of traffic control at the cross walks installed for the concert series.

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.

060618.7

By Alderman Oates:

Whereas, the owner of 349 Mill Street in the City of Lockport filed an application with the Planning Board for a special use permit to utilize 349 Mill Street for a towing business and to erect a 30' x 40' pole barn, and

Whereas, on May 11, 2018, the Planning Board convened, deliberated and denied the application for said special use permit, and

Whereas, on June 6, 2018, the Common Council in accordance with the City Code, conducted a public hearing in the Common Council chambers. Now, therefore be it

Resolved, that upon receiving the denial from the planning board for a special use permit to utilize 349 Mill Street for a towing business and to erect a 30' x 40' pole barn and upon having held a public hearing with respect to the same the Common Council hereby denies the request for said special use permit.

Seconded by Alderman Devine and adopted. Ayes 5.

060618.8

By Alderman Devine:

Resolved, that pursuant to their request, the Anna Merritt PTA be and the same is hereby given permission to install and maintain a Little Free Library in Dolan Park on Olcott Street, and be it further

Resolved, that the Director of Streets and Parks is hereby authorized and directed to coordinate with the Anna Merritt PTA for installation of the Little Free Library.

Seconded by Alderman Oates and adopted. Ayes 5.

060618.9

By Alderman Farrell:

Whereas, the City offers a 799 Plan for employees hired prior to January 1, 2012 who retire from the City and enroll in Medicare, and

Whereas, the City, pursuant to various Collective Bargaining Agreements, will reimburse retirees for Medicare out of pocket and co-payment costs associated with changes in the 799 plan upon a retiree submitting a claim for reimbursement for costs associated with their Medicare coverages; and

Whereas, the City desires to codify the process and procedures associated with this reimbursement;

NOW, THEREFORE BE IT

Resolved, that the following process and procedure is hereby adopted.

1. The City of Lockport will reimburse eligible retirees for retiree co-payments and out of pocket costs associated with changes from the Forever Blue PPO Specialized Plan in effect in 2013 and the current 799 Plan.

2. Reimbursement Procedure:

a. 799 plan participants must submit receipts showing name, date, days' supply, prescription number and payment. Receipts may be turned in at any time but no more than three months from the date of the expense is incurred. Upon receiving receipts, the City or its agent shall determine the portion of the expense which is due to the plan change and reimburse that amount within thirty (30) days. If any claim is disallowed by the City, the City shall provide written explanation for the disallowance within thirty (30) days.

b. The City shall appoint an agent or agents to oversee the reimbursement process and shall provide and maintain training and compliance with HIPPA guidelines.

c. The City shall redact any and all confidential, personal and private medical information that may be contained on any requests for reimbursements, receipts, vouchers, or reimbursements not necessary for the processing of these reimbursements to ensure to the privacy and anonymity of the individual. Reimbursement shall be made by check or direct deposit to the participant's bank account.

3. Dispute Resolution

Should a dispute arise regarding the provisions of this procedure, or between a participant or participants in the 799 Plan and the City regarding a claim under this procedure, said dispute shall be heard in a court of competent jurisdiction in the County of Niagara, State of New York, provided the participant files a Notice of Claim as per Civil Procedure Law.

Seconded by Alderman Eggert 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 Eggert and adopted. Ayes 5.

060618.10

By Alderman Wohleben: Banners Community Market – **WITHDRAWN**

060618.11

By Alderman Eggert:

Whereas, in accordance with the New York State Environmental Quality Review regulations (SEQRA) the City of Lockport announced its intent to serve as lead agency on the Palace Theatre Interior Renovation Project, and

Whereas, the Common Council of the City of Lockport has considered the Palace Theatre Interior Renovation Project at the 2 East Avenue, Lockport, New York 14094 (the "Project"), and

Whereas, the Project is an Unlisted Action, and the Common Council is conducting an uncoordinated review of those actions for which it is responsible, pursuant to the State Environmental Quality Review Act (SEQRA); and

Whereas, the Common Council of the City of Lockport has duly considered the Short Environmental Assessment Form, the proposed Project in its entirety, and the criteria for determining significance set forth in 6 N.Y.C.R.R. 617.7 (c) of the SEQRA regulations, and such other information deemed appropriate; and

Whereas, the Common Council has identified the relevant areas of environmental concern, has taken a hard look at these areas, and has made a reasoned elaboration of the basis for its determination, now, therefore, be it

Resolved, by the Common Council of the City of Lockport as follows:

1. The Common Council declares it will serve as Lead Agency for the Project.
2. The Common Council declares that the proposed Palace Theatre Interior Renovation Project at the 2 East Avenue, Lockport, New York 14094 will not result in any large and important impacts, and therefore, the approval of the Project does not include the potential for any significant adverse environmental impacts. Accordingly, the Common Council issued the attached negative declaration under SEQRA for the Project.
3. The reasons for the decision are stated in the attached negative declaration.
4. This resolution shall be effective immediately.

Seconded by Alderman Farrell 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 Eggert and adopted. Ayes 5.

060618.12

By Alderman Farrell:

Whereas, the City of Lockport ("City") and the New York State Canal Corporation ("NYSCC"), entered into an Agreement for the Operation and Maintenance of Locks 69 & 70 of the Flight of Five, Adjacent to Locks E-34/35, Lockport NY ("Agreement"), on May 1, 2013, and

Whereas, the City and NYCC are required to amend the Agreement in the event that any other portions of the Flight of Five is improved during the term of the Agreement, and

Whereas, the NYSCC is in the process of rehabilitating and restoring lock 68 ("Lock 68"), a portion of the Flight of Five, to a condition representative of its condition in 1842; and

Whereas, the City and NYSCC desire to formally set forth their respective duties and obligations in relation to the development and operation of Lock 68, and

Whereas, the City has obtained a grant from Empire State Development in the sum of \$1,315,000 and a grant in the sum of \$200,000 from the National Maritime Heritage Grant program to pay for all costs of the project.

NOW, THEREFORE, BE IT

Resolved, that the Mayor be and is hereby authorized and directed to enter into an Agreement to amend the Operation and Maintenance of Locks 69 & 70 of the Flight of Five, Adjacent to Locks 34 & 35 to include the rehabilitation and restoration of Lock 68 to a condition representative of its condition in 1842, and a corresponding Funding Agreement.

Seconded by Alderman Abbott and adopted. Ayes 5.

060618.13

By Alderman Devine:

WHEREAS, the owner of 599 Niagara Street has an open culvert in the front yard and the owner desires to install a drainage pipe within the culvert and cover the pipe it with appropriate material, and

WHEREAS, the Department of Building Inspection inspected the proposed site and proposed project and approves of the same, and

WHEREAS, the culvert is located within the City right of way.

NOW THEREFORE, BE IT

RESOLVED, that the owner of 599 Niagara Street be and is hereby authorized to install a drainage pipe in the culvert in the owner's front yard adjacent to the city street within the City right of way subject to approval of the Department of Building Inspection that the project will not impede the natural flow and drainage of storm water, and be it further

RESOLVED, that the above permission is subject to the City right of way

Seconded by Alderman Abbott and adopted. Ayes 5.

060618.14

By Alderman Oates:

Whereas, the City of Lockport has begun an annual process for establishing a Ten-Year Capital Improvement Program that will include approval of a new Ten-Year Capital Improvement Program every two years, and

Whereas, the capital infrastructure is important for the vitality of the City of Lockport and the health, safety and comfort of its citizens; and

Whereas, financial resources are limited and it is essential to establish priorities for capital improvements to issue debt and spend monies effectively and efficiently; and

Whereas, a Capital Improvement Program gives direction to staff about the projects planned in the Fiscal Years 2018-2027 to provide consistent direction on projects that may span more than one year, and

Whereas, the approval of a Ten-Year Capital Improvement Program allows staff to plan for the design and development of specifications that may take time prior to the construction or acquisition of specific capital improvement components;

Whereas, the support and understanding of the information concerning capital improvement planning is vital for an informed citizenry;

NOW, THEREFORE, BE IT

Resolved, that the City Council hereby adopts and approves the Ten-Year Capital Improvement Program as shown in Exhibit A for the fiscal years 2018-2027; and be it further

Resolved, that the City Council shall review this program annually with a full revision and adoption occurring at a minimum of every two years.

Seconded by Alderman Eggert and adopted. Ayes 5.

060618.15

By Alderman Eggert:

Whereas, the City Council has adopted a Ten-Year Capital Improvement Plan for the fiscal years of 2018-2027; and

Whereas, this plan identifies the following projects within fiscal year 2018 to be funded through the issuance of bonds, namely:

GENERAL FUND

- Buildings & Grounds Plow Truck - \$30,000
- Highway Department Medium Plow Truck – \$50,000
- Highway Department Heavy Plow Truck - \$75,000
- Highway Department Front-end Loader - \$130,000
- Scalzo Park Wall - \$200,000
- Chipper Trucks (2) - \$100,000
- Pot Hole Truck - \$110,000
- Outwater Park Stone Shelter - \$69,000 (previously authorized)
- Fire Engine - \$215,000 (previously authorized)
- Plank Road Culvert - \$80,000 (previously authorized)

SEWER FUND

- Generator - \$400,000 (previously authorized)
- Sewer Repairs - \$320,000
- Sludge Dryer – Engineering - \$150,000

And;

Whereas, the City intends to fund the capital expenditure for the projects referenced herein through the issuance of a bond;

Now, therefore, be it

Resolved, the City Council hereby intends to fund the referenced projects through the issuance of a bond and to that end, direct that the City Attorney and Director of Finance to cause to be prepared a Bond Ordinance for the referenced projects in a total aggregate amount not to exceed \$1,059,000 for the General Fund and \$870,000 in the Sewer Fund plus issuance costs.

Seconded by Alderman Farrell and adopted. Ayes 5.

060618.16

By Alderman Eggert:

Whereas, the City Council has adopted a Ten-Year Capital Improvement Plan for the fiscal years of 2018-2027; and

Whereas, the Stone Shelter Renovation project requires additional work as identified in the approved Capital Program; and

Whereas, per Engineering Department request, Walter S. Johnson Building Company submitted a change order to perform additional work that includes reinforcing rafter headers, installing glass block windows in the south wall of the building, and installing new door frames and new fiberglass doors for an \$6,790.00; and

Whereas, in addition, the Capital Plan identifies the following projects within fiscal year 2018 to be funded through the use of Contingency, namely:

GENERAL FUND

- City Hall Elevator Repair - \$40,000 (previously authorized)
- Outwater Park Stone Shelter (additional Work) – \$18,000
- Bike Rack at Canal Street - \$3,750
- Kayak Launch - \$45,000 (previously authorized)
- Bike Path Water Fountain – \$4,000
- Electrical Vehicle Charging Station - \$5,200
- Clinton Street Paving - \$250,000

And;

Whereas, the City is the administrator of a trust for Outwater Park Improvements and has available funds to cover the additional work needed on the Stone Shelter; and

Whereas, the City has not budgeted the capital expenditures for these projects necessitating amending the 2018 General Fund budget through the use of contingency funds and trust funds;

Now, therefore, be it

Resolved, that the Mayor, subject to Corporation Counsel approval, is hereby authorized to amend the contract signed on March 26, 2018 with Walter S. Johnson Building Company, 6638 Mooradian Drive, Niagara Falls, New York 14302 for an amount of \$6,790.00 for a total contract amount of \$337,190.00; and be it further

Resolved, the City Council hereby amends the 2018 budget as follows:

Decrease

Expense:

A1900.1990	Contingency	\$272,950
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Increase

Expense:

A8510.54510	Community Beautification – Program	\$ 7,750
A9700.59530.H	Interfund Transfer to Capital	\$265,200

And; be it further

Resolved, that the City Council authorizes the transfer of \$8,000 out of the Outwater Park Trust to the Outwater Park Stone Shelter Capital Project.

Seconded by Alderman Devine and adopted. Ayes 5.

060618.17

By Alderman Abbott:

Whereas, Lockport is sponsoring and promoting a solarize campaign; and

Whereas, Lockport has identified installers through an RFP process to install solar systems at a discount; and

Whereas, The Lockport Common Council wants to reinforce the importance of the Solarize Lockport Campaign by prequalifying “Selected Installers” to provide these services to Lockport residential and/or commercial customers participating in the campaign; Now therefore be it

Resolved, that Lockport will approve Solar Liberty to be named as “Selected Installers” for the Solarize Lockport Campaign; and be it further

Resolved, that the Lockport Engineering Department will offer customer support to assure the “Selected Installers” are using the proposed rates and providing the best prices for each Customer/Installer contract.

Seconded by Alderman Farrell and adopted. Ayes 5.

060618.18

By Alderman Oates:

Resolved, that pursuant to the request of the Grigg-Lewis Foundation, permission is hereby granted to use the municipal parking lot behind the Lockport Public Library for Lockport Family Focus Group’s 7th Annual Backpack and School Supply Drive on Tuesday August 28th from 11am-6pm. And be it further,

Resolved, that the Grigg-Lewis Foundation file a certificate of insurance with the City Clerk naming the City of Lockport as additional insured. And be it further,

Resolved, the Director of Highways & Parks is hereby authorized and directed to deliver barricades and no parking signs to the area prior to the event.

Seconded by Alderman Devine and adopted. Ayes 5.

060618.19

By Alderman Abbott:

Whereas, the City of Lockport (City) received a SAM Grant in the amount of \$300,000 to stabilize the structure of the Holly Edison Building prior to performing renovations, and

Whereas, the City authorized its engineering consultant Nussbaumer & Clarke, Inc. (Nussbaumer) under resolution 081617.8H to provide design services related to the stabilization of the Holly Edison Building, and

Whereas, the City has engaged a construction contractor to perform the building stabilization as designed by Nussbaumer and it has been determined that there will significant grant funds remaining after completion of the stabilization project, and

Whereas, the City desires to identify additional renovation opportunities for the Holly Edison Building, and

Whereas, Nussbaumer has submitted a proposal dated May 30, 2018 to provide engineering services related to identifying additional improvements, preparing cost estimates and supporting documents to implement supplementary improvements utilizing the remaining grant funds; now, therefore be it

Resolved, that the Mayor, subject to Corporation Counsel approval, is hereby authorized to amend the agreement signed on August 23, 2017 with Nussbaumer & Clarke, Inc., 3556 Lake Short Road, Suite 500, Buffalo, NY 14219; Nussbaumer will provide Engineering Services as described in its proposal dated May 30, 2018 for a fee not to exceed \$20,000, in accordance with the SAM grant application, and to be charged to Capital Projects.

Seconded by Alderman Oates and adopted. Ayes 5.

060618.20

ADJOURNMENT

At 6:00 P.M. Alderman Wohleben moved the Common Council be adjourned until 5:30 P.M., Wednesday, June 20, 2018.

Seconded by Alderman Devine and adopted. Ayes 5.

RICHELLE J. PASCERI
City Clerk

CITY OF LOCKPORT
CORPORATION PROCEEDINGS

Lockport Municipal Building

Regular Meeting
Official Record

June 20, 2018
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, Eggert, Farrell, Oates and Wohleben.

INVOCATION

MAYOR'S UPDATE

RECESS

Recess for public input.

062018.1

APPROVAL OF MINUTES

On motion of Alderman Wohleben, seconded by Alderman Abbott, the minutes of the Regular Meeting of June 6, 2018 are hereby approved as printed in the Journal of Proceedings. Ayes 6. Carried.

FROM THE MAYOR

Appointments:

Commissioner of Deeds:

For the term of two years expiring on December 31, 2019

Angela Stamm Phipps, 7320 Erica Lane, North Tonawanda, New York, 14120

Received and filed.

6/14/18 Mark A. Cocco, 77 Pine Street, Lockport, NY – appointed as a Water and Sewer Maintenance Worker for the Water Distribution Department effective June, 15, 2018. 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)

6/4/18 Steven Pawlak, Niagara-Orleans District of the Order of the Eastern Star – request permission to hold a chicken barbeque fundraiser on September 19, 2018. Referred to the Committee of the Whole.

6/8/18 Vanessa Bates-Mixon, The Community Health Center of Buffalo, Lockport Satellite Office – request permission to host an event on August 12, 2018. Referred to the Committee of the Whole.

6/12/18 Richelle J. Pasceri, City Clerk – notification that the Lockport Municipal Offices will be closed as follows in the month of July in observance of Independence Day.

Wednesday, July 4th

Garbage collection will fall on the following day for the remainder of that week.

Referred to the Media.

6/15/18 Richelle J. Pasceri, City Clerk – notification that bid proposal for the Nelson C. Goehle Public Marina Kayak Launch were received on June 15, 2018 as follows:

Anchor Marine Grand Island, NY	\$38,286.75
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Referred to the Committee of the Whole.

6/15/18 Richelle J. Pasceri, City Clerk – notification that bid proposals for the High Street Sewer Separation Project were received on June 15, 2018 as follows:

Aacadia Site Contracting, Inc Depew, NY	Total	\$ 958,452.66
	Alternate 1	\$ 8,040.00
	Alternate 2	\$ 92,055.00
	Alternate 3	\$ 124,320.00
	Alternate 4	\$ 126,000.00
	Alternate 5	\$ 9,200.00
4 th Generation Construction Niagara Falls, NY	Total	\$1,231,242.00
	Alternate 1	\$ 22,244.00
	Alternate 2	\$ 116,964.00
	Alternate 3	\$ 88,800.00
	Alternate 4	\$ 90,000.00
	Alternate 5	\$ 6,000.00
Milhurst Construction Co. Tonawanda, NY	Total	\$1,413,378.00
	Alternate 1	\$ 17,420.00
	Alternate 2	\$ 108,300.00
	Alternate 3	\$ 128,760.00
	Alternate 4	\$ 130,500.00
	Alternate 5	\$ 11,900.00

Referred to the Committee of the Whole.

Notice of Defect:

5/29/18 Various locations - pavement markings

6/4/18 274 Church Street – tree

6/4/18 223 Ontario Street - tree

Referred to the Director of Streets and Parks.

Notice of Claim:

5/30/18 Clifford Seguin, 452 Chestnut Drive, Lockport, NY

6/11/18 Scott Krulisky, 23 Kingston Circle, Lockport, NY

6/11/18 Nicole Thompson, 245 Trowbridge Street, Lockport, NY

Referred to the Corporation Counsel.

MOTIONS & RESOLUTIONS

062018.2

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 June 7 & 22, 2018 as follows:

General Fund	Fund A	\$ 136,607.64
Water Fund	Fund FX	\$ 43,720.42
Sewer Fund	Fund G	\$ 25,067.32
Capital Projects	Fund	\$ 191,590.05
Refuse Fund	Fund CL	\$ 98,357.73
Self Insurance	Fund MS	\$ 3,406.10
Worker’s Comp	Fund S	\$ 6,075.00
Payroll	Pay Date 6/7/18	\$ 449,377.21

Seconded by Alderman Oates and adopted. Ayes 6.

062018.3

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 19, 2018, 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 Oates and adopted. Ayes 6.

062018.4

By Alderman Wohleben:

Resolved, that pursuant to their request, permission is hereby granted to the Community Health Center of Buffalo to barricade Heritage Court on August 14, 2018 from 9:30 am to 1:30 pm for a healthcare 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 Farrell and adopted. Ayes 6.

062018.5

By Alderman Oates:

Whereas, the City of Lockport seeks to provide expanded recreational opportunities to Lockport residents and tourists at the Erie Canal and demand for kayak access to the Canal in Lockport has been expressed; and

Whereas, the City entered into agreement with Nussbaumer & Clarke, Inc. (Nussbaumer) to design plans and prepare bid documents for the development of the Kayak Launch project; and

Whereas, the City publicly advertised a Notice to Bidders and subsequently accepted bids from contractors on June 15 2018 at 2:00 p.m., which were publicly opened and read as follows: RW Weaver Corporation, DBA: Anchor Marine and Greater Lakes EZ-Dock \$38,286.75; and

Whereas, additional funding is required to complete this project necessitating a budget amendment; and

Whereas, Nussbaumer reviewed the contractor bid and references and recommends that the City awards the contract to RW Weaver Corporation, DBA: Anchor Marine and Greater Lakes EZ-Dock; now, therefore, be it

Resolved, that the Mayor, subject to Corporation Counsel approval, is hereby authorized to execute an agreement with RW Weaver Corporation, DBA: Anchor Marine and Greater Lakes EZ-Dock, 1501 Ferry Road, Grand Island, NY 14072 in the amount of \$38,286.75 for the installation of a Kayak Launch at the Lockport Widewaters Marina area and to be charged to Capital Projects; and be it further

Resolved, that the Kayak Launch capital project is hereby increased to \$51,500 and the 2018 General Fund is amended as follows:

Expense:

Decrease

A 1440.54055	Professional Services	\$6,500
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Increase

A 9901.59000.H	Interfund Transfer to Capital	\$6,500
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Seconded by Alderman Devine and adopted. Ayes 6.

062018.6

By Alderman Wohleben:

Whereas, the City of Lockport is taking steps in combined sewer overflow remediation efforts to prevent discharges from the combined sewer system into the Erie Canal as mentioned in the City’s Annual CSO Report to the New York Department of Environmental Conservation (NYSDEC); and

Whereas, the City has experienced flooding along High Street in the past; and

Whereas, the City received a \$1,500,000 from the Dormitory Authority of the State of New York (DASNY) State and Municipal Facilities Program (SAM) Grant to alleviate overflows and flooding problems within the High Street area; and

Whereas, the City entered into agreement with Nussbaumer & Clarke, Inc. (Nussbaumer) to develop plans and bid documents to design a separate storm sewer for a portion of High Street; and

Whereas, the City publicly advertised a Notice to Contractors and subsequently accepted bids on June 15, 2018 at 2:00 p.m., which were publicly opened and read as follows: Accadia Site Contracting, Inc., \$1,318,067.66; 4th Generation Construction, Inc., \$1,555,250.00; and Milherst Construction, Inc., \$1,810,258.00; and

Whereas, contractor bids include: installation of a storm sewer from Washburn St. to the Erie Canal; milling deteriorated pavement on High St. from South Transit St. to State Road; asphalt paving on High St. from Washburn St. to State Road; replacing curbs on both sides of High St. from South Transit St. to Washburn St.; and manhole rim adjustments prior to street pavement; and

Whereas, Nussbaumer reviewed the contractor bids and recommends that the City awards the contract to the low bidder Accadia Construction, Inc., for a total amount of \$1,318,067.66, which includes the project base bid plus all its bid alternates; now, therefore, be it

Resolved, that the Mayor, subject to Corporation Counsel approval, is hereby authorized to execute an agreement with Accadia Site Contracting, Inc., 5636 Transit Road, Depew, New York 14043 in the amount of \$1,318,067.66 for the High Street Storm Sewer to be charged to Capital Projects.

Seconded by Alderman Farrell and adopted. Ayes 6.

062018.7

By Alderman Oates:

Resolved, that in accordance with Section 11-C of the New York Domestic Relations Law, the Common Council of the City of Lockport appoints John Lombardi III as a Marriage Officer for the City of Lockport for a term of one year.

Seconded by Alderman Eggert and adopted. Ayes 6.

062018.8 WITHDRAWN (Landscape Washburn)

062018.9

By Alderman Wohleben:

Whereas, the City wishes to employ an Interim Chief of Police to serve for a period of four months while the City solicits applicants for permanent replacement; now therefore, be it

Resolved, that the Mayor, subject to Corporation Counsel approval is hereby authorized to enter into an employment contract with Steven Preisch, 6800 Bear Ridge Road, Lockport, NY as Police Chief for a period of four months as generally specified in attachment A.

Seconded by Alderman Eggert and adopted. Ayes 4. Alderman Devine, Oates voted no.

062018.10

By Alderman Wohleben:

Whereas, the City solicited proposals for bid Executive Search Services to assist the City in filling the vacant Chief of Police position, and

Whereas, the City received three proposals from firms interested in providing these search services; and

Whereas, after review of these proposals, it is deemed in the City's best interest to award a contract to Public Sector Search & Consulting, Inc., 6520 Lonetree Blvd. Suite 1040, Rocklin, CA 95765 the lowest proposer; now therefore be it

Resolved, that the proposal of Public Sector Search & Consulting, Inc., 6520 Lonetree Blvd. Suite 1040, Rocklin, CA 95765 is hereby accepted in the amount of \$28,500.00 inclusive of expenses; and be it further

Resolved, that the Mayor, subject to the Corporation Counsel approval, be and the same is hereby authorized and directed to enter into a contract Public Sector Search & Consulting, Inc., to conduct an executive search for the City of Lockport Chief of Police; and be it further

Resolved, that the 2018 General Fund budget is hereby amended as follows:

Expense

Decrease:

A 3120.51010	Full Time Wages	\$28,500
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Increase:

Seconded by Alderman Farrell and adopted. Ayes 4. Alderman Devine, Oates voted no.

062018.11

By Alderman Farrell:

Resolved, that pursuant to their request, permission is hereby granted the residents of Orchard Place to barricade their Street from Waterman Street to Park Place on July 28, 2018, 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 Wohleben and adopted. Ayes 6.

062018.11A

By Alderman Devine:

Resolved, that pursuant to their request, permission is hereby granted to Faith Tabernacle Church to barricade a portion of Ontario Street in front of the Community Garden on Wednesday June 27, 2018, for a Neighborhood Appreciation Picnic, and be it further

Resolved, that Faith Tabernacle Church is granted permission to erect bounce houses during the event, subject to Faith Tabernacle Church providing the City Clerk with a certificate of insurance naming the City of Lockport as additionally insured prior to the 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 Oates and adopted. Ayes 6.

062018.11B

By Alderman Oates:

Whereas, Lockport is sponsoring and promoting a solarize campaign; and

Whereas, Lockport desires to promote clean energy and make it accessible to residents and property owners; and

Whereas, The Lockport Common Council wants to further support the Solarize Lockport Campaign by waiving the \$75 permit fee for solar array installation; now therefore be it

Resolved that the City of Lockport will waive the \$75 permit fee for solar installations that take place through the Solarize Lockport campaign.

Seconded by Alderman Wohleben and adopted. Ayes 6.

062018.12

ADJOURNMENT

At 6:02 P.M. Alderman Wohleben moved the Common Council be adjourned until 5:30 P.M., Wednesday, July 11, 2018.

Seconded by Alderman Eggert and adopted. Ayes 6.

RICHELLE J. PASCERI
City Clerk

Lockport Municipal Building

Regular Meeting
Official Record

July 11, 2018
5:30 P.M.

Acting Mayor Wohleben called the meeting to order.

ROLL CALL

The following Common Council members answered the roll call:

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

INVOCATION

MAYOR'S UPDATE

RECESS

Recess for public input.

071118.1

APPROVAL OF MINUTES

On motion of Alderman Abbott, seconded by Alderman Oates, the minutes of the Regular Meeting of June 20, 2018 are hereby approved as printed in the Journal of Proceedings. Ayes 5. Carried.

FROM THE MAYOR

Appointments:

6/20/18 Willfrederick Volmy, 324 Church Street, Lockport, NY – appointed as Water Maintenance Worker for the Water Distribution Department for the City of Lockport effective June 22, 2018. Said appointment is permanent and subject to the City of Lockport Municipal Civil Service rules and regulations. Received and filed.

6/26/18 Demetrius J. Grant, 102 Bridlewood Drive, Lockport, NY – appointed as Account Clerk for the Clerk's and Treasurer's Offices for the City of Lockport effective June 26, 2018. Said appointment is permanent and subject to the City of Lockport Municipal Civil Service rules and regulations. Received and filed.

7/02/18 Shelley Richards, 385 Pine Street, Lockport, NY – reappointed to the Lockport Board of Ethics. Said appointment will expire on July 2, 2021. 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)

7/6/18 Richelle J. Pasceri, City Clerk – notification that bid proposals for the Plank Road Culvert Rehabilitation Project were received on July 6, 2018 as follows:

4 th Generation Construction Niagara Falls, NY	\$289,790.00
Edbauer Construction West Seneca, NY	\$207,300.00
BVR Construction Company, Inc.	\$291,852.00

Referred to the Committee of the Whole.

Notice of Defect:

06/20/18	33 Morrow Street – receiver
06/21/18	182 S. Transit Street – 2 tree’s
06/21/18	20 Rochester Street - tree

Referred to the Director of Streets and Parks.

Notice of Claim:

6/14/18	Progressive Insurance, FBO Robert Pugh, 304 Cottage Street, Lockport, NY
6/12/18	Jennifer Fitzgerald, 7940 Moore Road, Akron, NY

Referred to the Corporation Counsel.

Notice of Summons:

6/28/18	Lockport Locks & Canal Tours, Inc. 210 Market Street, Lockport, NY
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Referred to the Corporation Counsel.

MOTIONS & RESOLUTIONS

071118.2

By Alderman Abbott:

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 June 28 and July 13, 2018 as follows:

General Fund	Fund A	\$ 103,086.44
Water Fund	Fund FX	\$ 7,484.70
Sewer Fund	Fund G	\$ 38,413.93
Capital Projects	Fund	\$ 508,067.41
Refuse Fund	Fund CL	\$ 924.92
Health Insurance	Fund MS	\$ 148,310.31
Worker’s Comp	Fund S	\$ 7,500.00
Payroll	Pay Date 6/21/18	\$ 454,865.89
Payroll	Pay Date 7/5/18	\$ 593,486.76

Seconded by Alderman Eggert and adopted. Ayes 5.

071118.3

By Alderman Abbott:

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>
Michael J. McFall	20	WWTP Operator

Seconded by Alderman Eggert and adopted. Ayes 5.

071118.4

By Alderman Farrell:

Resolved, that pursuant to their request, Taste of Lockport is hereby granted permission to erect a banner across East Avenue at Davison Road at least 17 feet from the ground to promote their event to be held August 12, 2018. Banner is to be erected for one week prior to the event and is subject to the Taste of Lockport filing a certificate of insurance with the City Clerk naming the City of Lockport as additional insured and subject to payment of \$50, and be it further

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

Seconded by Alderman Oates and adopted. Ayes 5.

071118.5

By Alderman Farrell:

Resolved, that pursuant to their request, Lockport Main St. Inc. is hereby granted permission to use Upson Park for the Lockport Glass Barge Festival and the Canal Street parking lot for festival activities on July 28th-29th, 2018, and be it further

Resolved, permission is granted to Lockport Main St. Inc. to place wayfinding signage throughout various City right-of-ways (signs are not permitted in Main Street medians), and be it further

Resolved, the Director of Highways and Parks is hereby authorized and directed to arrange for picnic tables, barricades and trash receptacles to the designated areas prior to the event.

Seconded by Alderman Oates and adopted. Ayes 5.

071118.6

By Alderman Farrell:

Whereas, the City has received a grant in the amount of \$10,000 from the Grigg Lewis Foundation, Inc. in support of the City's Summer Recreation Program; and

Whereas, as part of this grant, the City will incur costs for among other things, the replacement of refrigerators at the City's three Recreational program sites; and

Whereas, the 2018 General Fund budget must be amended to accommodate this grant;

Now, therefore, be it

Resolved, that the 2018 General Fund Budget is hereby amended as follows:

Expense:

Increase:

A.7140.54510	Program Expenses	\$10,000
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Revenue:

Increase:

A.7140.32089	Other Recreation Income	\$10,000
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Seconded by Alderman Eggert and adopted. Ayes 5.

071118.7

By Alderman Oates:

Resolved, that pursuant to their request, permission is hereby granted to the Moose Club to barricade Monroe Street from Water to Jackson Street on August 11, 2018 for a Family Picnic, 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 Devine and adopted. Ayes 5.

071118.8

By Alderman Devine:

Resolved, that a public hearing be held at the Common Council Meeting of July 18, 2018 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 Apex Consulting / GDA Realty, LLC., for approval of a scrap metal salvage recycling business located at 570 West Avenue, situated in a I-3 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 Oates and adopted. Ayes 5.

071118.9

By Alderman Devine:

Whereas, the City has received a proposal for professional services for the design of a disc golf course at Outwater Park from the Western New York Disc Golf Club in the amount of \$5,125 to include the development and provision of a course map and rules sign; and

Whereas, City wishes to expand the recreational amenities at Outwater Park; and

Whereas, the City is trustee of the Outwater Park Trust created to fund improvements at Outwater Park and wishes to fund the development and creation of a disc golf course at Outwater Park from this trust;

Now, therefore, be it

Resolved, that the Mayor, subject to Corporation Counsel approval, is hereby authorized and directed execute an agreement with Western New York Disc Golf Club in an amount of \$5,125, for the design of a disc golf course at Outwater Park and the development and provision of a course map and rules sign attributable thereto; and Be It Further

Resolved, that the Common Council, as trustee of the Outwater Park Trust, hereby authorizes the disbursement of \$5,125 from the Outwater Park Trust to the City’s Capital Fund for this improvement to Outwater Park; and Be it Further

Resolved, that the 2018 Capital Budget is hereby amended accordingly.

Seconded by Alderman Oates and adopted. Ayes 5.

071118.10 WITHDRAWN (Washington Hunt Fund Distribution)

071118.11

By Alderman Abbott:

Resolved, that pursuant to their request, the Greater Lockport Development Corporation (GLDC) is hereby authorized to submit a New York Main Street Grant (authorized through the New York State Office of Homes and Community Renewal) through the 2018 NYS Consolidated Funding Application on behalf of business and property owners in the City of Lockport, as identified by the GLDC, for the purpose of rehabilitation and renovation, so be it further

Resolved, that the City of Lockport and the Common Council support this grant application and should funding be awarded, will offer advisory consultation as necessary.

Seconded by Alderman Farrell and adopted. Ayes 5.

071118.11A

By Alderman Farrell:

Resolved, that pursuant to the recommendation of Mayor McCaffrey, the following individual is hereby appointed to the Board of Ethics:

Shelley A. Richards, 385 Pine Street, Lockport, NY – term expires July 2, 2021

Seconded by Alderman Eggert and adopted. Ayes 5.

071118.11B

By Alderman Abbott:

Resolved, that pursuant to the recommendation of the Building Inspector, Granchelli Developing is hereby granted permission to place a dumpster on the north side of Heritage Court between two parking lot openings in the city's right of way located at 20-28 Heritage Court on July 12 and July 13, 2018. Said permission is subject to filing a certificate of insurance with the City Clerk naming the City of Lockport as additional insured.

Seconded by Alderman Devine and adopted. Ayes 5.

071118.11C

By Alderman Abbott:

Resolved, that the Mayor and Common Council do hereby extend condolences to the family of Robert Kugler, a retired City of Lockport Asst. Fire Chief who recently passed away.

Seconded by Alderman Devine and adopted. Ayes 5

071118.12

ADJOURNMENT

At 5:47 P.M. Alderman Abbott moved the Common Council be adjourned until 5:30 P.M., Wednesday, July 18, 2018.

Seconded by Alderman Devine and adopted. Ayes 5.

RICHELLE J. PASCERI
City Clerk

CITY OF LOCKPORT
CORPORATION PROCEEDINGS

Lockport Municipal Building

Regular Meeting
Official Record

July 18, 2018
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, Farrell and Oates.

Absent: Alderman Eggert and Wohleben

INVOCATION

MAYOR'S UPDATE

RECESS

Recess for public input.

071818.1

APPROVAL OF MINUTES

On motion of Alderman Abbott, seconded by Alderman Oates, the minutes of the Regular Meeting of July 11, 2018 are hereby approved as printed in the Journal of Proceedings. Ayes 4. Carried.

PUBLIC HEARING

The Mayor announced a public hearing on a request for a special use permit made by Apex Consulting / GDA Realty, LLC, for approval of a scrap metal salvage recycling business to be located at 570 West Avenue, situated in a I-3 Zone.

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

2/10/18 Charlene Seekins-Smith, Chairman, Lockport Planning and Zoning Board - recommendation that the request for a special use permit made by Apex Consulting /GDA Realty, LLC, for approval of a scrap metal salvage recycling business to be located at 570 West Avenue, situated in an I-3 Zone be approved with stipulations.

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:

7/5/18 85 Millar Place, Lockport, NY – tree

7/6/18 112 Prospect Street, Lockport, NY – tree stumps

Referred to the Director of Streets and Parks.

Notice of Claim:

7/11/18 Francisco Martinez, 785 Tift Street, Buffalo, NY

Referred to the Corporation Counsel.

Notice of Petition: (To review real property tax assessment pursuant to Article 7 of the Real Property Tax Law)

7/16/18 Mahle Behr Troy, Inc.-vs- Assessor, City of Lockport and The Board of Assessment Review for the City of Lockport

Referred to the City Assessor

MOTIONS & RESOLUTIONS

071818.2

By Alderman Abbott:

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 July 20, 2018 as follows:

General Fund	Fund A	\$ 121,851.03
Water Fund	Fund FX	\$ 36,043.06
Sewer Fund	Fund G	\$ 15,500.09
Capital Projects	Fund	\$ 267,420.85
Refuse Fund	Fund CL	\$ 95,277.27

Seconded by Alderman Oates and adopted. Ayes 4.

071818.3

By Alderman Devine:

Resolved, that a public hearing be held at the Common Council Meeting of August 1, 2018 starting at 5:30 P.M. in the Common Council Chambers, Lockport Municipal Building, One Locks Plaza, Lockport, NY relative to a moratorium on the placement or installation of wireless telecommunication towers or facilities and antennae on new or existing structures and poles, within public rights-of-ways within the City of Lockport, and be it further

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

Seconded by Alderman Oates and adopted. Ayes 4.

By Alderman Devine:

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

Seconded by Alderman Oates and adopted. Ayes 4.

071818.4

The following ordinance was offered by Councilmember Oates, who moved its adoption, seconded by Councilmember Farrell to wit:

BOND ORDINANCE DATED JULY 18, 2018.

AN ORDINANCE AUTHORIZING THE ISSUANCE OF \$870,000 BONDS OF THE CITY OF LOCKPORT, NIAGARA COUNTY, NEW YORK, TO PAY THE COST OF THE RECONSTRUCTION OF VARIOUS SEWER LINES, IN AND FOR SAID CITY.

WHEREAS, the capital project hereinafter described has been determined to be a Type II Action pursuant to the regulations of the New York State Department of Environmental Conservation promulgated pursuant to the State Environmental Quality Review Act, the implementation of which as proposed, such regulations provide, will not result in any significant adverse environmental impact; and

WHEREAS, it is now desired to authorize the financing thereof, NOW, THEREFORE,

BE IT ORDAINED, by the affirmative vote of not less than two-thirds of the total voting strength of the Common Council of the City of Lockport, Niagara County, New York, as follows:

Section 1. The reconstruction of various sewer lines, in and for the City of Lockport, Niagara County, New York, including original furnishings, equipment, machinery, apparatus, appurtenances, and planning expenses and incidental improvements and expenses in connection therewith, is hereby authorized at a maximum estimated cost of \$870,000.

Section 2. It is hereby determined that the plan for the financing of said class of objects or purposes is by the issuance of \$870,000 bonds of said City hereby authorized to be issued therefor pursuant to the provisions of the Local Finance Law.

Section 3. It is hereby further determined that the period of probable usefulness of the aforesaid class of objects or purposes is forty years, pursuant to subdivision 4 of paragraph (a) of Section 11.00 of the Local Finance Law.

Section 4. The faith and credit of said City of Lockport, Niagara County, New York, are hereby irrevocably pledged for the payment of the principal of and interest on such obligations as the same respectively become due and payable. An annual appropriation shall be made in each year sufficient to pay the principal of and interest on such obligations becoming due and payable in such year. There shall annually be levied on all the taxable real property of said City, a tax sufficient to pay the principal of and interest on such obligations as the same become due and payable.

Section 5. Subject to the provisions of the Local Finance Law, the power to authorize the issuance of and to sell bond anticipation notes in anticipation of the issuance and sale of the serial bonds herein authorized, including renewals of such notes, is hereby delegated to the City Treasurer, the chief fiscal officer of said City. Such notes shall be of such terms, form and contents, and shall be sold in such manner, as may be prescribed by said City Treasurer, consistent with the provisions of the Local Finance Law.

Section 6. The powers and duties of advertising such bonds for sale, conducting the sale and awarding the bonds, are hereby delegated to the City Treasurer, who shall advertise such bonds for sale, conduct the sale, and award the bonds in such manner as the City Treasurer shall deem best for the interests of said City, including, but not limited to, the power to sell said bonds to the New York State Environmental Facilities Corporation; provided, however, that in the exercise of these delegated powers, the City Treasurer shall comply fully with the provisions of the Local Finance Law and any order or rule of the State Comptroller applicable to the sale of

municipal bonds. The receipt of the City Treasurer shall be a full acquittance to the purchaser of such bonds, who shall not be obliged to see to the application of the purchase money.

Section 7. All other matters, except as provided herein relating to such bonds herein authorized including date, denominations, maturities, interest payment dates, and whether said bonds shall be repaid in accordance with a schedule providing for substantially level or declining annual debt service, within the limitations prescribed herein and the manner of execution of the same and also including the consolidation with other issues, shall be determined by the City Treasurer, the chief fiscal officer of such City. Such bonds shall contain substantially the recital of validity clause provided for in section 52.00 of the Local Finance Law and shall otherwise be in such form and contain such recitals in addition to those required by section 52.00 of the Local Finance Law, as the City Treasurer shall determine consistent with the provisions of the Local Finance Law.

Section 8. The City Treasurer is hereby further authorized, at her sole discretion, to execute a project finance and loan agreement, and any other agreements with the New York State Department of Environmental Conservation and/or the New York State Environmental Facilities Corporation, including amendments thereto, and including any instruments (or amendments thereto) in the effectuation thereof, in order to effect the financing or refinancing of the class of objects or purposes described in Section 1 hereof, or a portion thereof, by a bond, and/or note issue of said City in the event of the sale of same to the New York State Environmental Facilities Corporation.

Section 9. The power to issue and sell notes for said class of objects or purposes to the New York State Environmental Facilities Corporation pursuant to Section 169.00 of the Local Finance Law is hereby delegated to the City Treasurer. Such notes shall be of such terms, form and contents as may be prescribed by said City Treasurer consistent with the provisions of the Local Finance Law.

Section 10. This ordinance shall constitute a statement of official intent for purposes of Treasury Regulations Section 1.150-2. Other than as specified in this ordinance, no monies are, or are reasonably expected to be, reserved, allocated on a long-term basis, or otherwise set aside with respect to the permanent funding of the object or purpose described herein.

Section 11. The validity of such bonds and bond anticipation notes may be contested only if:

- 1) Such obligations are authorized for an object or purpose for which said City is not authorized to expend money, or
- 2) The provisions of law which should be complied with at the date of publication of this bond ordinance are not substantially complied with,

and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication, or

- 3) Such obligations are authorized in violation of the provisions of the Constitution.

Section 12. This ordinance, which takes effect immediately upon the adoption thereof, shall be published in summary form in the official newspaper of said City, together with a notice of the City Clerk in substantially the form provided in Section 81.00 of the Local Finance Law.

The question of the adoption of the foregoing ordinance was duly put to a vote on roll call, which resulted as follows:

Alderman Abbott	VOTING	YES
Alderman Devine	VOTING	YES
Alderman Eggert	VOTING	ABSENT
Alderman Farrell	VOTING	YES
Alderman Oates	VOTING	YES
Alderman Wohleben	VOTING	ABSENT

The ordinance was thereupon declared duly adopted.

By Alderman Devine:

Resolved, that the reading of the foregoing resolution be and the same is hereby waived.
 Seconded by Alderman Farrell and adopted. Ayes 4.

071818.5

The following ordinance was offered by the Councilmember Oates, who moved its adoption, seconded by Councilmember Farrell to wit:

BOND ORDINANCE DATED JULY 18, 2018.

AN ORDINANCE AUTHORIZING THE ISSUANCE OF \$269,000 BONDS OF THE CITY OF LOCKPORT, NIAGARA COUNTY, NEW YORK, TO PAY THE COST OF IMPROVEMENTS TO PARKS IN AND FOR SAID CITY.

WHEREAS, the capital project hereinafter described has been determined to be a Type II Action pursuant to the regulations of the New York State Department of Environmental Conservation promulgated pursuant to the State Environmental Quality Review Act, the implementation of which as proposed, such regulations provide, will not result in any significant adverse environmental impact; and

WHEREAS, it is now desired to authorize the financing thereof, NOW, THEREFORE,

BE IT ORDAINED, by the affirmative vote of not less than two-thirds of the total voting strength of the Common Council of the City of Lockport, Niagara County, New York, as follows:

Section 1. Improvements to parks, in and for the City of Lockport, Niagara County, New York, including original furnishings, equipment, machinery, apparatus, appurtenances, and incidental improvements and expenses in connection therewith, is hereby authorized at a maximum estimated cost of \$269,000.

Section 2. It is hereby determined that the plan for the financing of said class of objects or purposes is by the issuance of \$269,000 bonds of said City hereby authorized to be issued therefor pursuant to the provisions of the Local Finance Law

Section 3. It is hereby further determined that the period of probable usefulness of the aforesaid class of objects or purposes is fifteen years, pursuant to subdivision 19(c) of paragraph (a) of Section 11.00 of the Local Finance Law.

Section 4. The faith and credit of said City of Lockport, Niagara County, New York, are hereby irrevocably pledged for the payment of the principal of and interest on such obligations as the same respectively become due and payable. An annual appropriation shall be made in each year sufficient to pay the principal of and interest on such obligations becoming due and payable in such year. There shall annually be levied on all the taxable real property of said City, a tax sufficient to pay the principal of and interest on such obligations as the same become due and payable.

Section 5. Subject to the provisions of the Local Finance Law, the power to authorize the issuance of and to sell bond anticipation notes in anticipation of the issuance and sale of the serial bonds herein authorized, including renewals of such notes, is hereby delegated to the City Treasurer, the chief fiscal officer of said City. Such notes shall be of such terms, form and contents, and shall be sold in such manner, as may be prescribed by said City Treasurer, consistent with the provisions of the Local Finance Law.

Section 6. The powers and duties of advertising such bonds for sale, conducting the sale and awarding the bonds, are hereby delegated to the City Treasurer, who shall advertise such bonds for sale, conduct the sale, and award the bonds in such manner as the City Treasurer shall deem best for the interests of said City, provided, however, that in the exercise of these delegated powers, the City Treasurer shall comply fully with the provisions of the Local Finance Law and any order or rule of the State Comptroller applicable to the sale of municipal bonds. The receipt of the City Treasurer shall be a full acquittance to the purchaser of such bonds, who shall not be obliged to see to the application of the purchase money.

Section 7. All other matters, except as provided herein relating to such bonds herein authorized including date, denominations, maturities, interest payment dates, and whether said bonds shall be repaid in accordance with a schedule providing for substantially level or declining annual debt service, within the limitations prescribed herein and the manner of execution of the same and also including the consolidation with other issues, shall be determined by the City Treasurer, the chief fiscal officer of such City. Such bonds shall contain substantially the recital of validity clause provided for in section 52.00 of the Local Finance Law and shall otherwise be in such form and contain such recitals in addition to those required by section 52.00 of the Local Finance Law, as the City Treasurer shall determine consistent with the provisions of the Local Finance Law.

Section 8. This ordinance shall constitute a statement of official intent for purposes of Treasury Regulations Section 1.150-2. Other than as specified in this ordinance, no monies are, or are reasonably expected to be, reserved, allocated on a long-term basis, or otherwise set aside with respect to the permanent funding of the object or purpose described herein.

Section 9. The validity of such bonds and bond anticipation notes may be contested only if:

- 1) Such obligations are authorized for an object or purpose for which said City is not authorized to expend money, or
- 2) The provisions of law which should be complied with at the date of publication of this bond ordinance are not substantially complied with,

and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication, or

3) Such obligations are authorized in violation of the provisions of the Constitution.

Section 10. This ordinance, which takes effect immediately upon the adoption thereof, shall be published in summary form in the official newspaper of said City, together with a notice of the City Clerk in substantially the form provided in Section 81.00 of the Local Finance Law.

The question of the adoption of the foregoing ordinance was duly put to a vote on roll call, which resulted as follows:

Alderman Abbott	VOTING	YES
Alderman Devine	VOTING	YES
Alderman Eggert	VOTING	ABSENT
Alderman Farrell	VOTING	YES
Alderman Oates	VOTING	YES
Alderman Wohleben	VOTING	ABSENT

The ordinance was thereupon declared duly adopted.

By Alderman Devine:

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

Seconded by Alderman Oates and adopted. Ayes 4.

071818.6

The following ordinance was offered by Councilmember Oates, who moved its adoption, seconded by Councilmember Farrell to wit:

BOND ORDINANCE DATED JULY 18, 2018.

AN ORDINANCE AUTHORIZING THE ISSUANCE OF \$495,000 BONDS OF THE CITY OF LOCKPORT, NIAGARA COUNTY, NEW YORK, TO PAY THE COST OF THE PURCHASE OF EQUIPMENT FOR CONSTRUCTION AND MAINTENANCE PURPOSES, IN AND FOR SAID CITY.

WHEREAS, the capital project hereinafter described has been determined to be a Type II Action pursuant to the regulations of the New York State Department of Environmental Conservation promulgated pursuant to the State Environmental Quality Review Act, the implementation of which as proposed, such regulations provide, will not result in any significant adverse environmental impact; and

WHEREAS, it is now desired to authorize the financing thereof, NOW, THEREFORE,

BE IT ORDAINED, by the affirmative vote of not less than two-thirds of the total voting strength of the Common Council of the City of Lockport, Niagara County, New York, as follows:

Section 1. The purchase of equipment for construction and maintenance purposes, in and for the City of Lockport, Niagara County, New York, including original furnishings, equipment, apparatus, appurtenances, and incidental improvements and expenses in connection therewith, each item of which costs \$30,000 or over, is hereby authorized at a maximum estimated cost of \$495,000.

Section 2. It is hereby determined that the plan for the financing of said class of objects or purposes is by the issuance of \$495,000 bonds of said City hereby authorized to be issued therefor pursuant to the provisions of the Local Finance Law

Section 3. It is hereby further determined that the period of probable usefulness of the aforesaid class of objects or purposes is fifteen years, pursuant to subdivision 28 of paragraph (a) of Section 11.00 of the Local Finance Law.

Section 4. The faith and credit of said City of Lockport, Niagara County, New York, are hereby irrevocably pledged for the payment of the principal of and interest on such obligations as the same respectively become due and payable. An annual appropriation shall be made in each year sufficient to pay the principal of and interest on such obligations becoming due and payable in such year. There shall annually be levied on all the taxable real property of said City, a tax sufficient to pay the principal of and interest on such obligations as the same become due and payable.

Section 5. Subject to the provisions of the Local Finance Law, the power to authorize the issuance of and to sell bond anticipation notes in anticipation of the issuance and sale of the serial bonds herein authorized, including renewals of such notes, is hereby delegated to the City Treasurer, the chief fiscal officer of said City. Such notes shall be of such terms, form and contents, and shall be sold in such manner, as may be prescribed by said City Treasurer, consistent with the provisions of the Local Finance Law.

Section 6. The powers and duties of advertising such bonds for sale, conducting the sale and awarding the bonds, are hereby delegated to the City Treasurer, who shall advertise such bonds for sale, conduct the sale, and award the bonds in such manner as the City Treasurer shall deem best for the interests of said City; provided, however, that in the exercise of these delegated powers, the City Treasurer shall comply fully with the provisions

of the Local Finance Law and any order or rule of the State Comptroller applicable to the sale of municipal bonds. The receipt of the City Treasurer shall be a full acquittance to the purchaser of such bonds, who shall not be obliged to see to the application of the purchase money.

Section 7. All other matters, except as provided herein relating to such bonds herein authorized including date, denominations, maturities, interest payment dates, and whether said bonds shall be repaid in accordance with a schedule providing for substantially level or declining annual debt service, within the limitations prescribed herein and the manner of execution of the same and also including the consolidation with other issues, shall be determined by the City Treasurer, the chief fiscal officer of such City. Such bonds shall contain substantially the recital of validity clause provided for in section 52.00 of the Local Finance Law and shall otherwise be in such form and contain such recitals in addition to those required by section 52.00 of the Local Finance Law, as the City Treasurer shall determine consistent with the provisions of the Local Finance Law.

Section 8. This ordinance shall constitute a statement of official intent for purposes of Treasury Regulations Section 1.150-2. Other than as specified in this ordinance, no monies are, or are reasonably expected to be, reserved, allocated on a long-term basis, or otherwise set aside with respect to the permanent funding of the object or purpose described herein.

Section 9. The validity of such bonds and bond anticipation notes may be contested only if:

- 1) Such obligations are authorized for an object or purpose for which said City is not authorized to expend money, or
- 2) The provisions of law which should be complied with at the date of publication of this bond ordinance are not substantially complied with,

and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication, or

- 3) Such obligations are authorized in violation of the provisions of the Constitution.

Section 10. This ordinance, which takes effect immediately upon the adoption thereof, shall be published in summary form in the official newspaper of said City, together with a notice of the City Clerk in substantially the form provided in Section 81.00 of the Local Finance Law.

The question of the adoption of the foregoing ordinance was duly put to a vote on roll call, which resulted as follows:

Alderman Abbott	VOTING	YES
Alderman Devine	VOTING	YES
Alderman Eggert	VOTING	ABSENT
Alderman Farrell	VOTING	YES
Alderman Oates	VOTING	YES
Alderman Wohleben	VOTING	ABSENT

The ordinance was thereupon declared duly adopted.

071818.7

By Alderman Devine:

Resolved, that the request for a special use permit made by Apex Consulting / GDA Realty for a scrap metal salvage recycling business, located at 570 West Avenue, situated in a I-3 Zone, be and the same is hereby approved, subject to the following provisions:

- All DEC approval must be obtained.
- Any vehicles stacked shall not be visible from the roadway.
- There shall not be more than 70 cars stored on the property at a time.
- No more than 500 tires shall be stored on the property at a time.
- There shall be no resale of parts.
- The debris and cars shall not be visible from the roadway.
- All fences and security measures must be maintained.
- 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.

071818.8 WITHDRAWN (Purchase of Disc Golf Equipment)

071818.9 ADJOURNMENT

At 5:56 P.M. Alderman Abbott moved the Common Council be adjourned until 5:30 P.M., Wednesday, August 1, 2018.

Seconded by Alderman Devine and adopted. Ayes 4.

RICHELLE J. PASCERI
City Clerk

CITY OF LOCKPORT
CORPORATION PROCEEDINGS

Lockport Municipal Building

Regular Meeting
Official Record

August 1, 2018
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 Devine, Eggert, Oates and Wohleben.

Absent: Alderman Abbott, Alderman Farrell

INVOCATION

MAYOR'S UPDATE

RECESS

Recess for public input.

080118.1

APPROVAL OF MINUTES

On motion of Alderman Wohleben, seconded by Alderman Devine, the minutes of the Regular Meeting of July 18, 2018 are hereby approved as printed in the Journal of Proceedings. Ayes 4. Carried.

PUBLIC HEARING

The Mayor announced a public hearing on a Local Law to establish a Moratorium on the acceptance/processing of all applications related to the placement or installation of wireless telecommunications towers or facilities and antennae on new or existing structures and poles, within public rights-of-ways within the City of Lockport.

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

Resignations:

7/26/18 Anne E. McCaffrey – resigned from the Office of Mayor effective August 8, 2018
Received and filed.

Appointments:

7/26/18 Michael D. Cutter, 5934 Locust Street Extension, Lockport, NY – appointed as a Water and Sewer Maintenance Worker for the Water Distribution Department effective July 27, 2018. 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)

7/27/18 Antoinette Molinaro of Molinaro's Ristorante, 90 Walnut Street, requests permission to hold an Italian Festival on Sunday August 5, 2018.
Referred to the Committee of the Whole.

7/13/18 Ellen Martin of Lockport Public Arts Council, requests permission to erect a Lockport Blue banner for the month of November 2018.
Referred to the Committee of the Whole.

7/26/18 Eric Schlegel of Raymond E. Kelley, Inc., requests permission to use an aerial lift to perform masonry restoration work at 50 Main Street.
Referred to the Committee of the Whole.

Notice of Defect:

7/27/18 168 Lock Street – trees
7/26/18 141 Grant Street – tree
7/30/18 95 Park Lane Circle - tree
Referred to the Director of Streets and Parks.

Notice of Claim:

7/17/18 Geico General Insurance Co., Macon, GA
7/30/18 Allstate Insurance Co., Roanoke, VA A/S/O Benjamin Georgia
Referred to the Corporation Counsel.

Notice of Petition: (To review real property tax assessment pursuant to Article 7 of the Real Property Tax Law)

7/27/18 104 Old Niagara Road LLC -vs- Assessor, City of Lockport, and The Board of Assessment Review of the City of Lockport and the City of Lockport

7/27/18 Chetan, LLC -vs- Assessor, City of Lockport, and The Board of Assessment Review of the City of Lockport and the City of Lockport

7/27/18 Lockport Professional Park, LLC -vs- City of Lockport

7/27/18 Lock City Metals, Inc. -vs- Assessor, City of Lockport, and The Board of Assessment Review of the City of Lockport, County of Niagara and State of New York

Referred to the City Assessor.

MOTIONS & RESOLUTIONS

080118.2

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 3, 2018 as follows:

General Fund	Fund A	\$ 163,513.86
Water Fund	Fund FX	\$ 20,036.96
Sewer Fund	Fund G	\$ 31,987.17
Capital Projects	Fund	\$ 2,962.00
Refuse Fund	Fund CL	\$ 185.25
Self Insurance	Fund MS	\$ 149,382.83
Payroll	Pay Date 7/19/18	\$ 525,658.16

Seconded by Alderman Oates and adopted. Ayes 4.

080118.3

By Alderman Eggert:

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>
Warren D. Hale	25	Police Detective
Richard A. Provenzano	25	Police Officer
Salvatore Licata	20	Police Lieutenant

Seconded by Alderman Devine and adopted. Ayes 4.

080118.4

By Alderman Wohleben:

Whereas, New York State General Municipal Law, Article 5-G, Section 119-o empowers municipal (119-n to include school districts, boards of cooperative educational services, counties, cities, towns, villages, and districts) to enter into, amend, cancel, and terminate agreements for the performance among themselves (or one for the other) of their respective functions, powers, and duties on a cooperative or contract basis; and

Whereas, the New York Cooperative Liquid Assets Securities System (NYCLASS) was created under GML to provide municipalities and school districts an opportunity to invest funds on a cooperative basis in short-term investments that are carefully selected to maximize safety and liquidity while generating a competitive yield; and

Whereas, the City of Lockport wishes to participate in NYCLASS and safely invest portions of available investments funds in cooperation with other municipal corporations and districts pursuant to municipal cooperation agreements and in accordance with General Municipal Law, Sections 10 and 11; Now therefore, be it hereby

Resolved, that the Mayor is hereby authorized and directed to execute a Cooperative Investment Agreement with the districts and municipalities participating in NYCLASS in the name of and on behalf of the City of Lockport; and be it further

Resolved, that the City Treasurer, at their sole discretion, may utilize NYCLASS to invest City held funds as determined appropriate by the City Treasurer.

Seconded by Alderman Oates and adopted. Ayes 4.

080118.5

By Alderman Wohleben:

Resolved, that pursuant to their request, Lockport Public Arts Council and Lockport Blue is hereby granted permission to erect a banner across East Avenue at Davison Road at least 17 feet from the ground to promote the Lockport Blue Awareness for the month of November 2018. Permission is also granted to place Lockport Blue signage in Ida Fritz Park, Locust Street Park, Children's Memorial Park and Veteran's Memorial Park (all other City right-of-ways are prohibited). 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 a fee of \$50.00 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 Devine and adopted. Ayes 4.

By Alderman Devine:

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

Seconded by Alderman Wohleben. Ayes 4.

080118.6

By Alderman Eggert:

LOCAL LAW NO. 2 OF THE YEAR 2018

CITY OF LOCKPORT

COUNTY OF NIAGARA, STATE OF NEW YORK

A LOCAL LAW IMPOSING A TEMPORARY MORATORIUM ON THE ACCEPTANCE/PROCESSING OF ALL APPLICATIONS RELATED TO THE PLACEMENT OR INSTALLATION OF WIRELESS TELECOMMUNICATION TOWERS OR FACILITIES AND ANTENNAE ON NEW OR EXISTING STRUCTURES AND POLES, WITHIN PUBLIC RIGHTS-OF-WAYS WITHIN THE CITY

Be it enacted by the Common Council of the City of Lockport as follows:

Section 1. Title

This chapter shall be referred to as "A Local Law Imposing A Temporary Moratorium On The Acceptance/Processing Of All Applications Related To The Placement Or Installation Of Wireless Telecommunication Towers Or Facilities And Antennae On New Or Existing Structures And Poles, Within Public Rights-Of-Ways Within The City."

Section 2. Legislative Findings and Intent.

Pursuant to the statutory powers vested in the City Council of the City of Lockport and pursuant to the inherent police powers of the City in order to protect the health, safety and welfare of its residents, the City Council of the City of Lockport hereby declares a temporary moratorium on the acceptance/processing of all applications related to the placement or installation of wireless telecommunication towers or facilities and antennae on new or existing structures and poles, within public rights-of-ways within the City.

The emergence of wireless communications services, the increased number of telecommunications providers and the growing demand for better coverage have led to the rapid deployment of wireless telecommunication facilities in the public-rights-of-way.

The City of Lockport needs time to review, consider, and modify the processes for adoption and implementation of regulations pertaining to the deployment of such wireless telecommunication towers and antennae in the public-right-of-way.

The purpose of this moratorium is to provide notice that the City seeks to undertake a thorough analysis of the City's regulations of telecommunication towers, facilities and antennae consistent with State and Federal Laws and develop a comprehensive strategy on the placement of these facilities addressing public health and safety issues, aesthetics and service in the public-rights-of-ways within the City.

Section 3. Imposition of Stay.

This Local Law shall be effective for 6 months from the date on which it is heard and adopted by the City of Lockport City Council. Provision is made in this Local Law to allow for the extension of the 6 month moratorium if necessary. During this period, the Building Inspection Department is directed to study appropriate standards and/or restrictions on the placement of new telecommunication towers and related facilities in the public-rights-of-way. The Building Inspection Department will report its findings and recommendations to the Common Council.

Section 4. Scope of Stay

City staff shall not accept/process any applications, of any form, or issue any permits, of any form, relating to the placement or installation of telecommunication towers, facilities and antennae within the public rights-of-ways within the City until the moratorium is rescinded and/or a Local Law addressing this matter is adopted.

During the effective period of this Local Law, the Common Council, the Planning Board, the Zoning Board of Appeals, and the Building Inspection Department shall not permit, accept, process, interpret, deliberate upon, decide or approve any application for the placement or installation of wireless telecommunication towers or facilities and antennae on new or existing structures and poles, within public rights-of-ways within the City.

Section 5. Hardship.

Should any owner of property affected by this Local Law suffer any unnecessary hardship in the way of carrying out the strict letter of this Local Law, then the owner of said property may apply to the Common Council of the City of Lockport in writing for a waiver from strict compliance with this Local Law upon submission of proof of such unnecessary hardship. For the purposes of this Local Law, unnecessary hardship shall not be the mere delay in being permitted to make an application or waiting for a decision on the application for a special permit, site plan, subdivision, variance or other permit during the period of the moratorium imposed by this Local Law.

Upon submission of a written application to the City Clerk by the property owner seeking a waiver from this Local Law, the Common Council shall, within thirty (30) days of receipt of said application, schedule a Public Hearing on said application upon five (5) days written notice in the official newspaper of the City. Notice of said public hearing by regular mail, shall be provided to abutting property owners at the address shown on the tax rolls.

At said Public Hearing, the property owner and any other parties wishing to present evidence with regard to the application shall have an opportunity to be heard, and the Common Council shall, within fifteen (15) days of the close of said Public Hearing, render its decision either granting or denying the application for variation from the strict requirements of this Local Law.

If the Common Council determines that a property owner will suffer an unnecessary hardship if this Local Law is strictly applied to a particular property, then the Common Council shall waive the application to this Local Law to the minimum extent necessary to provide the property owner relief from strict compliance with this Local Law.

Section 6. Penalties for Offenses.

Any person, firm, entity or corporation that shall place or install telecommunication towers, facilities and antennae within the public rights-of-ways within the City in violation of the provisions of this Local Law or shall otherwise violate any of the provisions of this Local Law shall be guilty of a violation and subject to a fine of not less than \$500.00 nor more than \$2,000.00. Each day that the violation continues shall be a separate offense.

Section 7. Validity.

This Local Law is adopted under the authority granted to the Common Council of the City of Lockport pursuant to Sections 20 and 27 of the Municipal Home Rule Law.

The invalidity of any provision of this Local Law shall not affect the validity of any other provision of this Local Law which can be given effect without such invalid provision.

Section 8. Severability.

If a court of competent jurisdiction finds any provision(s) of this law invalid, in whole or in part, the effect of such decision shall be limited to those provisions which are expressly stated in the decision to be invalid, and all other provisions of the law shall continue to be separately and fully effective.

If a court of competent jurisdiction finds the application of any provision of this law to any building, other structure or tract of land to be invalid, in whole or in part, the effect of such decisions shall be limited to the person, property or situation involved in the controversy, and the application of any such provision to any other person, property or situation shall not be affected.

The provisions of this Local Law are separable and if any provision, clause, sentence, subsection, word or part thereof is held illegal, invalid or unconstitutional, or inapplicable to any person or circumstance, such illegality, invalidity, or unconstitutionality, or inapplicability, shall not affect or impair any of the remaining provisions, clauses, sentences, subsections, words or parts of this Local Law or their application to other persons or circumstances. It is hereby declared to be the legislative intent of the Common Council of the City of Lockport that this Local Law would have been adopted if such illegal, invalid or unconstitutional provision, clause, sentence, subsection, word or part had not been included therein, and if such person or circumstance to which the Local Law or part thereof is held inapplicable had been specifically exempt therefrom.

Section 9. Term.

This Local Law shall remain in force for a period of 6 months from its effective date. This local law is subject to review and renewal by the Common Council of the City of Lockport for two (2) additional 3 month extensions by Common Council Resolution.

Section 10. Effective Date.

This Local Law shall take effect immediately when it is filed in the Office of the Secretary of State in accordance with Section 27 of the Municipal Home Rule Law.

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

Alderman Abbott	VOTING	ABSENT
Alderman Devine	VOTING	YES
Alderman Eggert	VOTING	YES
Alderman Farrell	VOTING	ABSENT
Alderman Oates	VOTING	YES
Alderman Wohleben	VOTING	YES

The Local Law was thereupon declared duly adopted.

080118.7 WITHDRAWN (Replacement of Compost Processing Equipment at WWTP)

080118.8

By Alderman Devine:

Whereas, on resolution 030117.8 dated March 1, 2017, the Common Council authorized the NYS Canal Corporation access through State Road, parcel # 33, to the Barge Canal for sediment removal at the Lockport Transit Street Former MGP Site (NYDEC Site #932098), and

Whereas, AECOM Technical Services, Inc., a consultant engineering company responsible for the Barge Canal Sediment Removal Project, has requested an authorization to allow discharge of pre-treated water in the Lockport sewer system, and

Whereas, the Engineering Department has evaluated AECOM request for pre-treated water discharge and it has determined that the most convenient place to allow such discharge in the sewer system is a manhole located at the north side of the intersection of State Road and West High Street; now, therefore, be it

Resolved, that the Mayor authorize AECOM Technical Services, Inc. to discharge pre-treated water from the sediment removal project in the City sewer system during the construction period (approximately from December 2018 to March 2019); water discharges have to be coordinated with the Lockport Waste Water Treatment Plant (WWTP).

Seconded by Alderman Oates and adopted. Ayes 4.

080118.9

By Alderman Wohleben:

Whereas, Niagara County has granted the City of Lockport \$1,000 for restoration and improvements to "Cappy's Boat" on the Corner of Transit and West Genesee Streets; and

Whereas, Lockport Parks & Flowers committee is coordinating the restoration requiring the City to amend its 2018 Community Beautification Budget; Now therefore, be it

Resolved, that the City of Lockport hereby accepts the grant from Niagara County; and be it further

Resolved, that the 2018 Budget is hereby amended as follows:

Revenue:

Increase:

A.85010.32705	Gifts and Donations	\$1,000
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Expense:

Increase:

A.8510.54510	Program Expenses	\$1,000
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Seconded by Alderman Oates and adopted. Ayes 4.

080118.10

By Alderman Wohleben:

Whereas, the City of Lockport Police Department participates in joint enforcement activities with the Federal Drug Enforcement Agency and the Niagara County Drug Task Force; and

Whereas, the City of Lockport Police Department receives, from time to time, funds generated from these joint enforcement activities which are to be used for the purchase, maintenance and/or replacement of capital equipment within the Police Department; and

Whereas, the City must amend its 2018 budget to properly account for the receipt and use of these funds; and

Whereas, the Police Department has identified a need for the replacement of its radar equipment and digital and cellular investigative equipment;

Now, therefore, be it

Resolved, that the 2018 General Fund Budget is hereby amended as follows:

Revenue:

Increase:

A.3120.34389	Other Federal Public Safety	\$ 10,000
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Expense:

Increase:

A.3120.52070	Public Safety Equipment	\$ 10,000
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Seconded by Alderman Eggert. Ayes 4.

080118.11 – Authorize RFP: Home Improvement Program - WITHDRAWN

080118.12

By Alderman Wohleben:

Resolved, that pursuant to the recommendation of the Building Inspector, Raymond E. Kelley, Inc, Building Restoration and Specialty Contractors are hereby granted permission to place an aerial man lift in the city's right of way around the perimeter of the building located at 50 Main St. for a Masonry restoration project. The work will be completed over a matter of 4 months with work taking place Monday – Friday between the hours of 7:00 a.m. – 5:00 p.m.

Said permission is subject to Raymond E. Kelley, Inc. filing a certificate of insurance with the City Clerk naming the City of Lockport as additional insured.

Seconded by Alderman Devine and adopted. Ayes 4.

080118.12A

By Alderman Wohleben:

Resolved, that pursuant to their request, Molinaro's Ristorante is hereby granted permission to close Pine Street from South Street to Walnut Street and to use City parking lot #5 on Sunday, August 5, 2018 from 9:00 a.m. to 9:00 p.m. to conduct an Italian Festival, and be it further

Resolved, that the Common Council hereby designates the aforesaid event as a temporary event as defined by Section 53-1 of the City Code (alcoholic beverages) which shall terminate/lapse upon completion of said event, and be it further

Resolved, that said permission is subject to Molinaro's 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 "street closed" signs, barricades, picnic tables and traffic cones to the area prior to the event.

Seconded by Alderman Eggert and adopted. Ayes 4.

080118.12B

By Alderman Devine:

Resolved, that a public hearing be held at the Common Council Meeting of August 15, 2018 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 Mark J. Phillips, for approval to house homing pigeons to be located at 353 Prospect Street, situated in aR-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 Oates and adopted. Ayes 4.

080118.12C

By Alderman Wohleben:

Resolved, that pursuant to their request, the Palace Theater is hereby granted permission to place a dumpster on Elm Street directly below their Corporate Sponsor Banner beginning July 30, 2018 for the duration of renovation project finishing October 26, 2018. Said permission is subject to the Palace Theatre filing a certificate of insurance with the City Clerk naming the City of Lockport as additional insured.

Seconded by Alderman Oates and adopted. Ayes 4.

080118.13

ADJOURNMENT

At 6:02 P.M. Alderman Wohleben moved the Common Council be adjourned until 5:30 P.M., Wednesday, August 15, 2018.

Seconded by Alderman Devine and adopted. Ayes 4.

RICHELLE J. PASCERI
City Clerk

CITY OF LOCKPORT

CORPORATION PROCEEDINGS

Lockport Municipal Building

Regular Meeting
Official Record

August 15, 2018
5:30 P.M.

Mayor David R. Wohleben called the meeting to order.

ROLL CALL

The following Common Council members answered the roll call:

Aldermen Abbott, Devine, Eggert, Farrell and Oates.

SWEARING IN CEREMONY

MAYOR'S UPDATE

RECESS

Recess for public input.

081518.1

APPROVAL OF MINUTES

On motion of Alderman Abbott, seconded by Alderman Farrell, the minutes of the Regular Meeting of August 1, 2018 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 house homing pigeons in the detached garage located at 353 Prospect Street.

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

8/7/18 Charlene Seekins-Smith, Chairman, Lockport Planning and Zoning Board – the board recommends the request be denied.

Recess for public input.

The Mayor closed the public hearing.

FROM THE MAYOR

Appointments:

8/8/18 Richard E. Abbott, 93 Lewis Street, Lockport, NY – appointed as Common Council President effective August 8, 2018 for the term expiring December 31, 2018.

Received and filed.

8/8/18 Richard E. Abbott, 93 Lewis Street, Lockport, NY – appointed as a member of the Police Board to fill the unexpired term of David R. Wohleben. Said term expires December 31, 2019.
Received and filed.

8/13/18 Mark A. Smith, 2 East Park Drive, Lockport, NY – appointed as a Water Treatment Plant Operator for the Water Filtration Department effective August 14, 2018. Said appointment is permanent and subject to the City of Lockport Municipal Civil Service Rules and Regulations.
Received and filed.

8/13/18 Scott A. Sakellaris, 17 Elmira Street, Lockport, NY – appointed as a Tree Trimmer for the Highways and Parks Department for the City of Lockport effective August 10, 2018. Said appointment is provisional and subject to the City of Lockport Municipal Civil Service Rules and Regulations.
Received and filed.

8/13/18 Teresa M. Rucci, 359 East Union Street, Lockport, NY – appointed as Deputy City Treasurer for the City of Lockport effective August 13, 2018. 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)

8/7/18 Melissa L. Dunlap, Executive Director, Niagara County Historical Society – requests permission to hold “Treasures Under the Tent” Gala on August 18.
Referred of the Committee of the Whole.

7/16/18 Mark Seider, Niagara County Soil & Water Conservation District Engineer – requests permission to treat for invasive species on City of Lockport properties.
Referred to the Committee of the Whole.

8/13/18 Richelle J. Pasceri, City Clerk – notification that the Lockport Municipal Offices will be closed as follows in the month of September in observance of Labor Day.

Monday, September 4

Garbage will be collected on the day following regularly scheduled collection that week.

Referred to the media.

8/10/18 Richelle J. Pasceri, City Clerk – notification of bids received on August 10, 2018 for the Grant Street Sewer Rehabilitation Project are as follows:

United Survey, Inc	Total	\$ 132,015.00
Cleveland, OH	Alternate 1	\$ 53,410.00
	Alternate 2	\$ 20,900.00
	Alternate 3	\$ 19,800.00
	Alternate 4	\$ 19,800.00
	Alternate 5	\$ 6,169.00
	Alternate 6	\$ 5,664.00

National Water Main Cleaning Co. Canton, MA	Total	\$ 118,550.04
	Alternate 1	\$ 35,987.02
	Alternate 2	\$ 7,475.00
	Alternate 3	\$ 7,475.00
	Alternate 4	\$ 7,475.00
	Alternate 5	\$ 5,750.00
	Alternate 6	\$ 5,300.00

Kenyon Pipeline Inspection, LLC Queensbury, NY	Total	\$ 118,425.00
	Alternate 1	\$ 36,100.00
	Alternate 2	\$ 23,000.00
	Alternate 3	\$ 22,500.00
	Alternate 4	\$ 22,500.00
	Alternate 5	\$ 5,275.00
	Alternate 6	\$ 4,850.00

Referred to the Committee of the Whole.

Notice of Defect:

- 8/2/18 Waterman St.- potential damage to infrastructure / heavy construction trucks
- 8/7/18 78-81 Irving St. – tree
- 8/9/18 196 Elmwood Ave. – tree
- 8/10/18 113 Jackson St. – tree
- 8/10/18 22 W. High St. – tree
- 8/13/18 33 Webb St. - tree

Referred to the Director of Streets and Parks.

MOTIONS & RESOLUTIONS

081518.2

By Alderman Abbott:

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 17, 2018 as follows:

General Fund	Fund A	\$ 94,245.80
Water Fund	Fund FX	\$ 29,084.87
Sewer Fund	Fund G	\$ 15,836.51
Capital Projects	Fund	\$933,778.80
Refuse Fund	Fund CL	\$ 93,939.93
Payroll	Pay Date 8/2/18	\$500,238.33
Health Insurance	Fund MS	\$ 572.00

Seconded by Alderman Oates and adopted. Ayes 5.

081518.3

By Alderman Abbott:

Resolved, that pursuant to their request, permission is hereby granted to the Niagara County Historical Society to erect a tent in the parking lot of the Erie Canal Discovery Center beginning on Friday, August 17, 2018 until Sunday, August 19, 2018 for their annual Gala, 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 four to six barricades and traffic cones to aid in traffic flow to said area prior to event.

Seconded by Alderman Farrell and adopted. Ayes 5.

081518.4

By Alderman Eggert:

Whereas, the City of Lockport (City) supports clean energy actions and improving the environment; and

Whereas, the City applied for a 2017 Zero-Emission Vehicle (ZEV) Clean Vehicle Infrastructure Grant administered by the New York State (State) Department of Environmental Conservation (NYSDEC) for the installation of an electric vehicle (EV) charging station at the Municipal Building at an estimated total project cost of \$26,000; and

Whereas, the City has been awarded \$16,000 from the grant program for the eligible system components and executed a contract from the State; and

Whereas, the City's consulting engineering firm Nussbaumer & Clarke, Inc. prepared design documents for installation of an EV charging station at the municipal building; and

Whereas, ChargePoint, Inc. submitted a quotation dated June 18, 2018 to furnish and connect a dual port EV charge station and provide 5 years of support services for \$11,958; and

Whereas, the City is a member of the National Joint Powers Alliance (NJPA) which has competitively bid and awarded ChargePoint equipment and New York State has authorized cooperative purchasing agreements,

Whereas, the Engineering Department requested quotes to install electrical conduit and build a foundation for the charging station and received proposals as follows: O'Regan's Blacktop \$3,645, and Custom Crews Inc. \$4,389; now, therefore, be it

Resolved, that the Mayor, subject to Corporation Counsel approval, is hereby authorized to sign an agreement with ChargePoint, Inc., 254 East Hacienda Avenue, Campbell, CA 95008 for a fee of \$11,958.00 for the Scope of Work included in their June 18, 2018 quotation to the City; and be it further

Resolved, authorize the Mayor to accept O'Regan's Blacktop 3170 Hess Road, Appleton, NY 14008 proposal for a fee of \$3,645 to perform the scope of work included in their August 2, 2018 quote.

Seconded by Alderman Oates and adopted. Ayes 5.

081518.5

By Alderman Farrell:

Whereas, the City of Lockport (City) received a \$300,000 Dormitory Authority of the State of New York (DASNY) Grant for the stabilization of the former Holly Edison Gas and Electric Building which is in a continually deteriorating condition; and

Whereas, the City entered into agreement with Highland Masonry Restoration, Inc. by resolution 032118.11 dated March 21, 2018 to work in the restoration of the building as indicated in the contract signed on March 27, 2018; and

Whereas, Nussbaumer & Clarke, City's Consultant Engineer, has recommended to perform additional work that includes rebuilding sections of the building walls and repointing cracks in an approximate area of 800 square feet; and

Whereas, Highland Masonry Restoration, Inc. has submitted a proposal for \$48,140.00 to complete the additional work required to stabilize the building; now, therefore, be it

Resolved, that the Mayor, subject to Corporation Counsel approval, is hereby authorized to amend the agreement with Highland Masonry, 33 Ransier Drive, West Seneca, New York 14224 in the amount of \$48,140.00 to be charged to Capital Projects.

Seconded by Alderman Eggert and adopted. Ayes 5.

081518.6

By Alderman Oates:

Whereas, the Niagara County Soil and Water Conservation District has a program to eradicate the invasive species Japanese knotweed in Niagara County; now, therefore be it

Resolved, that pursuant to their request to eradicate the invasive species in the City of Lockport, Niagara County Soil & Water Conservation District is hereby granted blanket permission to treat any

infestation on the City of Lockport properties and road right of way subject to filing a certificate of insurance with the City Clerk naming the City of Lockport as additional insured.

Seconded by Alderman Farrell and adopted. Ayes 5.

081518.7 WITHDRAWN (Special Use Permit 353 Prospect St.)

081518.8

Alderman Farrell:

Whereas, the City of Lockport (City) combined sewer system infrastructure is aging and deteriorating as evidenced by identified infiltration into the system; and

Whereas, the City must report annually to the New York State Department of Environmental Conservation actions taken to identify system deficiencies and system improvements accomplished; and

Whereas, the City and their retained engineer Nussbaumer & Clarke, Inc. (Nussbaumer) have been proactively investigating the sewer system to identify deficiencies and to provide recommendations for prioritized improvements to the sewer system; and

Whereas, sewer system rehabilitation in the Grant Street area has been identified as high priority; and

Whereas, Nussbaumer & Clarke, Inc. submitted a proposal dated March 20, 2018 to prepare design and bidding documents for rehabilitation of the sewers in the Grant Street area; 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 \$20,560 for the Scope of Work included in their March 20, 2018 proposal to the City to be charged to Capital Projects.

Seconded by Alderman Oates and adopted. Ayes 5.

081518.9

By Alderman Oates:

WHEREAS, the City of Lockport has been utilizing professional consultants for position searches, legal arbitration and labor relations matters, and for temporary financial and accounting assistance; and

WHEREAS, the City has experienced an inordinate volume of vehicle repairs; and

WHEREAS, the City has received unanticipated revenue to offset some of these associated expenses; and

WHEREAS, these unanticipated revenues and expenses necessitate budget amendments within various departments within the General Fund; NOW THEREFORE, BE IT

RESOLVED, that the 2018 Budget is hereby amended as follows:

Increase:

Revenue	A.0000.32680	Insurance Recoveries	\$11,250
Expense	A.1640.54300	Vehicle Repair	\$11,250
Revenue	A.7185.32012	Gas Sales	\$ 3,500
Expense	A.7185.54078	Gasoline	\$ 3,500
Expense	A.1010.54055	Professional Services	\$28,000
Expense	A.1310.54055	Professional Services	\$15,000
Expense	A.1420.54055	Professional Services	\$50,000
Expense	A.1430.54055	Professional Services	\$ 5,000

Decrease:

Expense	A.3120.51010	Personal Services – FT	\$28,000
Expense	A.8021.51010	Personal Services – FT	\$15,000
Expense	A.9901.59000 (H)	Interfund Transfer – Capital	\$55,000

Seconded by Alderman Devine and adopted. Ayes 5.

081518.10

By Alderman Eggert:

Whereas, there is an alley that consists of approximately 15 feet by 323 feet between Russell Street and Cedar Street in the City of Lockport that is no longer used or needed for municipal or public purpose, and

Whereas, the adjoining property owners have agreed to accept title to the same. Now therefore be it,

Resolved, that the Common Council hereby finds, in accordance with §159 of the City Charter, that the best interest of the public will be served by the abandonment of an alley that consisting of approximately 15 feet by 323 feet between Russell Street and Cedar Street as set forth in more detail in a survey by McIntosh & McIntosh, P.C., Job NO. 9244 date June 7, 2018, a true copy of the legal description and map of such premises attached to the original of this resolution and also on file in the office of the City Clerk, and be it further

Resolved, that the Mayor of the City of Lockport is authorized and directed, subject to approval of the Corporation Counsel, to execute and deliver a quit claim deed subject to a utility (telephone, electric, gas and cable) and any and all other documents necessary and reasonable to accomplish this abandonment and transfer to the adjoining owners, and be it further

Resolved that such transfer and abandonment be in the best interests of the City of Lockport and, accordingly hereby dispenses with public bidding in connection with this abandonment.

Seconded by Alderman Abbott and adopted. Ayes 5.

081518.11 WITHDRAWN (Sludge Dryer)

081518.11A

By Alderman Farrell:

Resolved, that pursuant to their request, Solarize Lockport is hereby granted permission to erect a banner across East Avenue at Davison Road at least 17 feet from the ground to promote the Solarize Lockport Program. Said permission is subject to the Solarize Lockport filing a certificate of insurance with the City Clerk naming the City of Lockport as additional insured and a fee of \$50.00 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 Eggert and adopted. Ayes 5.

081518.11B

By Alderman Devine:

Resolved, that pursuant to Corporation Counsel approval, the Chief Operator- Water Filtration Plant is authorized to enter into a cooperative purchasing group with the Niagara Falls Water Board for the purchase of chemicals.

Seconded by Alderman Oates and adopted. Ayes 5.

081518.11C

By Alderman Farrell:

WHEREAS, the City of Lockport completed a Community Needs Assessment through the New York State Office of Community Renewal, and

WHEREAS, the Community Needs Assessment recommended an action plan that identified the need to offer grants to homeowners for making significant housing improvements, and

WHEREAS, the New York State Office of Community Renewal offers a Home Improvement Program through the Affordable Housing Corporation that offers grants for significant housing improvements, and

WHEREAS, the City of Lockport applied for and was awarded a \$500,000 grant through the Office of Community Renewal for a Home Improvement Program, therefore let it be

RESOLVED, that the City of Lockport accept the \$500,000 Affordable Housing Corporation grant for a Home Improvement Program, and let it further be

RESOLVED, that the Mayor is authorized to execute documents related to the program.

Seconded by Alderman Abbott and adopted. Ayes 5.

081518.11D

By Alderman Abbott:

Resolved, that pursuant to their request, permission is hereby granted to Open Arms of WNY to barricade the city parking lot on South Street on Saturday, August 18, 2018 for the Tools for Schools project, 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 Farrell and adopted. Ayes 5.

081518.12

ADJOURNMENT

At 5:55 P.M. Alderman Abbott moved the Common Council be adjourned until 5:30 P.M., Wednesday, September 5, 2018.

Seconded by Alderman Devine and adopted. Ayes 5.

RICHELLE J. PASCERI
City Clerk

CITY OF LOCKPORT
CORPORATION PROCEEDINGS

Lockport Municipal Building

Regular Meeting
Official Record

September 5, 2018
5:30 P.M.

Mayor David R. Wohleben called the meeting to order.

ROLL CALL

The following Common Council members answered the roll call:

Aldermen Abbott, Devine, Eggert, Farrell and Oates.

INVOCATION

MAYOR'S UPDATE

RECESS

Recess for public input.

090518.1 APPROVAL OF MINUTES

On motion of Alderman Abbott, seconded by Alderman Oates, the minutes of the Regular Meeting of August 15, 2018 are hereby approved as printed in the Journal of Proceedings. Ayes 5. Carried.

FROM THE MAYOR

Resignation:

9/5/18 Terry K. Harmon – resigned as a member of the Lockport Planning Board and Lockport Tree Committee effective September 5, 2018.

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)

8/10/18 Mary Jo Floyd, Events Coordinator, Lockport New Beginnings, Lockport, NY – request permission to hold their 21st Annual Walk-A-Thon on September 15, 2018 at Widewaters Marina.

Referred to the Committee of the Whole

8/24/18 Jessica Dittly, Program Director, Lockport Main St. Inc., Lockport, NY – request permission to host Locktoberfest in conjunction with Lockport Community Farmers Market on September 29, 2018.

Referred to the Committee of the Whole

Notice of Defect:

8/22/18 231 & 243 Chapel Street, Lockport, NY – sidewalk & tree stump

Referred to the Director of Streets and Parks.

MOTIONS & RESOLUTIONS

090518.2

By Alderman Abbott:

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 September 7, 2018 as follows:

General Fund	Fund A	\$ 167,522.95
Water Fund	Fund FX	\$ 19,826.16
Sewer Fund	Fund G	\$ 13,035.06
Capital Projects	Fund	\$ 238,546.86
Refuse Fund	Fund CL	\$ 226.95
Health Insurance	Fund MS	\$ 149,597.81
Payroll	Pay Date 8/16/18	\$ 479,576.83
Payroll	Pay Date 8/30/18	\$ 447,936.70

Seconded by Alderman Oates and adopted. Ayes 5.

090518.3

By Alderman Abbott:

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>
Mark Sanders	15	Community Policing Aide
Nicholas D. Rubert	10	Street Crew Leader

Seconded by Alderman Eggert and adopted. Ayes 5.

090518.4

By Alderman Devine:

Resolved, that pursuant to their request, permission is hereby granted the residents of Grosvenor to barricade Grosvenor Street from Church Street to N. Transit Street on September 15, 2018, 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 Oates and adopted. Ayes 5.

090518.5

By Alderman Devine:

Whereas, on August 6, 2018, the Planning Board voted not to recommend a Special Use Permit to Mark J. Phillips to house homing pigeons in a detached garage at 353 Prospect Street located in an R-2 zone, and

Whereas, the Common Council is in favor of granting a Special Use Permit to Mark J. Phillips, 353 Prospect Street to house homing pigeons in the detached garage situated in an R-2 Zone with special conditions. Now, therefore be it

Resolved, that the request for a special use permit made by Mark J. Phillips, 353 Prospect Street to house homing pigeons in the detached garage situated in an R-2 Zone be and the same is hereby approved subject to the following provisions:

All birds must be vaccinated every two years

Applicant shall maintain records of such vaccinations

All birds shall be kept in the detached garage

The detached garage shall be kept clean and free of bird waste so as to not attract rodents or pests.

All food and supplies for the care of the birds shall be kept in the detached garage and out of site of the neighbors

The neighbor's homes, cars and yards shall be kept free of all bird waste

No change in the character of the neighborhood

No excessive noise or disturbance of the neighborhood

No outside storage of food, pigeons or supplies.

The Special Use Permit shall go to the applicant only and shall terminate on the sale or transfer of the property, and further termination if the permitted use is abandoned for more than one year, if any of the conditions enumerated herein have changed, or in the discretion of the Common Council should such use becomes unsuitable for the property.

Seconded by Alderman Oates and adopted. Ayes 3. Aldermen Eggert, Farrell voted no.

090518.6

By Alderman Abbott:

Resolved, that the Director of Community Development is hereby authorized and directed to prepare bid specifications for the Affordable Housing Corp. Grant Program management and delivery services to implement the City of Lockport home improvement program, and be it further

Resolved, that upon receipt of said specifications, the City Clerk is authorized and directed to advertise for bid proposals for same.

Seconded by Alderman Farrell and adopted. Ayes 5.

090518.7

By Alderman Oates:

Resolved, that pursuant to their request, permission is hereby granted to Lockport New Beginnings to conduct the 21st annual "Walking for a Drug Free Community" on Saturday, September 15, 2018 beginning at 10:00 a.m. at Widewaters Marina, subject to approval of the walk route by the Police Chief, and 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 to the area prior to the event.

Seconded by Alderman Eggert and adopted. Ayes 5.

090518.8

By Alderman Devine:

Whereas, the City of Lockport (City) has performed video inspections of storm and sanitary sewers at various locations throughout the City to characterize structural deficiencies, root intrusions, and defective laterals within the mains and manholes; and

Whereas, the City has created a priority list to repair the most critical items to prevent infiltration and inflow, focusing on the sewers for a portion of Grant St., Pine St., and Elmira St.; and

Whereas, the City bonded \$320,000 to fund the Engineering and the Construction of the project to repair; and

Whereas, the City entered into agreement with Nussbaumer & Clarke, Inc. (Nussbaumer) to develop plans and bid documents of the project; and

Whereas, the City publicly advertised a Notice to Bidders and subsequently accepted bids from contractors on August 10, 2018 at 2:00 p.m. which were publicly opened and read as follows: National Water Main Cleaning Co. \$188,012.06; Kenyon Pipeline Inspection, LLC \$232,650.00; and United Survey, Inc. \$275,258.00.; and

Whereas, Nussbaumer has reviewed the contractor's bids and recommends that the City awards the contract to the low bidder for the Base Bid plus Alternates #1 through #6 to National Water Main Cleaning Co., for a total amount of \$188,012.06; now, therefore, be it

Resolved, that the Mayor, subject to Corporation Counsel Approval, is hereby authorized to execute an Agreement with National Water Main Cleaning Co. 25 Marshall Street, Canton, MA 02021 in the amount of \$188,012.06 for the scope of work included in its proposal to the City and to be charged to Capital Projects.

Seconded by Alderman Farrell and adopted. Ayes 5.

090518.9

By Alderman Abbott:

Whereas, the City of Lockport completed a Wayfinding and Signage study in 2009, and

Whereas, the study recommended a comprehensive Wayfinding and Signage plan, including a \$224,000 first phase, and

Whereas, the Locks Heritage District Corporation applied for and was awarded a \$174,000 grant through NYS Parks, Recreation, and Historic Preservation to implement the first phase of the Wayfinding and Signage plan, and

Whereas, a \$50,000 match is required to complete the project, and

Whereas, the Locks Heritage District Corporation applied for and received a \$20,000 grant through the Grigg Lewis Foundation, and

Whereas, the City of Lockport desires the first phase of the Wayfinding and Signage plan to be implemented, now, therefore be it

Resolved, that the Locks Heritage District be and is hereby authorized to install Wayfinding signs in accordance with the State Grant and corresponding plan in the City right-of-way; and be it further

Resolved, that the City of Lockport Treasurer is authorized and directed to pay the remaining \$30,000 match requirement for the grant, and be it further

Resolved, that the Mayor, subject to Corporation Counsel approval, be and is hereby authorized and directed to sign any and all documentation to carry out the Wayfinding Grant Project.

Seconded by Alderman Oates and adopted. Ayes 5.

090518.10

By Alderman Farrell:

Resolved, that pursuant to their request, permission is hereby granted to Lockport Main St. Inc. to host Loctoberfest on Saturday September 29 and to barricade the parking lot on Canal Street for this event beginning on September 27, 2018, and be it further

Resolved, that permission is hereby granted to allow the sale of food and alcoholic beverages during said event, with permission to erect a tent in case of inclement weather and be it further

Resolved, that permission to place wayfinding signage throughout the city from Sept. 28 – October 1 and event promotional yard signs throughout the city effective immediately making sure not to place any signage in center medians of Main St., 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, 8 picnic tables, and 6 trash totes to said area prior to said event.

Seconded by Alderman Eggert and adopted. Ayes 5.

090518.11

By Alderman Oates

WHEREAS, the Director of Engineering inform the Mayor that corrugated guiderails at the intersection of Glenwood Avenue and N Transit Street and at the intersection of Market Street and Vine Street are damaged and in need of replacement; and

WHEREAS, Pavilion Drainage Supply Co., Inc. is included in the NY State Bid and listed as qualified contractor in the Niagara County Department of Public Works Bid No. 2018-18 for Guide Railings, Posts, and Concrete Barriers; and

WHEREAS, Pavilion Drainage Supply Co., Inc. submitted a proposal to the Engineering Department for \$17,363.50 to replace the guide rails at Glenwood Avenue and Market Street; and

WHEREAS, the 2018 budget must be amended; now, therefore, be it

RESOLVED, that the Mayor, subject to Corporation Counsel approval, is hereby authorized to execute an agreement with Pavilion Drainage Supply Co., Inc., 6630 Ellicott Street Rd., Pavilion, NY 14525 in the amount of \$17,363.50 for the replacement of guide rails at Glenwood Ave. and Market St.; and, be it further

RESOLVED that the 2018 budget is amended as follows”

Expense:

Decrease: A.9901.59000.H Interfund Transfer to Capital \$17,500

Increase: A.5110.54083 Misc. Support Services \$17,500

Seconded by Alderman Devine and adopted. Ayes 5.

090518.12

By Alderman Oates:

Resolved, that pursuant to their request, the Niagara County Sheriff's Office Domestic Violence and Victim Assistance Units are hereby granted permission to use the rest room facilities and pavilion at Nelson C. Goehle Wide Waters Marina on Sunday, October 21, 2018, to host a 5k run in honor of Domestic Violence Awareness Month. Said permission is subject to Niagara County Deputy Sheriff's Office PBA 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 the preparation of the restroom facilities for said event and to arrange for delivery of barricades to close off the parking lot.

Seconded by Alderman Abbott and adopted. Ayes 5.

090518.13

ADJOURNMENT

At 5:51 P.M. Alderman Abbott moved the Common Council be adjourned until 5:30 P.M., Wednesday, September 19, 2018.

Seconded by Alderman Devine and adopted. Ayes 5.

RICHELLE J. PASCERI
City Clerk

CITY OF LOCKPORT
CORPORATION PROCEEDINGS

Lockport Municipal Building

Regular Meeting
Official Record

September 19, 2018
5:30 P.M.

Mayor David R. Wohleben called the meeting to order.

ROLL CALL

The following Common Council members answered the roll call:

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

INVOCATION

MAYOR'S UPDATE

RECESS

Recess for public input.

091918.1 APPROVAL OF MINUTES

On motion of Alderman Abbott, seconded by Alderman VanDeMark, the minutes of the Regular Meeting of September 5, 2018 are hereby approved as printed in the Journal of Proceedings. Ayes 6. Carried.

FROM THE MAYOR

Appointments:

6/22/18 Gary Terwilliger, 65 Regent Street, Lockport, NY – re-appointed to the Civil Service Commission for a 6-year term. Said term expires May 31, 2024.

Received and filed.

9/6/18 Elizabeth R. Ellis, 63 East Park Drive, Lockport, NY – appointed as Lab Technician for the Wastewater Treatment Plant for the City of Lockport effective September 11, 2018. Said appointment is provisional and subject to the City of Lockport Municipal Civil Service Rules and Regulations.

Received and filed.

9/7/18 Terry K. Harmon, 57 Regent Street, Lockport, NY – re-appointed to the Lockport Planning Board and Lockport Tree Committee effective September 7, 2018.

Received and filed.

9/12/18 Stacey Stoll, 461 Washburn Street, Lockport, NY – appointed to the Lockport Planning and Zoning Board. Said term expires September 13, 2021.

Received and filed.

9/19/18 Jessica E. Stopa, 6109 East Lake Road, Burt, NY – appointed as Industrial Pre-Treatment Coordinator for the Wastewater Treatment Plant for the City of Lockport effective October 12, 2018. Said appointment is permanent and subject to the city of Lockport Municipal Civil Service Rules and Regulations.

Received and filed.

9/19/18 Robert Spencer, 507 Hawley Street, Lockport, NY – re-appointed to the Traffic Advisory Committee. Said term expires on June 1, 2023.

Received and filed.

9/19/18 Kelly VanDeMark, 587 Lincoln Avenue, Lockport, NY – appointed as Fourth Ward Alderman. Said term expires December 31, 2018.

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:

8/28/18 151 Fayette Street - tree
9/10/18 340 Green Street – tree
9/17/18 207 Garden Street – tree’s
Referred to the Director of Streets and Parks.

Notice of Claim:

8/30/18 The Salvation Army, 50 Cottage Street, Lockport, NY
9/04/18 Barbara Garlock, 133 Waterman Street, Lockport, NY
9/05/18 John Villanueva, 209 Price Street, Lockport, NY
9/18/18 Jenna Zagara, 4264 Union Road Apt. 4, Cheektowaga, NY
Referred to the Corporation Counsel.

MOTIONS & RESOLUTIONS

091918.2

By Alderman Abbott:

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 September 21, 2018 as follows:

General Fund	Fund A	\$ 64,355.93
Water Fund	Fund FX	\$194,640.51
Sewer Fund	Fund G	\$ 36,251.73
Capital Projects	Fund H	\$ 46,967.83
Refuse Fund	Fund CL	\$ 96,893.55
Health Insurance	Fund MS	\$ 2,803.60
Worker’s Comp	Fund S	\$ 6,075.00
Payroll	Pay Date 9/13/18	\$444,769.60

Seconded by Alderman Oates and adopted. Ayes 6.

091918.3

By Alderman Farrell:

Resolved, that pursuant to their request, Unlock Lockport is hereby granted permission to hold a Tactical Urbanism event to promote their Complete Streets Portfolio project to be held on September 29, 2018. Permission to use the Gooding Street triangle for a day as a public space to be used as a picnic area with boundaries marked with washable paint or spray chalk. Said permission to use the space is subject to the approval of the Chief of Police.

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

Seconded by Alderman VanDeMark and adopted. Ayes 6.

091918.4

By Alderman Abbott:

Resolved that pursuant to their request the Chief of Police, Director of Highways and Parks and Fire Chief are granted permission to sell obsolete vehicles from their respective fleets via an online auction service.

Seconded by Alderman Oates and adopted. Ayes 6.

091918.5

By Alderman Eggert:

Resolved, that pursuant to their request, the Dale Association is hereby granted permission to host a Generational Walk in the City of Lockport on Saturday, September 29, 2018 subject to approval of the various

walk routes by the Chief of Police, and the Dale Association filing a certificate of insurance with the City Clerk naming the City of Lockport as additional insured. and be it further

Resolved, that permission is also granted to place event promotional yard signs throughout the city effective immediately making sure not to place any signage in center medians of Main St., and be it further

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

Seconded by Alderman Oates and adopted. Ayes 6.

091918.6

By Alderman Farrell:

Resolved, that pursuant to their request, Lockport High School is hereby granted permission to conduct a Homecoming Parade in the City of Lockport on Saturday, October 6, 2018, starting at 11 a.m., subject to approval of the parade route by the Police Chief and issuance of a parade permit by the City Clerk.

Seconded by Alderman Eggert and adopted. Ayes 6.

091918.7

By Alderman Abbott:

Resolved, that pursuant to their request, the United Auto Workers, Local 686 Veteran's Committee is hereby granted permission to conduct their Annual Veteran's Appreciation 5K run and barricade Vine Street from Walnut Street to Remick Parkway starting at approximately noon on November 3, 2018, subject to the U.A.W. Local 686 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 Farrell and adopted. Ayes 6.

091918.8

By Alderman Oates:

Whereas, Chapter 53 of the City of Lockport Code prohibits the consumption of alcohol in a public place not licensed to sell the same, and

Whereas, Section 53-4 contains a legal description of the area that the above prohibition applies to, and

Whereas, the City of Lockport Common Council desire to extend the boundary of said legal description to include "Ida Fritz Park,"

NOW, THEREFORE, BE IT

Resolved, that Section 53-4 the City of Lockport Code entitles "Scope" be replaced with the following legal description:

This chapter shall apply to the following area situate within the City of Lockport: Beginning at the northeast corner of the intersection of East Avenue and Washburn Streets; thence southerly along the easternmost boundary of Washburn Street to the southeast corner of the intersection of Washburn and Walnut Streets; then westerly along the southernmost boundary of Walnut Street to the southwest corner of the intersection of Walnut and South Transit Streets at which point Walnut Street becomes West Genesee Street; thence westerly along the southernmost boundary of West Genesee Street to the southwest corner of the intersection of West Genesee and Hawley Street; thence northerly along the westernmost boundary of Hawley Street to the northwest corner of Hawley Street and Park Avenue; thence easterly along the northernmost boundary of Park Avenue to the northwest corner of Park Avenue and West Avenue at which point West Avenue becomes West Main Street; thence easterly along the northernmost boundary of West Main Street until it becomes Main Street; thence easterly along the northernmost boundary of Main Street until it becomes East Avenue; thence easterly along the northernmost boundary of East Avenue to the place of beginning. All buildings, structures and individual parcels of real property located within the aforesaid boundaries or immediately contiguous thereto shall be included under the provisions of this chapter.

Seconded by Alderman Eggert and adopted. Ayes 6.

091918.9 – WITHDRAWN (Resolution regarding WWTP Generator)

091918.9A

By Alderman Oates:

WHEREAS, the City of Lockport applied for and was awarded a \$500,000 grant through the Restore New York Communities Initiative; and

WHEREAS, the application proposed funding to rehabilitate two properties in downtown Lockport, located at 13 West Main Street and 17 West Main Street; and

WHEREAS, the City is in receipt of a scope of work to rehabilitate 17 West Main Street that has been approved by the New York State Historic Preservation Office; and

WHEREAS, \$200,000 of the \$500,000 grant was allocated to 17 West Main Street; now, therefore, be it

RESOLVED, that the Mayor, subject to Corporation Counsel approval, be and is hereby authorized and directed to sign a subrecipient agreement with the owner of 17 West Main Street and any and all documentation to carry out the rehabilitation project.

Seconded by Alderman Farrell and adopted. Ayes 6.

091918.9B

By Alderman Devine:

Resolved, that the Mayor and Common Council do hereby extend condolences to the family of Robert J. Randall, a retired City of Lockport Fire Lieutenant who recently passed away.

Seconded by Alderman Eggert and adopted. Ayes 6.

091918.10

ADJOURNMENT

At 5:55 P.M. Alderman Abbott moved the Common Council be adjourned until 5:30 P.M., Wednesday, October 3, 2018.

Seconded by Alderman Devine and adopted. Ayes 6.

RICHELLE J. PASCERI
City Clerk

CITY OF LOCKPORT
CORPORATION PROCEEDINGS

Lockport Municipal Building

Regular Meeting
Official Record

October 3, 2018
5:30 P.M.

Mayor David R. Wohleben called the meeting to order.

ROLL CALL

The following Common Council members answered the roll call:

Aldermen Abbott, Devine, Eggert, Oates and VanDeMark.

Absent: Alderman Farrell

INVOCATION

MAYOR'S UPDATE

TREASURER'S REPORT

RECESS

Recess for public input.

100318.1 APPROVAL OF MINUTES

On motion of Alderman Abbott, seconded by Alderman VanDeMark, the minutes of the Regular Meeting of September 19, 2018 are hereby approved as printed in the Journal of Proceedings. Ayes 5. Carried.

FROM THE MAYOR

Appointments:

6/22/18 Gary Terwilliger, 65 Regent Street, Lockport, NY – re-appointed as a member of the Civil Service Commission for a term of 6 years. Said term expires May 31, 2024.
Received and filed.

9/25/18 Under and by virtue of the authority conferred on me by the Charter of the City of Lockport, New York, I, David R. Wohleben, Mayor of said City, do hereby appoint the following as members of the License Revocation Board:

Joseph Oates, Alderman
Brian Bull, 179 Irving Street, Lockport, NY
James M. Palladino, 101 Webb Street, Lockport, NY
Jason Dool, Chief Building Inspector

Said term expires March 21, 2019.
Received and filed.

9/25/18 William Kevin Foltz, 94 N. Transit Street, Lockport, NY – re-appointed as a member of the Zoning Board of Appeals. Said term expires November 15, 2021.
Received and filed.

9/25/18 Lynn Harper, 30 Corinthia Street, Lockport, NY – re-appointed as a member of the Zoning Board of Appeals. Said term expires November 15, 2021.
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)

9/22/18 Richelle J. Pasceri, City Clerk – notification that bid proposals for Market Street Segmental Block Retaining Wall were received on September 21, 2018 as follows:

Scott Lawn Yard, Inc. Niagara Falls, NY	\$ 406,590.00
4 th Generation Construction Niagara Falls, NY	\$ 296,000.00
Nichols Long & Moore Construction, Corp. Tonawanda, NY	\$ 265,525.78
Hewitt Young Electric, LLC Rochester, NY	\$1,003,750.00
Nova Site Company, LLC West Seneca, NY	\$ 272,000.00
Gardenville Landscape & Nursery, LLC West Seneca, NY	\$ 249,000.00

Referred to the Committee of the Whole

10/1/18 Richelle J. Pasceri, City Clerk – notification that the Lockport Municipal Offices will be closed as follows in the month of October in observance of Columbus Day.

Monday, October 8th

There will be no change in the garbage pickup schedule.

Referred to the Media.

Notice of Defect:

9/24/18	29 Carolina Avenue – tree
9/26/18	194 Church Street – street, water drainage and tree
9/26/18	275 Pine Street – tree
9/28/18	212 Elmwood Avenue - tree

Referred to the Director of Streets and Parks.

MOTIONS & RESOLUTIONS

100318.2

By Alderman Abbott:

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 October 5, 2018 as follows:

General Fund	Fund A	\$139,188.45
Water Fund	Fund FX	\$ 19,513.07
Sewer Fund	Fund G	\$ 20,116.25
Capital Projects	Fund	\$ 90,718.64
Refuse Fund	Fund CL	\$ 268.28
Self Insurance	Fund MS	\$149,139.43
Worker's Comp	Fund S	\$ 7,500.00
Payroll	Pay Date 9/27/18	\$436,722.05

Seconded by Alderman Oates and adopted. Ayes 5.

100318.3

By Alderman Abbott:

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>
George W. Wiley IV	10	Senior Water Maintenance Worker

Seconded by Alderman VanDeMark and adopted. Ayes 5.

100318.4

By Alderman Eggert:

WHEREAS, the United States Army Donation Program requires a resolution from the City of Lockport to accept a donation of combat material, and

WHEREAS, the Veterans of Foreign Wars desires to facilitate the donation of a tank to the City of Lockport for display in Veteran's Park. NOW, THEREFORE, BE IT

RESOLVED, that the City of Lockport hereby requests, authorizes and accepts a donation of a tank from the United States Army Donation Program and Veterans of Foreign Wars.

Seconded by Alderman VanDeMark and adopted. Ayes 5.

100318.5

By Alderman Devine:

Resolved, that a public hearing be held at the Common Council Meeting of October 17, 2018 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 Michael Ulrich, for approval to erect a double-sided billboard to be located at 616 West Avenue, situated in a I-3 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 Eggert and adopted. Ayes 5.

By Alderman Devine:

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

Seconded by Alderman Oates and adopted. Ayes 5.

100318.6

By Alderman Abbott:

WHEREAS, section 155-7 A (Solid Waste) of Chapter 158 of the City Code states that unpaid residential and commercial user fees for collection of refuse and recycling shall be the personal liability of the owner, and

WHEREAS, any delinquent assessment, penalty, charge or fee remaining unpaid by May 15 is added to the upcoming year's tax bill for the parcel of property against which it is a lien, and

WHEREAS, the amount added to taxes shall include late payment charges accrued through June 30 plus an additional administrative charge equal to \$15 for each delinquent account, and

WHEREAS, late payment charges shall not continue to accrue after June 30 against any assessment, penalty, charge or fee which is added to taxes, and

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

WHEREAS, upon receipt of such delinquent amounts the Council must hold a public hearing, and

WHEREAS, after making any amendments or corrections to the list of delinquent accounts the Common Council will by resolution confirm said amounts, and

WHEREAS, upon confirmation of said amounts the City will insert the delinquent accounts in the annual tax rolls and which shall become a part of the annual tax upon the respective parcels against which such amounts are charged and shall be subject to all the provisions of the City Charter. NOW THEREFORE BE IT

RESOLVED, that the Corporation Counsel is hereby authorized and directed to prepare a resolution listing the re-levies and the dollar amount to be added to the tax rolls, and be it further

RESOLVED, that a public hearing be held at the Common Council meeting on Wednesday, October 17, 2018, starting at approximately 5:30 P.M. in the Common Council Chambers, Lockport Municipal Building, One Locks Plaza, Lockport, New York relative to said resolution for re-levy, and be it further

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

Seconded by Alderman Oates and adopted. Ayes 5.

100318.7

By Alderman Devine:

WHEREAS, the City of Lockport (City) Wastewater Treatment Plant (WWTP) provides essential round the clock treatment of the City's wastewater; and

WHEREAS, the WWTP has a single source of electric supply which is backed up by an on-site power generator for use during a power outage; and

WHEREAS, an engineering study revealed that the on-site power generator no longer functions and that City staff and the City's consulting engineer have determined that the generator has reached the end of its anticipated service life; and

WHEREAS, Nussbaumer & Clarke, Inc, (Nussbaumer) was previously authorized to prepare documents required to obtain emergency quotes for contractors to furnish and install a new generator at the WWTP; and

WHEREAS, contractor bids have been received and a contract has been issued for the generator replacement under the budget established for the project; and

WHEREAS, Nussbaumer's original Scope of Work did not include construction administration services, construction inspection, and preparation of record drawings; and

WHEREAS, these services have been deemed necessary by the City and funding is available within the project budget; and

WHEREAS, Nussbaumer submitted a proposal dated April 3, 2018 to provide construction administration services, construction inspection and preparation of record drawings; 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 amount of \$37,400 for the Scope of Work included in their April 3, 2018 proposal to the City and to be charged to Capital Projects.

Seconded by Alderman VanDeMark and adopted. Ayes 5.

100318.7A

By Alderman Abbott:

Resolved, that the Mayor and Common Council do hereby extend condolences to the family of Dennis J. Costello, a retired City of Lockport Public Works Supervisor who recently passed away.

Seconded by Alderman Devine and adopted. Ayes 5.

100318.7B

By Alderman Abbott:

Resolved, that pursuant to the recommendation of Mayor Wohleben, Henry W. Schmidt, 578 Willow Street, Lockport, NY is hereby re-appointed to the Lockport Assessment Review Board for a five-year term expiring on September 30, 2023.

Seconded by Alderman VanDeMark and adopted. Ayes 5.

100318.7C

By Alderman VanDeMark:

Resolved, that Wednesday, October 31, 2018 is hereby designated as Halloween Day in the City of Lockport with the hours for trick or treating scheduled from 4:00 p.m. to 7:00 p.m.

Seconded by Alderman Oates and adopted. Ayes 5.

100318.7D

By Alderman Oates:

Resolved, that pursuant to their request, permission is hereby granted to the Events Committee to barricade portions of Park Avenue, West Avenue, and Hawley Street surrounding Ida Fritz Park for a Downtown Trick or Treating Celebration on Friday, October 26, 2018 between 5:00 p.m. and 7:00 p.m. 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, picnic tables, and trash receptacles to said area prior to said event.

Seconded by Alderman Abbott and adopted. Ayes 5.

100318.7E

By Alderman Oates:

Resolved, that the bid proposal by Belmont Housing, received on September 19, 2018 for program delivery services for the completion of the City’s Home Improvement Program under the administration of the New York State Affordable Housing Corporation, be accepted in the amount of up to \$3,510 per residence. and be it further

Resolved, that the Mayor, subject to Corporation Counsel approval, be and the same is hereby authorized and directed to execute a contract with Belmont Housing for program delivery services for the completion of the City’s Home Improvement Program under the administration of the New York State Affordable Housing Corporation.

Seconded by Alderman Eggert and adopted. Ayes 5.

100318.8

ADJOURNMENT

At 5:47 P.M. Alderman Abbott moved the Common Council be adjourned until 5:30 P.M., Wednesday, October 17, 2018.

Seconded by Alderman Devine and adopted. Ayes 5.

RICHELLE J. PASCERI
City Clerk

CITY OF LOCKPORT
CORPORATION PROCEEDINGS

Lockport Municipal Building

Regular Meeting
Official Record

Mayor David R. Wohleben called the meeting to order.

ROLL CALL

The following Common Council members answered the roll call:

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

MAYOR'S UPDATE

RECESS

Recess for public input.

101718.1 APPROVAL OF MINUTES

On motion of Alderman Abbott, seconded by Alderman Oates, the minutes of the Regular Meeting of October 3, 2018 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 made by Michael Ulrich, for approval to erect a double-sided billboard located at 616 West Avenue, situated in a I-3 Zone.

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

10/2/18 Charlene Seekins-Smith, Chairman, Lockport Planning and Zoning Board – the board recommends the request be denied.

10/15/18 William J. Kelley, President, Lock City Supply Co. – opposing the proposed installation.

Recess for public input.

The Mayor closed the public hearing.

PUBLIC HEARING

The Mayor announced a public hearing on Confirming Refuse & Recycling Re-levy.

The Mayor asked the City Clerk if any petitions or communications relative to said Re-levy have been received.

Recess for public input.

The Mayor closed the public hearing.

FROM THE MAYOR

Appointments:

10/12/18 Under and by virtue of the authority conferred on me by the Charter of the City of Lockport, I, David R. Wohleben, Mayor of the City of Lockport, do hereby make the following appointments:

Commissioner of Deeds:

For the term of one year expiring on December 31, 2019

- Patti Shea, 190 Locust Street, Lockport, NY 14094
- Christopher Prucha, 10 Berkley Drive, Lockport, NY 14094
- Ellen Schratz, 390 Locust Street, Lockport, NY 14094
- Anne E. McCaffrey, 556 Willow Street, Lockport, NY 14094
- Mary Wohleben, 145 Lincoln Avenue, Lockport, NY 14094
- Kelly VanDeMark, 587 Pine Street, NY 14094

Planning and Zoning Board:

Re-appoint for a term of three years expiring on October 14, 2021

- Terry Harmon, 57 Regent Street, Lockport, NY 14094
- Jeff Tracy, 5 Cherry Street, Lockport, NY 14094
- Marshall Roth, 110 Locust Street, Lockport, NY 14094

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:

- 10/12/18 564-578 Willow St. – Streetlights
- 10/11/18 1020 Old Niagara St. – Guardrail
- 10/16/18 289 Locust St. - tree

Referred to the Director of Streets and Parks.

10/17/18 Richelle J. Pasceri, City Clerk – notification that the Lockport Municipal Offices will be closed the following days in November:

Tuesday, November 6 th	Election Day
Monday, November 12 th	Veteran’s Day
Thursday & Friday, November 22 nd & 23 rd	Thanksgiving Holiday

The garbage collection schedule will remain the same for November 6th and 12th.

For the Thanksgiving Holiday, garbage collection will be as follows:

<u>Normal Pick Up Day</u>	<u>Holiday Pick Up Day</u>
Thursday, November 22 nd	Friday, November 23 rd
Friday, November 23 rd	Saturday, November 24 th

Referred to the Media

MOTIONS & RESOLUTIONS

101718.2

By Alderman Abbott:

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 October 19, 2018 as follows:

General Fund	Fund A	\$ 97,500.73
Water Fund	Fund FX	\$ 37,338.80
Sewer Fund	Fund G	\$ 15,603.76
Capital Projects	Fund	\$650,375.06
Refuse Fund	Fund CL	\$ 93,103.26
Self Insurance	Fund MS	\$ 1,401.80
Payroll	Pay Date 10/11/18	\$445,697.85

Seconded by Alderman Oates and adopted. Ayes 6.

101718.3

By Alderman Oates:

Resolved, that pursuant to their request, Laura Duquette is hereby granted permission to place a crane and dumpster in front of 12 Grain Studio located at 17 West Main Street beginning November 1, 2018 for a period of one week for a masonry and roofing project being completed on the building. Said permission is subject to filing a certificate of insurance with the City Clerk naming the City of Lockport as additional insured.

Seconded by Alderman Eggert and adopted. Ayes 6.

101718.4

By Alderman Oates:

Whereas, the City of Lockport, through its Audit Committee, has solicited proposals for professional, independent accounting and audited services; and

Whereas, the City has received six proposals of generally equal value from competent firms for services for three years beginning with fiscal year 2018 with two optional one-year extensions; and

Whereas, the Audit Committee has reviewed these proposals and has recommended that the City Council award a contract to Lumsden McCormick, LLP in order to promote the most independent relationship while taking advantage of the firms' knowledge of the City's processes and finances; now therefore be it

Resolved that the Mayor subject to Corporation Counsel is hereby authorized and directed to enter into contract with Lumsden McCormick, LLP, 369 Franklin Street, Buffalo, NY for a minimum period of three years but not to exceed 5 years for independent accounting and audit services in accordance with the terms, conditions and fees established in their response to the City's Request for Proposal dated October 4, 2018.

Seconded by Alderman Farrell and adopted. Ayes 6.

101718.5

By Alderman Abbott:

WHEREAS, the City of Lockport is in the process of searching for a full time Police Chief; and

WHEREAS, the City of Lockport desires to enter into an interim Employment Agreement with Steven Preisch to serve as interim Police Chief for an indefinite period concluding upon the hiring of a new Police Chief for the sum of \$4,000 per pay period.

NOW, THEREFORE, BE IT

RESOLVED, that the Mayor be and is hereby directed and authorized to enter into an interim Employment Agreement with Steven Preisch for an indefinite period concluding upon the hiring of a new Police Chief for the sum of \$4,000 per pay period.

Seconded by Alderman Eggert and adopted. Ayes 6.

101718.6 WITHDRAWN (Budget Amendment Re: Sale of Vehicles)

By Alderman VanDeMark:

Resolved, that the foregoing resolution be amended to include the purchase of a John Deere Snowblower and plow attachment for Buildings and Grounds.

Seconded by Alderman Farrell and adopted. Ayes 6.

101718.7

By Alderman Oates:

Whereas, the City Council wishes to extend the employment of one temporary marina attendant to wash and stain the docks and piers at the marina, and

Whereas, the 2018 General Fund budget must be amended to accommodate this;

Now, therefore, be it

Resolved, that the 2018 General Fund Budget is hereby amended as follows:

Expense:

Decrease:

A.1900.54775 Contingency \$ 8,900

Increase:

A.7185.51060 Seasonal/Temporary \$ 3,000

A.1620.52025 Bldg & Grounds Equip. \$ 5,900

Seconded by Alderman Devine and adopted. Ayes 6.

By Alderman Devine:

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

Seconded by Alderman Eggert and adopted. Ayes 6.

101718.8

By Alderman Eggert:

WHEREAS, the 2018-2019 State Budget included a requirement that all employers adopt and provide a sexual harassment prevention policy to all employees, and

WHEREAS, New York State provided a "Model Policy" that contains the minimum standards required by the new law.

NOW, THEREFORE, BE IT

RESOLVED, that the following Sexual Harassment Policy be and is hereby adopted by the City of Lockport:

**CITY OF LOCKPORT
SEXUAL HARRASSMENT POLICY**

The City of Lockport is committed to maintaining a workplace free from sexual harassment. Sexual harassment is a form of workplace discrimination. All employees are required to work in a manner that prevents sexual harassment in the workplace. This Policy is one component of The City of Lockport's commitment to a discrimination-free work environment. Sexual harassment is against the law and all employees have a legal right to a workplace free from sexual harassment and employees are urged to report sexual harassment by filing a complaint internally with *the City of Lockport*. Employees can also file a complaint with a government agency or in court under federal, state or local antidiscrimination laws.

Policy:

1. *The City of Lockport's* policy applies to all employees, applicants for employment, interns, whether paid or unpaid, contractors and persons conducting business, regardless of immigration status, with the City of Lockport. In the remainder of this document, the term "employees" refers to this collective group.
2. Sexual harassment will not be tolerated. Any employee or individual covered by this policy who engages in sexual harassment or retaliation will be subject to remedial and/or disciplinary action (e.g., counseling, suspension, termination).
3. Retaliation Prohibition: No person covered by this Policy shall be subject to adverse action because the employee reports an incident of sexual harassment, provides information, or otherwise assists in any investigation of a sexual harassment complaint. The City of Lockport will not tolerate such retaliation against anyone who, in good faith, reports or provides information about suspected sexual harassment. Any employee of the City of Lockport who retaliates against anyone involved in a sexual harassment investigation will be subjected to disciplinary action, up to and including termination. All employees, paid or unpaid interns, or non-employees working in the workplace who believe they have been subject to such retaliation should inform a supervisor, manager, or Corporation Counsel's Office. All employees, paid or unpaid interns or non-employees who believe they have been a target of such retaliation may also seek relief in other available forums, as explained below in the section on Legal Protections.
4. Sexual harassment is offensive, is a violation of our policies, is unlawful, and may subject the City of Lockport to liability for harm to targets of sexual harassment. Harassers may also be individually subject to liability. Employees of every level who engage in sexual harassment, including managers and supervisors who engage in sexual harassment or who allow such behavior to continue, will be penalized for such misconduct.
5. The City of Lockport will conduct a prompt and thorough investigation that ensures due process for all parties, whenever management receives a complaint about sexual harassment, or otherwise knows of possible sexual harassment occurring. The City of Lockport will keep the investigation confidential to the extent possible. Effective corrective action will be taken
6. Whenever sexual harassment is found to have occurred. All employees, including managers and supervisors, are required to cooperate with any internal investigation of sexual harassment.
7. All employees are encouraged to report any harassment or behaviors that violate this policy. The City of Lockport will provide all employees a complaint form for employees to report harassment and file complaints.
8. Managers and supervisors are **required** to report any complaint that they receive, or any harassment that they observe or become aware of, to Corporation Counsel's Office.
9. This policy applies to all employees, paid or unpaid interns, and non-employees and all must follow and uphold this policy. This policy must be provided to all employees and should be posted prominently in all work locations to the extent practicable (for example, in a main office, not an offsite work location) and be provided to employees upon hiring.

What Is "Sexual Harassment"?

Sexual harassment is a form of sex discrimination and is unlawful under federal, state, and (where applicable) local law. Sexual harassment includes harassment on the basis of sex, sexual orientation, self-identified or perceived sex, gender expression, gender identity and the status of being transgender.

Sexual harassment includes unwelcome conduct which is either of a sexual nature, or which is directed at an individual because of that individual's sex when:

- Such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile or offensive work environment, even if the reporting individual is not the intended target of the sexual harassment;
- Such conduct is made either explicitly or implicitly a term or condition of employment; or
- Submission to or rejection of such conduct is used as the basis for employment decisions affecting an individual's employment.

A sexually harassing hostile work environment includes, but is not limited to, words, signs, jokes, pranks, intimidation or physical violence which are of a sexual nature, or which are directed at an individual because of that individual's sex. Sexual harassment also consists of any unwanted verbal or physical advances, sexually explicit derogatory statements or sexually discriminatory remarks made by someone which are offensive or objectionable to the recipient, which cause the recipient discomfort or humiliation, which interfere with the recipient's job performance.

Sexual harassment also occurs when a person in authority tries to trade job benefits for sexual favors. This can include hiring, promotion, continued employment or any other terms, conditions or privileges of employment. This is also called "quid pro quo" harassment.

Any employee who feels harassed should report so that any violation of this policy can be corrected promptly. Any harassing conduct, even a single incident, can be addressed under this policy.

Examples of sexual harassment

The following describes some of the types of acts that may be unlawful sexual harassment and that are strictly prohibited:

- Physical acts of a sexual nature, such as:
 - Touching, pinching, patting, kissing, hugging, grabbing, brushing against another employee's body or poking another employee's body;
 - Rape, sexual battery, molestation or attempts to commit these assaults.
- Unwanted sexual advances or propositions, such as:
 - Requests for sexual favors accompanied by implied or overt threats concerning the target's job performance evaluation, a promotion or other job benefits or detriments;
 - Subtle or obvious pressure for unwelcome sexual activities.
- Sexually oriented gestures, noises, remarks or jokes, or comments about a person's sexuality or sexual experience, which create a hostile work environment.
- Sex stereotyping occurs when conduct or personality traits are considered inappropriate simply because they may not conform to other people's ideas or perceptions about how individuals of a particular sex should act or look.
- Sexual or discriminatory displays or publications anywhere in the workplace, such as:
 - Displaying pictures, posters, calendars, graffiti, objects, promotional material, reading materials or other materials that are sexually demeaning or pornographic. This includes such sexual

displays on workplace computers or cell phones and sharing such displays while in the workplace.

- Hostile actions taken against an individual because of that individual's sex, sexual orientation, gender identity and the status of being transgender, such as:
 - Interfering with, destroying or damaging a person's workstation, tools or equipment, or otherwise interfering with the individual's ability to perform the job;
 - Sabotaging an individual's work;
 - Bullying, yelling, name-calling.

Who can be a target of sexual harassment?

Sexual harassment can occur between any individuals, regardless of their sex or gender. New York Law protects employees, paid or unpaid interns, and non-employees, including independent contractors, and those employed by companies contracting to provide services in the workplace. Harassers can be a superior, a subordinate, a coworker or anyone in the workplace including an independent contractor, contract worker, vendor, client, customer or visitor.

Where can sexual harassment occur?

Unlawful sexual harassment is not limited to the physical workplace itself. It can occur while employees are traveling for business or at employer sponsored events or parties. Calls, texts, emails, and social media usage by employees can constitute unlawful workplace harassment, even if they occur away from the workplace premises, on personal devices or during non-work hours.

Retaliation

Unlawful retaliation can be any action that could discourage a worker from coming forward to make or support a sexual harassment claim. Adverse action need not be job-related or occur in the workplace to constitute unlawful retaliation (e.g., threats of physical violence outside of work hours).

Such retaliation is unlawful under federal, state, and (where applicable) local law. The New York State Human Rights Law protects any individual who has engaged in "protected activity." Protected activity occurs when a person has:

- made a complaint of sexual harassment, either internally or with any anti-discrimination agency;
- testified or assisted in a proceeding involving sexual harassment under the Human Rights Law or other anti-discrimination law;
- opposed sexual harassment by making a verbal or informal complaint to management, or by simply informing a supervisor or manager of harassment;
- reported that another employee has been sexually harassed; or
- encouraged a fellow employee to report harassment.

Even if the alleged harassment does not turn out to rise to the level of a violation of law, the individual is protected from retaliation if the person had a good faith belief that the practices were unlawful. However, the retaliation provision is not intended to protect persons making intentionally false charges of harassment.

Reporting Sexual Harassment

Preventing sexual harassment is everyone's responsibility. The City of Lockport cannot prevent or remedy sexual harassment unless it knows about it. Any employee, paid or unpaid intern or non-employee who has been subjected to behavior that may constitute sexual harassment is encouraged to report such behavior to a supervisor, manager or Corporation Counsel's Office. Anyone who witnesses or becomes aware of potential instances of sexual harassment should report such behavior to a supervisor, manager or Corporation Counsel's Office.

Reports of sexual harassment may be made verbally or in writing. A form for submission of a written complaint is attached to this Policy, and all employees are encouraged to use this complaint form. Employees who are reporting sexual harassment on behalf of other employees should use the complaint form and note that it is on another employee's behalf.

Employees, paid or unpaid interns or non-employees who believe they have been a target of sexual harassment may also seek assistance in other available forums, as explained below in the section on Legal Protections.

Supervisory Responsibilities

All supervisors and managers who receive a complaint or information about suspected sexual harassment, observe what may be sexually harassing behavior or for any reason suspect that sexual harassment is occurring, **are required** to report such suspected sexual harassment to Corporation Counsel's Office.

In addition to being subject to discipline if they engaged in sexually harassing conduct themselves, supervisors and managers will be subject to discipline for failing to report suspected sexual harassment or otherwise knowingly allowing sexual harassment to continue.

Supervisors and managers will also be subject to discipline for engaging in any retaliation.

Complaint and Investigation of Sexual Harassment

All complaints or information about sexual harassment will be investigated, whether that information was reported in verbal or written form. Investigations will be conducted in a timely manner, and will be confidential to the extent possible.

An investigation of any complaint, information or knowledge of suspected sexual harassment will be prompt and thorough, commenced immediately and completed as soon as possible. The investigation will be kept confidential to the extent possible. All persons involved, including complainants, witnesses and alleged harassers will be accorded due process, as outlined below, to protect their rights to a fair and impartial investigation.

Any employee may be required to cooperate as needed in an investigation of suspected sexual harassment. The City of Lockport will not tolerate retaliation against employees who file complaints, support another's complaint or participate in an investigation regarding a violation of this policy.

While the process may vary from case to case, investigations should be done in accordance with the following steps:

- Upon receipt of complaint, Corporation Counsel's Office will conduct an immediate review of the allegations, and take any interim actions (e.g., instructing the respondent to refrain from

communications with the complainant), as appropriate. If complaint is verbal, encourage the individual to complete the “Complaint Form” in writing. If he or she refuses, prepare a Complaint Form based on the verbal reporting.

- If documents, emails or phone records are relevant to the investigation, take steps to obtain and preserve them.
- Request and review all relevant documents, including all electronic communications.
- Interview all parties involved, including any relevant witnesses;
- Create a written documentation of the investigation (such as a letter, memo or email), which contains the following:
 - A list of all documents reviewed, along with a detailed summary of relevant documents;
 - A list of names of those interviewed, along with a detailed summary of their statements;
 - A timeline of events;
 - A summary of prior relevant incidents, reported or unreported; and
 - The basis for the decision and final resolution of the complaint, together with any corrective action(s).
- Keep the written documentation and associated documents in a secure and confidential location.
- Promptly notify the individual who reported and the individual(s) about whom the complaint was made of the final determination and implement any corrective actions identified in the written document.
- Inform the individual who reported of the right to file a complaint or charge externally as outlined in the next section.

Legal Protections And External Remedies

Sexual harassment is not only prohibited by the City of Lockport but is also prohibited by state, federal, and, where applicable, local law.

Aside from the internal process at the City of Lockport employees may also choose to pursue legal remedies with the following governmental entities. While a private attorney is not required to file a complaint with a governmental agency, you may seek the legal advice of an attorney.

In addition to those outlined below, employees in certain industries may have additional legal protections.

State Human Rights Law (HRL)

The Human Rights Law (HRL), codified as N.Y. Executive Law, art. 15, § 290 et seq., applies to all employers in New York State with regard to sexual harassment, and protects employees, paid or unpaid interns and non-employees, regardless of immigration status. A complaint alleging violation of the Human Rights Law may be filed either with the Division of Human Rights (DHR) or in New York State Supreme Court.

Complaints with DHR may be filed any time **within one year** of the harassment. If an individual did not file at DHR, they can sue directly in state court under the HRL, **within three years** of the alleged sexual harassment. An individual may not file with DHR if they have already filed a HRL complaint in state court.

Complaining internally to the City of Lockport does not extend your time to file with DHR or in court. The one year or three years is counted from date of the most recent incident of harassment.

You do not need an attorney to file a complaint with DHR, and there is no cost to file with DHR.

DHR will investigate your complaint and determine whether there is probable cause to believe that sexual harassment has occurred. Probable cause cases are forwarded to a public hearing before an administrative law judge. If sexual harassment is found after a hearing, DHR has the power to award relief, which varies but may include requiring your employer to take action to stop the harassment, or redress the damage caused, including paying of monetary damages, attorney's fees and civil fines.

DHR's main office contact information is: NYS Division of Human Rights, One Fordham Plaza, Fourth Floor, Bronx, New York 10458. You may call (718) 741-8400 or visit: www.dhr.ny.gov.

Contact DHR at (888) 392-3644 or visit dhr.ny.gov/complaint for more information about filing a complaint. The website has a complaint form that can be downloaded, filled out, notarized and mailed to DHR. The website also contains contact information for DHR's regional offices across New York State.

Civil Rights Act of 1964

The United States Equal Employment Opportunity Commission (EEOC) enforces federal anti-discrimination laws, including Title VII of the 1964 federal Civil Rights Act (codified as 42 U.S.C. § 2000e et seq.). An individual can file a complaint with the EEOC anytime within 300 days from the harassment. There is no cost to file a complaint with the EEOC. The EEOC will investigate the complaint, and determine whether there is reasonable cause to believe that discrimination has occurred, at which point the EEOC will issue a Right to Sue letter permitting the individual to file a complaint in federal court.

The EEOC does not hold hearings or award relief, but may take other action including pursuing cases in federal court on behalf of complaining parties. Federal courts may award remedies if discrimination is found to have occurred. In general, private employers must have at least 15 employees to come within the jurisdiction of the EEOC.

An employee alleging discrimination at work can file a "Charge of Discrimination." The EEOC has district, area, and field offices where complaints can be filed. Contact the EEOC by calling 1-800-669-4000 (TTY: 1-800-669-6820), visiting their website at www.eeoc.gov or via email at info@eeoc.gov.

If an individual filed an administrative complaint with DHR, DHR will file the complaint with the EEOC to preserve the right to proceed in federal court.

Local Protections

Many localities enforce laws protecting individuals from sexual harassment and discrimination. An individual should contact the county, city or town in which they live to find out if such a law exists. For example, employees who work in New York City may file complaints of sexual harassment with the New York City Commission on Human Rights. Contact their main office at Law Enforcement Bureau of the NYC Commission on Human Rights, 40 Rector Street, 10th Floor, New York, New York; call 311 or (212) 306-7450; or visit www.nyc.gov/html/cchr/html/home/home.shtml.

Contact the Local Police Department

If the harassment involves unwanted physical touching, coerced physical confinement or coerced sex acts, the conduct may constitute a crime. Contact the local police department.

Seconded by Alderman Farrell and adopted. Ayes 6.

101718.9

By Alderman Devine:

WHEREAS, the City entered into an agreement on September 7, 2018 under resolution No. 090518.8, with National Water Main Cleaning Company to perform sewer rehabilitation work on Grant, Elmira, and Pine Streets;

WHEREAS, the Engineering Department has determined that sections of sanitary sewers on Lincoln Avenue (S Transit St. to Hamilton Dr.) and West Avenue (West of Crosby St.) are in need of heavy cleaning and video inspection, and that sections of collapsed sewers on Prospect Street (Corinthia St. to John Henry Park) and North Transit Street (Charlotte St. to Monroe St.) are in need of repair;

WHEREAS, National Water Main Cleaning Company has submitted a change order in the amount of \$51,665.00 to perform additional sewer work that includes sediment removal, video inspections, and lining of collapsed pipes on Prospect and N. Transit St.;

WHEREAS, Nussbaumer & Clarke has submitted a proposal for a not-to exceed fee of \$4,848.00 for additional professional engineering services for the rehabilitation of sewers at the above mentioned locations; now, therefore, be it

RESOLVED, that the Mayor, subject to Corporation Counsel Approval, is hereby authorized to approve the change order submitted by National Water Main Cleaning Co. 25 Marshall Street, Canton, MA 02021 in the amount of \$51,665.00 for the scope of work included in its October 5, 2018 proposal to the City and to be charged to Capital Projects; and be it further

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 \$4,848.00 for the scope of work included in their October 8, 2018 proposal to the City to be charged to Capital Projects.

Seconded by Alderman VanDeMark and adopted. Ayes 6.

101718.10

By Alderman Eggert:

WHEREAS, Title 315.4 of the New York Compilation of Codes, Rules and Regulations, entitled Regulation on Reporting for Elected or Appointed Officials requires the reporting of time for certain elected or appointed officials participating in the New York State Retirement System, and

WHEREAS, Title 315.4 required the Common Council establish by resolution a standard work day for each Elected or Appointed official serving the City of Lockport, and

WHEREAS, newly elected or appointed offices must prepare and file a time record for the first 180 days of taking office which is good for a period of eight years, and

WHEREAS, section 315.3 of Chapter VI, Title 2 of the New York Code of Rules and Regulations require the Common Council establish by resolution a standard work day for each elective or appointed official, and

WHEREAS, none of the participants listed below are in Tier 1, and

WHEREAS, all of the participants below have submitted their respective Record of Activities to the City Clerk.

NOW, THEREFORE, BE IT

RESOLVED, that the City of Lockport, a municipal corporation located at one Locks Plaza, Lockport, New York 14094 hereby establishes the following standard work days for these titles for the calendar year 2018 and will report the officials to the New York State and Local Retirement System based on their record of activities:

<u>Title</u>	<u>Std.</u>	<u>Work Day</u>	<u>Name</u>	<u>SS#</u>	<u>Req#</u>	<u>Record Term</u>	<u>Activity Results</u>
Corporation Counsel		7	John Ottaviano	7132	36131837	1/1/2018-12/31/18	21.78
Deputy Corp. Counsel		7	David Blackley	0877	38261640	1/1/2018-12/31/2018	9.7
Deputy Corp Counsel		7	David Haylett	8794	43436013	1/1/2018-12/31/2018	11.19
City Clerk		7	Richelle Pasceri	1852	50575463	7/1/2017-6/30/2022	22.64
Treasurer		7	Sue Mawhiney	3378	61319620	1/1/2016-12/31/2019	28.18

Seconded by Alderman Abbott and adopted. Ayes 6.

101718.11

By Alderman VanDeMark:

WHEREAS, on October 10, 2018, the Mayor and Common Council received a letter from the Board of Trustees of Emmanuel United Methodist Church seeking a revocable permit to place five pipe bollards within the City Right of Way on the northern boundary of the church parking lot to restrict vehicular traffic to the pavement and not the adjacent green area.

NOW, THEREFORE, BE IT

RESOLVED, that pursuant to the request of Emmanuel United Methodist Church property owner of 75 East Avenue, Lockport, New York permission is hereby granted to erect and maintain five (5) bollards within the City Right of Way on the north end of the church parking lot subject to the following provisions:

that upon motion of the Common Council, duly adopted by a majority vote only, and thirty days' notice from the City Clerk, the five (5) bollards must be removed,

filing a certificate of insurance with the City Clerk naming the City of Lockport as additional insured, leaving the City free and clear of all liability in connection therewith,

payment of the revocable permit fee of \$100.00 renewable annually,

that the location and material used be approved by the Chief Building Inspector for the City of Lockport.

Seconded by Alderman Oates and adopted. Ayes 6.

101718.12

By Alderman Devine:

WHEREAS, the City of Lockport requested its consulting engineer Nussbaumer and Clarke, Inc. to perform a condition assessment of the Plank Road culvert; and

WHEREAS, Nussbaumer determined that the culvert superstructure should be replaced in order to maintain the culverts integrity and safety, and subsequently prepared design documents in order to obtain a construction contractor; and

WHEREAS, the City publicly advertised a Notice to Bidders and accepted bids from contractors on July 6, 2018 at 2:00 p.m. which were publicly opened and read as follows: Edbauer Construction, \$207,300.00; BVR Construction, Inc., \$291,852.00; and 4th Generation Construction, \$289,790.00; and

WHEREAS, Nussbaumer reviewed the contractor bids and recommends that the City awards the contract to the low bidder, Edbauer Construction, for a total amount of \$207,300; now, therefore, be it RESOLVED, that the Mayor, subject to Corporation Counsel approval, is hereby authorized to execute an agreement Edbauer Construction, 2790 Clinton Street, West Seneca, New York 14224 in the amount of \$207,300 and to be charged to Capital Projects.

Resolved, that the City Attorney and City Treasurer are hereby directed to prepare the necessary Bond Ordinances to authorize the issuance of debt to fund said project in an amount not to exceed \$276,400.00.

Seconded by Alderman VanDeMark and adopted. Ayes 6.

101718.13

By Alderman Abbott:

WHEREAS, the City of Lockport held its annual in rem tax foreclosure auction on October 11, 2018; 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
2016-002	341 MICHIGAN STREET	RONN EDWARDS	\$25.00
2016-011	36 SO BRISTOL AVENUE	EDWARD W. WEBBER, III	\$40,000.00
2016-029	31 CROSBY AVENUE	WAYNE R. PENWRIGHT	\$36,000.00
2016-059	95 CLINTON STREET	SCOTT R. HERALD	\$ 325.00
2016-064	177 DAVISON ROAD	ENRIQUE REYES JR	\$2,400.00
2016-072	172 SOUTH STREET	MATTHEW MARTIN	\$18,000.00
2016-086	66 LEWIS STREET	JOLEEN PICKLES	\$14,500.00
2016-108	218 GREEN STREET	SCOTT M. & LISA K. COLBY	\$34,750.00
2016-112	295 HAWLEY STREET	CURTIS R. JOHNSON	\$13,000.00
2016-143	63 ELMWOOD AVENUE	MATTHEW MARTIN	\$36,500.00
2016-176	6 CAROLINA AVENUE	BRIAN BAILEY	\$325.00
LAST YEAR	80 JACKSON STREET	FOMBENS SEJOUR	\$25.00
LAST YEAR	134 STATE ROAD	RYAN KAHLE	\$1,000.00
ADDITION	232 SOUTH STREET	MATTHEW MARTIN	\$32,500.00
ADDITION	62 TROWBRIDGE STREET	ADAM GOFF & BRIANNA DANIELS	\$18,000.00
CITY OWNED	203 GOODING STREET	DAVID W. KIRKPATRICK	\$6.48
CITY OWNED	207 GOODING STREET	DAVID W. KIRKPATRICK	\$9.26
CITY OWNED	209 GOODING STREET	DAVID W. KIRKPATRICK	\$9.26
CITY OWNED	211 FAYETTE STREET	PATRICK WILLIAM ACKROYD	\$100.00

CITY OWNED	201 FAYETTE STREET	PATRICK WILLIAM ACKROYD	\$100.00
CITY OWNED	232 GOODING STREET	CHARLES GLANDER	\$74.47
CITY OWNED	150 OLCOTT STREET	ROBERT LINDEMUTH	\$25.00
CITY OWNED	505 PARK LANE CIRCLE	ALMA LILLIAN LAFFERTY, ESQ.	\$529.67
CITY OWNED	230 GOODING STREET	CHARLES GLANDER	\$175.53
CITY OWNED	36 SCOVELL STREET	FOMBENS SEJOUR	\$50.00
CITY OWNED	507 PARK LANE CIRCLE	ALMA LILLIAN LAFFERTY, ESQ.	\$686.60
CITY OWNED	419 MILL STREET	TOMAS MARTINEZ	\$1,600.00
CITY OWNED	503 PARK LANE CIRCLE	ALMA LILLIAN LAFFERTY, ESQ.	\$2,883.73
CITY OWNED	1 BRISTOL AVENUE	PAUL J. TRINKWALDER	\$1,100.00
CITY OWNED	499 PARK AVENUE	LAPORTS STORAGE LLC	\$250.00
CITY OWNED	340 HINMAN ROAD	ANDRE B. CLOUTIER	\$25.00
CITY OWNED	129 GLENWOOD AVE	CHARLES GLANDER	\$275.00
TOTAL			\$255,250.00

Seconded by Alderman Farrell and adopted. Ayes 6.

101718.14

By Alderman Oates:

Resolved, that a public hearing be held at the Common Council Meeting of Wednesday, November 7, 2018 starting at 5:30 P.M. in the Common Council Chambers, Lockport Municipal Building, One Locks Plaza, Lockport, NY relative to the proposed 2019 budget, and be it further

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

Seconded by Alderman Eggert and adopted. Ayes 6.

101718.14A

By Alderman Oates:

Resolved, that pursuant to their request, permission is hereby granted to Emmanuel United Methodist Church to barricade Wakeman Alley on Saturday, October 20, 2018, for a "Trunk or Treat" 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 and traffic cones to said area prior to said event.

Seconded by Alderman Abbott and adopted. Ayes 6.

101718.14B

By Alderman Farrell:

WHEREAS, the City of Lockport Common Council wishes to assess the advisability of submitting a NYS HOME Local Program (HOME) grant application to the New York State Office of Homes and Community

Renewal (the "OCR") for a grant to fund incentives supporting first-time homebuyers purchasing homes within the City of Lockport, and

WHEREAS, the City of Lockport is required to hold a public hearing to provide information to the public and to consider citizen comments regarding community needs and the plan proposal prior to submitting an application for HOME funding, now;

THEREFORE, BE IT RESOLVED, that the Common Council hereby calls for a Public Hearing whereat all interested parties shall be heard regarding the HOME program, the City's community development programs, and the proposed funding application. Such Public Hearing to be held on November 7, 2018, at 5:30 pm in the Common Council Chambers at One Locks Plaza, Lockport, New York; and be it further

RESOLVED, that at least eight (8) days' notice of such hearing shall be given by publishing such notice at least once in the official newspaper of the City.

Seconded by Alderman VanDeMark and adopted. Ayes 6.

101718.14C

By Alderman Abbott:

Whereas, the City has solicited applicants for Director of Public Works, and

Whereas, the City has received numerous applications, interviewed six candidates and the Mayor has selected Brian Gazda, Elma, NY to the Director of Public Works position, and

Whereas, the appointee, the Department Head Association and the City wish to memorialize the terms and conditions of employment; 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 2 of the grade for a period of 4 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.

Seconded by Alderman VanDeMark and adopted. Ayes 5. Alderman Oates voted no.

101718.14D

By Alderman Abbott:

Resolved, that pursuant to their request, permission is hereby granted to Hairs To You at 6 Market Street to barricade the 2 parking spaces directly in front of their salon on November 8, 2018, for an 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 Devine and adopted. Ayes 6.

101718.15

ADJOURNMENT

At 6:37 P.M. Alderman Abbott moved the Common Council be adjourned until 5:30 P.M., Wednesday, November 7, 2018.

Seconded by Alderman Farrell and adopted. Ayes 6.

RICHELLE J. PASCERI
City Clerk

CITY OF LOCKPORT
CORPORATION PROCEEDINGS

Lockport Municipal Building

Regular Meeting
Official Record

November 7, 2018
5:30 P.M.

Mayor David R. Wohleben called the meeting to order.

ROLL CALL

The following Common Council members answered the roll call:

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

MAYOR'S UPDATE

RECESS

Recess for public input.

110718.1

APPROVAL OF MINUTES

On motion of Alderman Abbott, seconded by Alderman Farrell, the minutes of the Regular Meeting of October 17, 2018 are hereby approved as printed in the Journal of Proceedings. Ayes 6. Carried.

PUBLIC HEARING

The Mayor announced a public hearing relative to the 2019 tax budget.

The Mayor asked the City Clerk if any petitions or communications relative to the proposed 2019 tax budget have been received.

Recess for public input.

The Mayor closed the public hearing.

PUBLIC HEARING

The Mayor announced a public hearing on the NYS HOME Local Program application to the New York State Office of Homes and Community Renewal for a grant funding first time home buyers within the City of Lockport.

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

Recess for public input.

The Mayor closed the public hearing.

FROM THE MAYOR

Appointments:

10/24/18 Under and by virtue of the authority conferred on me by the Charter of the City of Lockport, New York, I, David R. Wohleben, Mayor of said City to hereby make the following appointments:

Youth Board

For the term of three years expiring on December 31, 2021

- Flora Hawkins, 119 West Avenue, Lockport, NY
- Lewie Cunningham Jr., 14 Bewley Pkwy, Lockport, NY
- LaShonda McKenzie, 30 High Street, Lockport, NY
- Ronald Cheatham, 305 South Street, Lockport, NY
- William Agronin, 11 Berkley Drive, Lockport, NY
- Dennis Stachera, 20 Regent Street, Lockport, NY
- Kelly VanDeMark, 587 Pine Street, Lockport, NY

Received and filed.

9/25/18 Zachary Parker, 114 Niagara Street, Lockport, NY – appointed as a Commissioner of Deeds for a term of one year expiring December 31, 2019.

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:

- 10/17/18 251 Niagara St. – tree
 - 10/23/18 38 Juniper St. - tree
- Referred to the Director of Streets and Parks.

MOTIONS & RESOLUTIONS

110718.2

By Alderman Abbott:

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 9, 2018 as follows:

General Fund	Fund A	\$ 170,533.98
Water Fund	Fund FX	\$ 86,994.39
Sewer Fund	Fund G	\$ 32,143.53
Capital Projects	Fund	\$ 380,849.12
Refuse Fund	Fund CL	\$ 801.98
Self Insurance	Fund MS	\$ 149,482.79
Payroll	Pay Date 10/25/18	\$ 448,180.13

Seconded by Alderman Oates and adopted. Ayes 6.

110718.3

By Alderman Abbott:

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>
Carter M. Hawkes, Jr.	30	Public Works Supervisor

Seconded by Alderman Oates and adopted. Ayes 6.

110718.4

By Alderman Farrell:

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 October 17, 2018 at 5:30 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 accounts totaling \$200,726.81 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:

<u>Account</u>	<u>Amount</u>
Refuse	\$184,301.81
Relevy Fee	\$ 16,425.00

Seconded by Alderman VanDeMark and adopted. Ayes 6.

110718.5

By Alderman Eggert:

Resolved, that pursuant to their request, Lockport Ice Arena & Sports Center, partnered with The Penalty Box, is hereby granted permission to conduct "First Night Lockport" ball drop and fireworks display on December 31, 2018, and be it further

Resolved, that permission is hereby granted to barricade Chestnut Street from Elm Street to Charles Street for said event, and be it further

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

Resolved, that permission is hereby granted to use the City owned property located at 5 Gooding Street for said fireworks display subject to the approval of the Fire Chief, and be it further

Resolved, that said permission is subject to Lockport Ice Arena & Sports Center 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 Oates and adopted. Ayes 6.

110718.6 Special Use Permit – 616 West Ave. WITHDRAWN

110718.7

By Alderman Farrell:

Resolved, that pursuant to their request, Light Up Lockport be and the same is hereby granted permission to use the City's right-of-way to conduct the following events on Saturday, November 24, 2018:

Tacky Sweater 5K run beginning at the Palace Theater starting at approximately 9:00 A.M

Horse Drawn Carriage Rides beginning at the Palace Theater from 12:00 P.M. until 3:00 P.M.

Parade in the Dark commencing at 6:00 PM at Ida Fritz Park, east on Main Street to Charles Street

And be it further

Resolved, that said permissions are subject to approval of the routes by the Police Chief, and Light Up 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 barricades and temporary no parking signs for the entire length of the south side of Main St. prior to said events.

Seconded by Alderman Eggert and adopted. Ayes 6.

110718.8

By Alderman Farrell:

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 HOME Local 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 that the Mayor be and is hereby authorized to execute and submit a \$400,000 application to the New York State Homes and Community Renewal for the New York State HOME Local Program and any other future documents related to this grant should funding be awarded.

Seconded by Alderman VanDeMark and adopted. Ayes 6.

110718.9

By Alderman Oates:

Resolved, that pursuant to their request, permission is hereby granted to St. John the Baptist Church to barricade Eastmans Alley from Ann Street to McCollum Street on November 17, 2018, from 8 am to 4 pm for a Thanksgiving food basket and turkey give a way, 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 Devine and adopted. Ayes 6.

110718.10 Authorize Sale of 271 & 281 Genesee St. – WITHDRAWN

110718.11

By Alderman Abbott:

Whereas, the City has received a donation from Walmart of \$2,000 for the purpose of “Shop with a Cop” and

Whereas, these funds were not included in the 2018 budget, and

Whereas, the appropriations necessary to add the donation to the 2018 budget, now therefore be it

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

INCREASE REVENUES:

A-3120-32705	Donations	\$2,000
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INCREASE APPROPRIATIONS:

A-3120-54510 Program Expenses \$2,000

Seconded by Alderman Eggert and adopted. Ayes 6.

110718.12

By Alderman Farrell:

WHEREAS, the LOCKPORT NEW YORK ROTARY FOUNDATION is a 501 (C)(3) not-for-profit organization with an address at 175 Walnut Street, Suite 2, Lockport, NY 14094, and

WHEREAS, Charles Roeser is doing business as Essence of Time, a Tower and Street Clock Expert with an office at 6672 East Canal Road, Lockport, New York 14094, and

WHEREAS, the City owns an historic clock tower at the corner of Main and Pine Street in the City of Lockport, and

WHEREAS, Rotary is willing to pay Charles Roeser to repair and restore the four-dial O.B. McClintock street-post clock, located on the corner of Main and Pine Street in the City of Lockport upon the condition that the City provide: (1) the equipment and equipment operator to remove the clock and reinstall it upon completion of the work; (2) a reconstructed base foundation for the street clock per specifications provided by the Mr. Roeser; and (3) a dedicated 110-volt, 20 ampere AC electrical power supply for the clock running through the reconstructed base foundation.

NOW, THEREFORE, BE IT

RESOLVED, that the Mayor be and is hereby directed and authorized to enter into a tri-party agreement with Rotary, Mr. Roeser and the City to repair and restore the four-digital historic clock on the corner of Pine and Main Street.

Seconded by Alderman VanDeMark and adopted. Ayes 6.

110718.13

ADJOURNMENT

At 6:03 P.M. Alderman Abbott moved the Common Council be adjourned until 5:30 P.M., Tuesday, November 20, 2018.

Seconded by Alderman Devine and adopted. Ayes 6.

RICHELLE J. PASCERI
City Clerk

CITY OF LOCKPORT
CORPORATION PROCEEDINGS

Lockport Municipal Building

Regular Meeting
Official Record

November 20, 2018

5:30 P.M.

Mayor David R. Wohleben called the meeting to order.

ROLL CALL

The following Common Council members answered the roll call:

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

MAYOR'S UPDATE

RECESS

Recess for public input.

Minutes correction:

Appointments:

10/24/18 Under and by virtue of the authority conferred on me by the Charter of the City of Lockport, New York, I, David R. Wohleben, Mayor of said City to hereby make the following appointments:

Youth Board

For the term of three years expiring on December 31, 2021

Delete "For the term of three years expiring on December 31, 2021

Flora Hawkins, 199 West Avenue, Lockport, NY
Lewie Cunningham Jr., 14 Bewley Pkwy, Lockport, NY
LaShonda McKenzie, 30 High Street, Lockport, NY
Ronald Cheatham, 305 South Street, Lockport, NY
William Agronin, 11 Berkley Drive, Lockport, NY
Dennis Stachera, 20 Regent Street, Lockport, NY
Kelly VanDeMark, 587 Pine Street, Lockport, NY"

Replace with "For the term of three years expiring on May 1, 2021, reappoint the following:

**Flora Hawkins, 199 West Avenue, Lockport, NY
Lewie Cunningham Jr., 14 Bewley Pkwy, Lockport, NY
William Agronin, 11 Berkley Drive, Lockport, NY
Dennis Stachera, 20 Regent Street, Lockport, NY**

For a term of three years expiring on October 24, 2021, appoint the following:

**LaShonda McKenzie, 30 High Street, Lockport, NY
Ronald Cheatham, 305 South Street, Lockport, NY
Kelly VanDeMark, 587 Pine Street, Lockport, NY"**

Received and filed.

112018.1

APPROVAL OF MINUTES

On motion of Alderman Abbott, seconded by Alderman Farrell, the minutes of the Regular Meeting of November 7, 2018 are hereby approved as printed in the Journal of Proceedings. Ayes 6. Carried.

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)

11/8/18 Gabriel F. Deyo, Deputy Comptroller, Office of the State Comptroller - Notification that the City of Lockport 2019 Budget review is complete.
Referred to the Committee of the Whole.

11/14/18 Mike Ulrich, Ulrich Sign Co. – withdrawing the formal application for a Special Use Permit to install a billboard at 616 West Ave.
Referred to the Committee of the Whole.

11/14/18 Richelle J. Pasceri, City Clerk – notification that bid proposals for the Raw Watermain Replacement Project were received on November 14, 2018 as follows:

Mark Cerrone, Inc. Niagara Falls, NY	Total	\$ 7,242,264.00
	Alternate A	\$ 187,960.00
	Alternate B	\$ 127,300.00
Concrete Applied Technologies Corp. dba CATCO Alden, NY	Total	\$ 7,012,073.00
	Alternate A	\$ 201,125.00
	Alternate B	\$ 138,700.00
Kandey Co. Inc. West Seneca, NY	Total	\$ 6,712,145.00
	Alternate A	\$ 489,750.00
	Alternate B	\$ 137,560.00

Referred to the Committee of the Whole.

MOTIONS & RESOLUTIONS

112018.2

By Alderman Abbott:

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 21, 2018 as follows:

General Fund	Fund A	\$ 99,720.02
Water Fund	Fund FX	\$ 11,327.48
Sewer Fund	Fund G	\$ 13,978.93
Capital Projects	Fund	\$ 163535.11
Refuse Fund	Fund CL	\$ 97,805.83
Self Insurance	Fund MS	\$ 151,875.81
Payroll	Pay Date 11/8/18	\$ 449,598.32

Seconded by Alderman Oates and adopted. Ayes 6.

112018.3

By Alderman Abbott:

Whereas, the Fire Department Ladder Truck 9 is in need of extensive repair; and

Whereas, this was not anticipated in the 2018 General Fund Budget necessitating a budget amendment and the use of contingency; Now therefore, Be it

Resolved, that the 2018 General Fund Budget is hereby amended as follows:

Expense:

Decrease:	A.1900.54775	Contingency	\$10,000
Increase:	A.1640.54300	Vehicle Repair	\$10,000

Seconded by Alderman Farrell and adopted. Ayes 6.

112018.4

By Alderman Eggert:

Resolved, that the Corporation Counsel is hereby authorized and directed to amend Local Law # 7 – 2010 relative to implementing late fees and penalties on Dog licenses, and be it further

Resolved, that a public hearing be held at the Common Council meeting of December 5, 2018, starting at 5:30 P.M. in the Common Council Chambers, Lockport Municipal Building, One Locks Plaza, Lockport, NY relative to said local law, and be it further

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

Seconded by Alderman VanDeMark and adopted. Ayes 6.

112018.5

By Alderman Abbott:

Whereas, pursuant to Section 61 of the City of Lockport Charter when the Common Council has determined and so declared that real or personal property owned by the City of Lockport, New York, should be sold or conveyed for the interest of the City, the City of Lockport may sell and/or convey such personal or real property, for a valuable consideration, at public sale or by a negotiated private sale, and

Whereas, pursuant to Section 279-B of the City Charter no such sale shall be effective unless and until it has been reviewed by the City of Lockport Property Management Committee and has been approved and confirmed by a majority vote of the Common Council for sale or disposition by sealed bid; negotiated sale under provisions of the City's Best Use Policy; Homestead Policy; or negotiated sale; except that no such approval shall be required when the property is sold at public auction to the highest bidder, and

Whereas, the City of Lockport acquired title to two abandon properties, 271 and 281 Genesee Street, pursuant to Article 19 (a) of the Real Property Actions and Proceedings Law of the State of New York, and

Whereas, the Real Property Management Committee met and determined that 271 and 281 Genesee Street, Lockport, New York were not needed for municipal purposes and recommended the properties be advertised for proposals for sale, and

Whereas, City issued an RFP for the purpose of the sale of said properties to encourage their redevelopment, and

Whereas, GenLock submitted a proposal offering \$2,000 for each property and a commitment to redevelop both properties within six months.

NOW THEREFORE BE IT

Resolved, that the Mayor be and is hereby authorized to enter into a Contract of Sale and execute a quit claim deed and related title documents necessary for the sale of 271 and 281 Genesee Street, Lockport, New York to GenLock for the sum of \$2,000 each with a reversion clause to redevelop the same within six months of the conveyance.

Seconded by Alderman Oates and adopted. Ayes 6.

112018.6

By Alderman VanDeMark:

Whereas, the City of Lockport, pursuant to Agreement dated December 17, 1969, and multiple amendments thereto, accepted sewage from the Town of Lockport sewage collector system, located in certain areas of the Town, and

Whereas, the City and Town entered into a new Agreement dated August 6, 2003, running from January 1, 2002 through December 31, 2006, and

Whereas, the City and Town entered into an extension of said Agreement dated August 6, 2003, running from January 1, 2007 through December 31, 2008, and

Whereas, the parties entered into renewals of said contract for an additional period of two years through December 31, 2010, and through December 31, 2012, and for a period of five years from January 1, 2015 through December 31, 2018, and

Whereas, the parties wish to renew said Agreement dated August 6, 2003 for an additional three years, now therefore be it

Resolved, that the Mayor be and is hereby authorized and directed to renew the August 6, 2003 sewer contract for an additional period from January 1, 2019 through December 31, 2021, for the sum of \$637,660.00 per year.

Seconded by Alderman Devine and adopted. Ayes 6.

112018.7

By Alderman VanDeMark:

Resolved, that the City tax budget for fiscal year 2019, containing appropriations for operating City departments, be and the same is hereby adopted as follows:

CITY OF LOCKPORT, NEW YORK
2019 GENERAL FUND BUDGET SUMMARY

Budget Appropriations:

Personal Services	\$10,973,755
Equipment	314,496
Contractual	2,097,772
Fringe Benefits	9,238,965
Undistributed	1,268,653
Debt Service	860,820

Total Appropriations: \$24,754,462

LESS: Estimated Revenues: \$12,082,542

Estimated Fund Balance:

Amount to be raised through property taxation:	\$ 12,671,920
Assessed Valuation:	\$700,156,667

REAL PROPERTY TAX RATE: \$18.0987 per \$1,000 ASSESSED VALUATION

Seconded by Alderman Farrell. Ayes 3. Noes 3. Aldermen Devine, Eggert, and Oates voted no. Pursuant to Article III, Chapter C-53 of the City Charter, Mayor Wohleben voted in the affirmative. The motion passed.

112018.8

By Alderman Devine:

Resolved, that the City of Lockport 2019 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
2019 WATER FUND BUDGET SUMMARY

Appropriations:

Personal Services	\$1,244,154
Equipment	163,000
Contractual	1,132,439
Fringe Benefits	1,085,219
Debt Services	514,288
Special Items	165,000

Total Appropriations:	\$4,304,100
Estimated Revenues:	\$4,304,100

Seconded by Alderman VanDeMark and adopted. Ayes 6.

112018.9

By Alderman VanDeMark:

Whereas, pursuant to section 452 if the General Municipal Law and Section 150-30 of the City of Lockport Code, the Common Council is authorized to adjust a schedule of sewer rents and other charges after a hearing upon five days' notice. Now, therefore be it

Resolved, that a Public Hearing be held at the Common Council Meeting of Wednesday, December 5, 2018 starting at 5:30PM in the Common Council Chambers, Lockport Municipal Building, One Locks Plaza, Lockport, NY relative to adjusting sewer rents and other charges, and be it further,

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

Seconded by Alderman Devine and adopted. Ayes 6.

112018.10

By Alderman Oates:

Resolved, that the City of Lockport 2019 Budget containing appropriations for operating the City's Refuse & Recycling, be and the same is hereby adopted as follows:

CITY OF LOCKPORT, NEW YORK
2019 SPECIAL REVENUE FUND – RECYCLING & REFUSE SUMMARY

Appropriations:

Personal Services	\$ 0
Equipment	36,337
Contractual	1,235,041
Fringe Benefits	0

Debt Service	36,442
Interfund	0

Total Appropriations:	\$1,307,820
Estimated Revenues:	\$1,307,820

Seconded by Alderman Farrell and adopted. Ayes 6.

112018.11

By Alderman Eggert:

Whereas, the City of Lockport adopted a Non-Represented Employment Policy on November 20, 2018, and

Whereas, the City of Lockport desires to also adopt a City of Lockport Employee Handbook, and

Whereas, the Handbook is intended to inform all employees of various rules, policies and procedures that relate to employment with the City of Lockport, and

Whereas, the Handbook applies to all elected and appointed officials and all City employees.

NOW, THEREFORE, BE IT

Resolved, the Common Council hereby adopts the City of Lockport Employee Handbook incorporated herein by reference.

Seconded by Alderman Abbott and adopted. Ayes 6.

112018.12

By Alderman Eggert:

Whereas, the City of Lockport adopted a City of Lockport Employee Handbook, and

Whereas, the City of Lockport desires to adopt a Non-Represented Employment Policy, and

Whereas, the purpose of the policy manual is to provide Department Heads, Management Employees, and Management/Confidential employees with a reference for the basic terms and conditions of employment with The City of Lockport, and

Whereas, the City Council is committed to providing a high quality of services to the citizens of The City of Lockport and the administrative employees of the City are one of the essential elements required to fulfill this commitment

Whereas, the policy statement is intended to provide those employees with a better understanding of the privileges and responsibilities of their positions and to assist in the mission of the professional delivery of services in The City of Lockport.

NOW, THEREFORE, BE IT

Resolved, the Common Council hereby adopts the City of Lockport Non-Represented Policy incorporated herein by reference.

Seconded by Alderman VanDeMark and adopted. Ayes 5. Alderman Devine voted no.

112018.13

By Alderman VanDeMark:

Whereas, the City of Lockport adopted a Non-Represented Employment Policy on November 20, 2018, and

Whereas, the City of Lockport adopted a City of Lockport Employee Handbook on November 20, 2018, and

Whereas, the City desires to employ Director of Finance of the City of Lockport according to certain terms and conditions of employment set forth in more detail in the Job Specification adopted December 16, 2014 and amended August 25, 2015, and

Whereas, the City of Lockport hired the Director of Finance for the City of Lockport based on Employee's experience, training and accredited university education, and
NOW, THEREFORE, BE IT

Resolved, the mayor be and is hereby authorized to enter into an employment contract for a term of Thirteen (13) months commencing December 1, 2018 and ending December 31, 2019.

Seconded by Alderman Eggert and adopted. Ayes 4. Aldermen Devine, Oates voted no.

112018.14

By Alderman Oates:

Whereas, the City and County entered into an inter-municipal agreement to share information technology services, and

Whereas, the County owns property at 59 Park Avenue, Lockport, New York where the City and County desire to locate sled on the roof to attach communications equipment, and

Whereas, the City and County desire to enter into a lease agreement for a period of five (5) years with an option to renew for four (4) additional five (5) year periods to locate a communications sled on the roof of 59 Park Avenue.

NOW, THEREFORE, BE IT

Resolved, that the Mayor be and is hereby authorized to execute a lease agreement with the County of Niagara for the placement of a communication sled on the roof of 59 Park Avenue, Lockport, New York.

Seconded by Alderman Farrell and adopted. Ayes 6.

112018.15

By Alderman Abbott:

Whereas, the City has received a donation from Grigg Lewis Foundation of \$1,000 for the purpose of "Shop with a Cop" and

Whereas, these funds were not included in the 2018 budget, and

Whereas, the appropriations necessary to add the donation to the 2018 budget, now therefore be it

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

INCREASE REVENUES:

A-3120-32705	Donations	\$1,000
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INCREASE APPROPRIATIONS:

A-3120-54510	Program Expenses	\$1,000
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Seconded by Alderman Eggert and adopted. Ayes 6.

112018.16 Approve Online Auction Sale / Amend Budget - **WITHDRAWN**

112018.17

By Alderman Oates:

Whereas, the New York State Canal Corporation has entered in contract with Hohl Industrial Services, Inc. for the Second Phase of Construction for the Erie Canal Flight of Five Restoration, Lock 68, in the City of Lockport; and

Whereas, the project is intended to be executed between November 26, 2018 through August 3, 2019 and during this construction period Hohl Industrial, Inc. is requesting authorization to use City owned parking area at Upson Park to store materials, equipment, and vehicles needed to complete the project; now, therefore, be it

Resolved, that the Mayor, subject to Corporate Counsel approval, is hereby authorized to grant permission and give consent to Hohl Industrial Services, Inc. to enter onto Upson Park and use part of the existing parking lot as staging area to execute the Second Phase of Construction for the Erie Canal Flight of Five Restoration, Lock 68.

Seconded by Alderman Farrell and adopted. Ayes 6.

112018.18

By Alderman Oates:

Resolved, that the City Treasurer be and the same is hereby authorized and directed to transfer funds from under expended appropriations accounts to over expended accounts in the 2018 General, Water, Sewer, and Refuse Fund budgets and to appropriate fund balance to the extent necessary to balance the budgets, and furthermore, report to the Common Council on those accounts having had transfers.

Seconded by Alderman Abbott and adopted. Ayes 6.

112018.18A

By Alderman Abbott:

Whereas, the City solicited a proposal for a managed fiber optic communications network from its provider, Spectrum; and

Whereas, implementation of a fiber optic communications network would connect the Public Works facility, City Hall, Water Filtration, Willow Street Recreation and the Wastewater Treatment facility in a secured, dedicated fiber network designed to allow for faster and more reliable interconnection of the City's information technology systems, and significantly improve productivity;

Now, therefore, be it

Resolved, that the Mayor, subject to Corporation Counsel approval, is hereby authorized and directed execute an agreement with Spectrum Enterprise, in an amount of \$2,400.00, one-time and a reoccurring monthly amount of \$3,354.00 for fiber optic connectivity.

Seconded by Alderman VanDeMark and adopted. Ayes 6.

112018.19

ADJOURNMENT

At 6:13 P.M. Alderman Abbott moved the Common Council be adjourned until 5:30 P.M., Wednesday, December 5, 2018.

Seconded by Alderman Devine and adopted. Ayes 6.

RICHELLE J. PASCERI
City Clerk

CITY OF LOCKPORT
CORPORATION PROCEEDINGS

Lockport Municipal Building

Regular Meeting
Official Record

December 5, 2018
5:30 P.M.

Mayor David R. Wohleben called the meeting to order.

ROLL CALL

The following Common Council members answered the roll call:

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

INVOCATION

MAYOR'S UPDATE

RECESS

Recess for public input.

120518.1 APPROVAL OF MINUTES

On motion of Alderman Abbott, seconded by Alderman Farrell, the minutes of the Regular Meeting of November 20, 2018 are hereby approved as printed in the Journal of Proceedings. Ayes 6. Carried.

PUBLIC HEARING

The Mayor announced a public hearing on Local Law #2010-7, amendment to the Dog Control Law of the City of Lockport Code.

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.

PUBLIC HEARING

The Mayor announced a public hearing relative to adjusting sewer rents and other charges.

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

Recess for public input.

The Mayor Closed the Public Hearing.

FROM THE MAYOR

Appointments:

11/26/18 David Pynn, 7901 Chestnut Ridge Road, Lockport, NY – re-appointed as a member of the Plumbing Board. Said term expires December 31, 2020.
Received and filed.

11/20/18 Susan E. Israel, 5635 Bowmiller Road, Lockport, NY – appointed as Real Property Appraiser for the Assessor's Department effective November 20, 2018. 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)

11/29/18 Kim Knuutila, Director of Admissions and Marketing, DeSales Catholic School – requests permission to hang a banner over East Ave. Jan 14-28, 2019 announcing their Open House.

Referred to the Committee of the Whole.

12/3/18 Tracy A. Farrell, City Assessor – notification that the General City Tax rolls have been completed, corrected and filed.

Referred to the Committee of the Whole.

12/5/18 Richelle J. Pasceri, City Clerk – notification that the Lockport Municipal Offices will be closed on the following days in December and January for Christmas and New Year's:

Monday, December 24 (closed at 12 noon)

Tuesday, December 25

Monday, December 31 (closed at 12 noon)

Tuesday, January 1, 2019

The garbage collection schedule is as follows:

Due to the Christmas and New Year's holidays, there will be no garbage collection on Tuesday, December 25th & Tuesday, January 1st.

Garbage scheduled for collection on December 25th through December 28th and January 1st through January 4th will be collected on the day following regularly scheduled collection

Bulk items will be collected the week of January 7th

Referred to the Media.

Notice of Defect:

11/26/18 75 Lindhurst Drive – sinkhole

12/4/18 194 Church St – snowplowing sidewalks

12/4/18 86 Allen St - tree

Referred to the Director of Streets and Parks.

MOTIONS & RESOLUTIONS

120518.2

By Alderman Abbott:

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 December 5, 2018 as follows:

General Fund	Fund A	\$ 158,798.73
Water Fund	Fund FX	\$ 20,825.13
Sewer Fund	Fund G	\$ 23,233.53
Capital Projects	Fund	\$ 27,279.42
Payroll	Pay Date 11/21/18	\$ 448,437.64

Seconded by Alderman Oates and adopted. Ayes 6.

120518.3

By Alderman Abbott:

Whereas, plumbing repairs and new exterior doors are needed at City Hall; and

Whereas, the costs for these repairs exceed funds budgeted within the Building Maintenance Department's budget; and

Whereas, the City Council wishes to amend the 2018 General Fund Budget by utilizing contingency funds to fund these repairs; Now, Therefore, Be it

Resolved, that the 2018 General Fund Budget is amended as follows:

Expense:

Decrease: A.1900.54775	Contingency	\$10,000
Increase: A.1620.54076	Property Repairs	\$10,000

Seconded by Alderman Farrell and adopted. Ayes 6.

By Alderman Devine:

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

Seconded by Alderman Eggert and adopted. Ayes 6.

120518.4

By Alderman Devine:

Resolved, that the following Schedule of Sewer Rents and Other Charges be adopted as follows:

SEWER RATES

The following sewer rental charges shall be effective on all residential, commercial, and industrial water consumption billed as follows:

after January 1, 2019

\$15.75 per month service charge for both domestic and industrial users plus a commodity charge of \$2.42 per 100 cu. ft. of water billed, plus a standard surcharge for industrial users for excess strength of sewage as stated in all existing Industrial sewer contracts.

INDUSTRIAL	\$ 15.75
COMMERCIAL & RESIDENTIAL	\$ 39.38 (billed quarterly)

The standard surcharge for all industrial users for excess strength of sewage as stated in all existing industrial service contracts be as follows:

Type	Fee
Discharging wastewater, per 100 cubic feet:	

Effective 01 January 2019.....\$ 1.10

Discharging excess total suspended solids in excess of 350 mg per liter per one hundred pounds per day:

Effective 01 January 2019.....\$ 3.30

Discharging excess BOD in excess of 250 mg liter per, per one hundred pounds per day:

Effective 01 January 2019.....\$ 2.95

Discharging wastewater through the use of a waste hauler per one thousand gallons:

Effective 01 January 2019.....\$17.30

Annual waste hauler disposal permit authorizing the use of City of Lockport wastewater treatment plant to a specific waste hauler:

Effective 01 January 2019\$365.00

Annual amount charged for an effective City of Lockport wastewater discharge permit issued to City of Lockport industries identified as POTW significant industrial users (SIU's):

Effective 01 January 2019.....\$395.00

Effective January 1, 2019, laboratory analysis at City of Lockport wastewater treatment plant laboratory are as follows:

<u>Analyte</u>	<u>Rate</u>
pH.....	\$10.50
Residual C12	\$10.50
Settleable solids.....	\$10.50
Total suspended solids	\$31.50
Total solids	\$15.75
BOD 5.....	\$42.00
COD.....	\$42.00

Dissolved oxygen.....	\$21.00
Total coliform	\$31.50
Fecal coliform	\$36.75
NH3-N.....	\$36.75
TKN	\$36.75
Oil and grease, total.....	\$42.00
Total phosphorus.....	\$31.50
Zn, Cd, Cr, Cu, Pb each	\$26.25

Seconded by Alderman Eggert and adopted. Ayes 6.

120518.5

By Alderman Farrell:

WHEREAS, the City of Lockport was awarded a \$5,000.00 grant from the State of New York to sponsor and promote a Solarize campaign; and

WHEREAS, the grant had not been accepted nor recognized by the City in the General Fund Budget; and

WHEREAS, the Director of Planning and Development has requested that \$2,500.00 of this grant be recognized to offset marketing expenses for the Solarize Lockport campaign;

NOW THEREFORE, BE IT

RESOLVED, that the City of Lockport hereby accepts a grant from the State of New York for the Solarize Lockport campaign; and be it further

RESOLVED, that the 2018 Budget is hereby amended as follows:

Increase:

Revenue	A.8021.33989	Other Home and Community Services State Aid	\$2,500
Expense	A.8021.54510	CD Program Expense	\$2,500

Seconded by Alderman Oates and adopted. Ayes 6.

120518.6

By Alderman Oates:

WHEREAS, The City of Lockport received a grant in the amount of Three Hundred Thousand Dollars (\$300,000.00) from the New York State Restore New York Program for the purpose of restoring and renovating 13 West Main Street, Lockport, New York 14094, and

WHEREAS, the City and the Greater Lockport Development Corporation (“GLDC”) desire to enter into a subrecipient agreement to authorize the GLDC to oversee and disburse the grant proceeds for the restoration and rehabilitation of 13 W. Main Street, and

WHEREAS, the project will promote economic development, create jobs, and eliminate blight.

NOW, THEREFORE, BE IT

RESOLVED, that the Mayor be and is hereby authorized to enter into a subrecipient agreement with the GLDC for the restoration and rehabilitation of 13 West Main Street, Lockport, New York with the grant received from the New York State Restore New York Program in the amount of \$300,000.

Seconded by Alderman Farrell and adopted. Ayes 6.

120518.7

By Alderman Devine:

Resolved, that a public hearing be held at the Common Council Meeting of December 19, 2018 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 Michael Ulrich, for approval to erect a 8' x 20' billboard sign to be located at 616 West Avenue, situated in a I-3 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 Eggert and adopted. Ayes 6.

120518.8

By Alderman Farrell:

WHEREAS, the State of New York (Canal Corporation and Greenway Commission) received a grant from the Ralph Wilson Foundation in the amount of \$500,000 to enhance the Empire State Trail Gateway in the City of Lockport along Canal Street on City land, and

WHEREAS, the project requires consent from the City of Lockport allowing the State of New York to make various enhancements along the Canal Street as part of the Empire State Trail Gateway in the City of Lockport, and

WHEREAS, the State has provided the City with a location diagram which defines the proposed site, and

WHEREAS, the City has reviewed the project and accepts the proposed diagram and work to be completed by the State.

NOW, THEREFORE, BE IT

RESOLVED, that the State of New York, Canal Corporation and Greenway Commission be and are hereby authorized to locate various improvements to real property owned by the City of Lockport along Canal Street in accordance with a location diagram and project description provide to the City.

Seconded by Alderman Oates and adopted. Ayes 6.

120518.9

By Alderman Eggert:

City of Lockport
Local Law No. 3 of the year 2018

A LOCAL LAW to amend §55-12 of the Lockport City Code with respect to License fees for Dogs.

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

§55-12 of the Lockport City Code, as amended, is hereby further amended by adding two new sections 55-12 D and 55-12 E to read as follows:

§ 55-12 D. An additional fee (surcharge) as authorized by Agriculture and Markets Law §110, Subdivision 4(a), for costs for enumeration of dogs in the amount of \$10 for each dog identified as unlicensed during such enumeration shall be charged annually.

§55-12 E. There shall be an additional fee of \$5 (a late fee) for any dog licensed obtained more than 30 days after it was due to be obtained.

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

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

Alderman Abbott	VOTING	Yes
Alderman Devine	VOTING	Yes
Alderman Eggert	VOTING	Yes
Alderman Farrell	VOTING	Yes
Alderman Oates	VOTING	Yes
Alderman VanDeMark	VOTING	Yes

The Local Law was thereupon declared duly adopted.

120518.10

By Alderman Devine:

WHEREAS, the City entered into an agreement on June 21, 2018 under resolution 062018.6 with Accadia Site Contracting, Inc. to complete the installation of a storm sewer on High Street, between the Erie Canal and Locust Street; and

WHEREAS, Accadia Site Contracting, Inc. has requested two change orders: change order No.1 for \$24,119.69 related to additional milling and utility structure adjustments, and change order No.2 for \$75,503.81 related to additional work that includes extra piping, supplementary excavation, backfilling, paving and replacement of lead water services; and

WHEREAS, the total cost of the Capital project, including construction and engineering is \$1,519,642.70 and exceeds the budgeted amount of \$1.5 million, necessitating amending the Capital and Sewer Fund budgets; now, therefore, be it

RESOLVED, that the Mayor, subject to Corporation Counsel approval, is hereby authorized to approve the change orders submitted by Accadia Site Contracting, Inc. in the amount of \$99,623.50 with \$79,980.85 being charged against the Dormitory Authority of the State of New York (DASNY) State and Municipal Facilities Program (SAM) grant, and the remainder being funded through a transfer from the Sewer budget; and be it further

RESOLVED, that the 2018 Sewer Fund budget is hereby amended as follows:

Expense:		
Decrease		
G.8120.52200	Utility Replacement & Improvements	\$19,642.70
Increase		
G.9901.59000H	Interfund Transfer to Capital	\$19,642.70

Seconded by Alderman Oates and adopted. Ayes 6.

120518.11

By Alderman Abbott:

Whereas, the City has received a State and Municipal Facilities (SAM) grant in the amount of \$20,000 sponsored by Senator Ortt in support of the City's replacement of Taser equipment; and

Whereas, the 2018 General Fund budget must be amended to accommodate this grant;

Now, therefore, be it

Resolved, that the 2018 General Fund Budget is hereby amended as follows:

Expense:

Increase:

A.3120.52070 Public Safety Equipment \$20,000

Revenue:

Increase:

A.3120.33389 Other Public Safety State Aid \$20,000

Seconded by Alderman Eggert and adopted. Ayes 6.

120518.12

By Alderman Devine:

WHEREAS, pursuant to Section 61 of the City of Lockport Charter when the Common Council has determined and so declared that real or personal property owned by the City of Lockport, New York, should be sold or conveyed for the interest of the City, the City of Lockport may sell and/or convey such personal or real property, for a valuable consideration, at public sale or by a negotiated private sale, and

WHEREAS, pursuant to Section 279-B of the City Charter no such sale shall be effective unless and until it has been reviewed by the City of Lockport Property Management Committee and has been approved and confirmed by a majority vote of the Common Council for sale or disposition by sealed bid; negotiated sale under provisions of the City's Best Use Policy; Homestead Policy; or negotiated sale; except that no such approval shall be required when the property is sold at public auction to the highest bidder, and

WHEREAS, the Real Property Management Committee met and determined that the following properties are not needed for municipal purposes, have little market value due to their irregular size and location and recommended that the properties be offered for sale to either the adjoining owners or other interested parties, and

WHEREAS, the following purchasers submitted a proposal offering to acquire each property for nominal consideration, and

WHEREAS, the City of Lockport desires to return said parcels to the tax rolls.

NOW THEREFORE BE IT

RESOLVED, that the Mayor be and is hereby authorized to enter into a Contract of Sale and execute a quit claim deed and related title documents necessary for the sale of the following properties to the following purchasers for nominal consideration.

PARCEL ID	Address	Purchaser
109.09-1-57	12 COURT STREET	DAVID BUCZEK
109.09-1-84, 109.09-1-56, 109.09-1-70, 109.09-1-55, 109.09-1-71, 109.09-1-54, 109.09-1-72, 109.09-1-53 ,109.09-1-73, 109.09-1-74	1,14,15,16,17,18,19,20,21,AND 23 COURT STREET	BETHANY HARVEY
109.71-2-27.1	30 SPALDING STREET	THOMAS KENNETH
108.16-1-8.21	454 NIAGARA STREET	CHRISTOPHER DOOL
108.16-2-76	320 NIAGARA STREET	MICHAEL D'ADDEO
109.05-1-11	217 GLENWOOD	GLENWOOD CEMETERY ASSOCIATION
108.08-1-14.12	9 CRAINE STREET	HOUSING AUTHORITY

Seconded by Alderman Abbott and adopted. Ayes 6.

120518.13

By Alderman Devine:

Resolved, that the City of Lockport 2019 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
2019 SEWER FUND BUDGET SUMMARY

Appropriations:

Personal Services	\$1,081,787
Equipment	109,121
Contractual	1,082,144
Fringe Benefits	1,048,183
Debt Service	806,419
Special Items	55,250

Total Appropriations: \$4,182,903

Estimated Revenues: \$4,182,903

Seconded by Alderman Oates and adopted. Ayes 6.

120518.14

By Alderman Oates:

Resolved, that pursuant to their request, DeSales Catholic School is hereby granted permission to erect a banner across East Avenue at Davison Road at least 17 feet from the ground to promote their Open House to be held January 14th through January 28, 2019. Said permission is subject to DeSales Catholic School filing a certificate of insurance with the City Clerk naming the City of Lockport as additional insured and a fee of \$50.00 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 Eggert and adopted. Ayes 6.

120518.14A

By Alderman Oates:

WHEREAS, Niagara Community Action Program ("Niagara CAP") has as one of its principal functions and purposes of providing emergency services to the needy and disadvantaged persons within Niagara County through use of funding grants and subsidies from federal, state, and municipal governments and agencies, and

WHEREAS, the City desire to contribute to and participate in the funding of NCAP for such purposes in return for NCAP's promise of emergency services to the residents of the City, and

NOW, THEREFORE, BE IT

RESOLVED, that the Mayor be and is hereby authorized and directed to enter into an agreement with NCAP to pay NCAP the sum of \$2,500 to provide emergency services to qualified residents through its outreach office located at 160 Washburn Street from January 1, 2019 through December 31, 2019.

Seconded by Alderman Farrell and adopted. Ayes 6.

120518.14B

By Alderman Abbott:

WHEREAS, the City of Lockport raw water intake is in North Tonawanda, and

WHEREAS, the raw water line intake travels from the North Tonawanda through the municipalities of Pendleton, Wheatfield, Lockport (Town) and North Tonawanda for a total of 13 miles to get to the City of Lockport Summit Street filtration plant, and

WHEREAS, the City of Lockport prior to June 17, 2007, paid Niagara County property tax based upon the assessment of the raw water line which resulted in a water bill increases for each homeowner in the City of Lockport, and

WHEREAS, a 100% tax exemption for the City of Lockport from the Niagara County taxes on the above described 13-mile raw water line resulted in a tax levy impact of less than one cent per thousand of assessed property values, and

WHEREAS, the County passed resolution IL-046-08 on June 17, 2008 granting a tax exemption for a period of five years upon the condition that the savings be deposited into a fund designed for and used to repair or replace damaged Lockport City owned water lines thereby providing lower water bill costs to the City of Lockport residents who are residents of the County of Niagara as well, and

WHEREAS, the County passed Resolution IL-007-14 and the City of Lockport passed Resolution 2114.16F in 2014 extending the exemption for an additional five (5) years until March 1, 2019, and

WHEREAS, the City of Lockport and County of Niagara desires to renew said exemption for another five years, and

WHEREAS, the City of Lockport set up an account to deposit said savings for repairs and improvement, and the Department of Utilities prepared and submitted a plan each year to the Mayor and Common Council for expenditure in accordance with the above, now, therefore, be it

NOW, THEREFORE, BE IT

RESOLVED, that the Mayor be and is hereby authorized to execute an agreement with the County of Niagara to renew the same exemption for another five years until March 1, 2024, and be it further

RESOLVED, that the Treasurer be and is hereby directed to set up an account to deposit said savings for repairs and improvement, and be it further

RESOLVED, that Department of Utilities be and is hereby directed to prepare and submit a plan each year to the Mayor and Common Council for expenditure in accordance with the above.

Seconded by Alderman Devine and adopted. Ayes 6.

120518.14C

By Alderman Oates:

WHEREAS, the City of Lockport authorized the sale of 271 and 281 Genesee Street to GenLock LLC by resolution 112018.5, and

WHEREAS, the sale is conditioned upon GenLock LLC redeveloping the properties, and

WHEREAS, due to the location of the properties GenLock LLC requested permission to locate a dumpster in the City Right of Way.

NOW THEREFORE BE IT

RESOLVED, that GenLock LLC be and is hereby granted permission to locate a dumpster(s) in the City Right of Way for the rehabilitation of 271 and 281 Genesee Street for a period not to exceed 2 months.

Seconded by Alderman Eggert and adopted. Ayes 6.

120518.14D

By Alderman Farrell:

Resolved, that the City tax roll for year 2019 be and the same is hereby confirmed and the City Clerk is hereby authorized and directed to certify thereto and deliver said tax rolls to the City Treasurer for collection.

Seconded by Alderman Oates and adopted. Ayes 6.

120518.15

ADJOURNMENT

At 6:10 P.M. Alderman Abbott moved the Common Council be adjourned until 5:30 P.M., Wednesday, December 19, 2018.

Seconded by Alderman Devine and adopted. Ayes 6.

RICHELLE J. PASCERI
City Clerk

CITY OF LOCKPORT
CORPORATION PROCEEDINGS

Lockport Municipal Building

Regular Meeting
Official Record

December 19, 2018
5:30 P.M.

Mayor David R. Wohleben called the meeting to order.

ROLL CALL

The following Common Council members answered the roll call:

Aldermen Devine, Eggert, Farrell, Oates and VanDeMark.

Absent: Alderman Abbott

INVOCATION

TREASURS REPORT

MAYOR'S UPDATE

RECESS

Recess for public input.

121918.1

APPROVAL OF MINUTES

On motion of Alderman Devine, seconded by Alderman Oates, the minutes of the Regular Meeting of December 5, 2018 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 made by Michael Ulrich, for approval to erect a billboard located at 616 West Avenue, situated in a I-3 Zone.

The Mayor asked the City Clerk if any petitions or communications relative to the request for the Special Use Permit request 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)

12/7/18 Richelle J. Pasceri, City Clerk – notification that bid proposals for the Market Street Segmental Block Retaining Wall were received on December 7, 2018 as follows:

Scott Lawn Yard, Inc. Niagara Falls, NY	Alternate	\$354,310.00 \$ 23,000. (Deduct)
4 th Generation Construction, Inc Niagara Falls, NY	Alternate	\$305,000.00 \$ 65,675. (Add)
Nichols Long & Moore Construction, Corp. Tonawanda, NY	Alternate	\$336,783.00 \$ 60,000. (Deduct)
NFP & Sons, Inc. N. Tonawanda, NY	Alternate	\$266,500.00 \$ 63,000. (Deduct)
Edbauer Construction West Seneca, NY	Alternate	\$375,000.00 \$ 20,000. (Deduct)

Referred to the Committee of the Whole.

Notice of Defect:

12/17/18 143 Waterman Street – 2 trees
12/17/18 325 Elmwood Avenue – city fence
Referred to the Director of Streets and Parks.

MOTIONS & RESOLUTIONS

121918.2

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 December 19, 2018 as follows:

General Fund	Fund A	\$104,413.48
Water Fund	Fund FX	\$ 18,924.60

Sewer Fund	Fund G	\$ 14,962.53
Capital Projects	Fund	\$357,450.49
Refuse Fund	Fund CL	\$ 96,256.52
Self Insurance	Fund MS	\$151,848.80
Community Dev.	Fund CD	\$ 70,854.00
Payroll	Pay Date 12/6/18	\$671,002.79

Seconded by Alderman Farrell and adopted. Ayes 5.

121918.3

By Alderman Eggert:

Whereas, implementation of a voice over internet protocol (VoIP) telephonic network would substantially decrease monthly costs for telephone service and, at the same time, provide one solution for telephone services for the City’s various locations including but not limited to the Public Works facility, City Hall, Water Filtration, Willow Street Recreation and the Wastewater Treatment facility utilizing the secured, dedicated fiber network previously authorized by the City; and

Whereas, the City engaged a consultant and solicited proposals for enhancements to its phone systems; and

Whereas, the City has received a proposal from Newcastle Communications through Telecom Data Service for an all-inclusive VoIP system and telephone service for a one-time payment and five-year lease; and

Whereas, Newcastle Communications is a New York State certified NYS contract holder and Women owned business;

Now, therefore, be it

Resolved, that the Mayor, subject to Corporation Counsel approval, is hereby authorized and directed execute an agreement with Newcastle Communications and Telecom Data Service for a one-time payment in the amount of \$9,999 and a 60-month lease for \$1,629 per month for the provision of an all-inclusive voice over internet protocol telephone system and telephone service.

Seconded by Alderman Oates and adopted. Ayes 5.

By Alderman Devine:

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

Seconded by Alderman Farrell and adopted. Ayes 5.

121918.4

The following ordinance was offered by the Councilmember Devine, who moved its adoption, seconded by Councilmember Eggert to wit:

BOND ORDINANCE DATED DECEMBER 19, 2018.

AN ORDINANCE AUTHORIZING THE ISSUANCE OF AN ADDITIONAL \$1,300,000 BONDS OF THE CITY OF LOCKPORT, NIAGARA COUNTY, NEW YORK, TO PAY PART OF THE COST OF THE RECONSTRUCTION OF A WATER LINE, FOR SAID CITY.

WHEREAS, the capital project hereinafter described has been determined to be a Type II Action pursuant to the regulations of the New York State Department of Environmental Conservation promulgated pursuant to the State Environmental Quality Review Act, the implementation of which as proposed, such regulations provide, will not result in any adverse significant environmental effect; and

WHEREAS, it is now desired to authorize additional bonds for the financing thereof, NOW, THEREFORE,

BE IT ORDAINED, by the affirmative vote of not less than two-thirds of the total voting strength of the Common Council of the City of Lockport, Niagara County, New York, as follows:

Section 1. For the specific object or purpose of paying part of the cost of the reconstruction of a water line running from the Niagara River to the City's Water Treatment Plant, including reconstruction of a parallel high pressure distribution line, together with original furnishings, equipment, apparatus, appurtenances, and incidental improvements and expenses in connection therewith, in and for the City of Lockport, Niagara County, New York, there are hereby authorized to be issued an additional \$1,300,000 bonds pursuant to the provisions of the Local Finance Law. Said specific object or purpose is hereby authorized at the new maximum estimated cost of \$7,800,000.

Section 2. The plan for the financing of such \$7,800,000 maximum estimated cost is as follows:

- a) By the issuance of the \$6,100,000 bonds of said City heretofore authorized to be issued therefor pursuant to a bond ordinance dated April 6, 2016;
- b) By the issuance of the \$400,000 bonds of said City heretofore authorized to be issued therefor pursuant to a bond ordinance dated March 21, 2018; and
- c) By the issuance of the additional \$1,300,000 bonds of said City herein authorized;

provided, however, that the amount of obligations ultimately to be issued will be reduced by any State and/or Federal grants-in-aid to be received by said City for said purpose.

Section 3. It is hereby determined that the period of probable usefulness of the aforesaid specific object or purpose is forty years, pursuant to subdivision 1 of paragraph a of Section 11.00 of the Local Finance Law.

Section 4. The faith and credit of said City of Lockport, Niagara County, New York, are hereby irrevocably pledged for the payment of the principal of and interest on such obligations as the same respectively become due and payable. An annual appropriation shall be made in each year sufficient to pay the principal of and interest on such obligations becoming due and payable in such year. There shall annually be levied on all the taxable real property of said City, a tax sufficient to pay the principal of and interest on such obligations as the same become due and payable.

Section 5. Subject to the provisions of the Local Finance Law, the power to authorize the issuance of and to sell bond anticipation notes in anticipation of the issuance and sale of the bonds herein authorized, including renewals of such notes, is hereby delegated to the City Treasurer, the chief fiscal officer. Such notes shall be of such terms, form and

contents, and shall be sold in such manner, as may be prescribed by said City Treasurer, consistent with the provisions of the Local Finance Law.

Section 6. Such bonds shall be in fully registered form and shall be signed in the name of the City of Lockport, Niagara County, New York, by the manual or facsimile signature of the City Treasurer and a facsimile of its corporate seal shall be imprinted or impressed thereon and may be attested by the manual or facsimile signature of the City Clerk.

Section 7. The powers and duties of advertising such bonds for sale, conducting the sale and awarding the bonds, are hereby delegated to the City Treasurer, who shall advertise such bonds for sale, conduct the sale, and award the bonds in such manner as she shall deem best for the interests of said City, including, but not limited to, the power to sell said bonds to the New York State Environmental Facilities Corporation; provided, however, that in the exercise of these delegated powers, she shall comply fully with the provisions of the Local Finance Law and any order or rule of the State Comptroller applicable to the sale of municipal bonds. The receipt of the City Treasurer shall be a full acquittance to the purchaser of such bonds, who shall not be obliged to see to the application of the purchase money.

Section 8. All other matters, except as provided herein relating to such bonds, including determining whether to issue such bonds having substantially level or declining debt service and all matters related thereto, prescribing whether manual or facsimile signatures shall appear on said bonds, prescribing the method for the recording of ownership of said bonds, appointing the fiscal agent or agents for said bonds, providing for the printing and delivery of said bonds (and if said bonds are to be executed in the name of the City by the facsimile signature of the City Treasurer, providing for the manual countersignature of a fiscal agent or of a designated official of the City), the date, denominations, maturities and interest payment dates, place or places of payment, and also including the consolidation with other issues, shall be determined by the Treasurer. It is hereby determined that it is to the financial advantage of the City not to impose and collect from registered owners of such serial bonds any charges for mailing, shipping and insuring bonds transferred or exchanged by the fiscal agent, and, accordingly, pursuant to paragraph c of Section 70.00 of the Local Finance Law, no such charges shall be so collected by the fiscal agent. Such bonds shall contain substantially the recital of validity clause provided for in section 52.00 of the Local Finance Law and shall otherwise be in such form and contain such recitals in addition to those required by section 52.00 of the Local Finance Law, as the Treasurer shall determine.

Section 10. The City Treasurer is hereby further authorized, at her sole discretion, to execute a project finance and loan agreement, and any other agreements with the New York State Department of Health and/or the New York State

Environmental Facilities Corporation, including amendments thereto, and including any instruments (or amendments thereto) in the effectuation thereof, in order to effect the financing or refinancing of the specific object or purpose described in Section 1 hereof, or a portion thereof, by a bond, and/or note issue of said City in the event of the sale of same to the New York State Environmental Facilities Corporation.

Section 11. The power to issue and sell notes for said specific object or purpose to the New York State Environmental Facilities Corporation pursuant to Section 169.00 of the Local Finance Law is hereby delegated to the City Treasurer. Such notes shall be of such terms, form and contents as may be prescribed by said City Treasurer consistent with the provisions of the Local Finance Law.

Section 12. The validity of such bonds and bond anticipation notes may be contested only if:

- 1) Such obligations are authorized for an object or purpose for which said City is not authorized to expend money, or
- 2) The provisions of law which should be complied with at the date of publication of this ordinance are not substantially complied with,

and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication, or

- 3) Such obligations are authorized in violation of the provisions of the Constitution.

Section 13. This ordinance shall constitute a statement of official intent for purposes of Treasury Regulations Section 1.150-2. Other than as specified in this ordinance, no monies are, or are reasonably expected to be, reserved, allocated on a long-term basis, or otherwise set aside with respect to the permanent funding of the object or purpose described herein.

Section 14. This ordinance, which takes effect immediately, shall be published in summary form in the official newspaper, together with a notice of the City Clerk in substantially the form provided in Section 81.00 of the Local Finance Law.

The question of the adoption of the foregoing ordinance was duly put to a vote on roll call, which resulted as follows:

Alderman Abbott	VOTING	ABSENT
-----------------	--------	--------

Alderman Devine	VOTING	YES
Alderman Eggert	VOTING	YES
Alderman Farrell	VOTING	YES
Alderman Oates	VOTING	YES
Alderman VanDeMark	VOTING	YES

The ordinance was thereupon declared duly adopted.

121918.5

By Alderman Devine:

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, formal bids were solicited for the Raw Watermain Replacement Project, City Job No. 2438 and the following bids were received and publicly opened by the City of Lockport on Wednesday, November 14, 2018 at 10:00 a.m. Kandey Company, Inc. \$ 6,712,145.00; Concrete Applied Technologies (CATCO) \$ 7,012,073.00; and Mark Cerrone, Inc. \$ 7,242,264.00; and

Whereas, the proposals were received and the contract will be awarded on the basis of unit bid and lump sum prices of the base bid only; and

Whereas, the Director of Engineering and city staff have reviewed the consultant's recommendations and concur with the recommendation provided by GHD to award the contract to the low bidder, Kandey Company, Inc.; now, therefore, be it

Resolved, that the Mayor, subject to Corporation Counsel approval, is hereby authorized and directed to sign a contract with Kandey Company, Inc., 19 Ransier Drive, West Seneca NY 14224 for the replacement of approximately two-mile section of steel lock bar pipe of the raw water line in the amount of a not to exceed cost of \$ 6,712,145.00 to be charged to the NYS Environmental Facilities Corporation grant and loan awarded to the City through the New York State Water Infrastructure Improvement Act Grant Program and the New York State Revolving Fund Program.

Seconded by Alderman Eggert and adopted. Ayes 5.

121918.6

By Alderman Devine:

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, GHD Consulting Services Inc. and the City of Lockport have determined that additional engineering design and construction phase services in connection to the replacement of the existing 24-inch watermain on Summit Street is needed to optimize water distribution in the industrial area located at the west side of the City; and

Whereas, GHD Consulting Services Inc. has submitted a proposal for Professional Engineering Services to provide said additional engineering services; now, therefore, be it

Resolved, that the Mayor, subject to Corporation Counsel approval, is hereby authorized and directed to modify the Agreement between the City and GHD Consulting Services Inc. and accept its Proposal for Professional Engineering Services Amendment dated December, 2018 for \$50,700, to be charged to the NYS Environmental Facilities Corporation grant and loan awarded to the City through the New York State Water Infrastructure Improvement Act Grant Program and the New York State Revolving Fund Program. The original cost of the project is hereby amended to be \$528,000.

Seconded by Alderman Eggert and adopted. Ayes 5.

121918.6A

By Alderman Oates:

Whereas, the City Council has adopted a Ten-Year Capital Improvement Plan for the fiscal years of 2018-2027; and

Whereas, a new vehicle for the Buildings and Ground department was authorized in the Ten-Year Capital Improvement Plan in the amount of \$30,000; and

Whereas, the City Council has issued a bond that has funded, among other equipment, this truck and

Whereas, a Mini-Bid was conducted and six bids received under Mini Bid # 18120007; and

Whereas, NYE Automotive Group was the responsible low bidder in the amount of \$27,632.32

Whereas, the Director of Public Works and the Director Highway and Parks canvassed said bids; and recommend the bid be awarded to Nye Automotive Group;

Now, therefore, be it resolved that the City Council accept Mini-Bid # 18120007 for the purchase of a new F250 Ford Pickup Truck for the Buildings and Grounds Department in the amount of \$27,632.32.

Seconded by Alderman Farrell and adopted. Ayes 5.

121918.6B

By Alderman Farrell:

Whereas, the City of Lockport received a grant for \$1,315,000 from Empire State Development for continued rehabilitation of the historic Erie Canal Flight of Five locks, and

Whereas, the City of Lockport contracted with Bergmann Associates to complete the final design for Phase 2 (Lock 68), of the Flight of Five rehabilitation project, and

Whereas, a number of factors (including receiving an additional \$200,000 National Maritime Heritage grant through the National Park Service and \$250,000 Dormitory Authority of the State of New York grant for said rehabilitation) have led to additional design work needed to be completed pursuant to the proposal for supplemental services from Bergmann Associates in the amount of \$5,000.00, and

Whereas, an error in a previous summation of the contract total took place and must be amended. Now therefore be it

Resolved, that the Mayor be and is hereby authorized and directed to execute a supplemental agreement with Bergmann Associates for a sum not-to-exceed \$236,455, reflecting a \$5,000 increase for additional services needed to complete the Construction Documents for the second phase of construction that rehabilitates Lock 68 of the Flight of Five.

Seconded by Alderman Eggert and adopted. Ayes 5.

121918.7

ADJOURNMENT

At 5:53 P.M. Alderman Devine moved the Common Council be adjourned until 5:30 P.M., Wednesday, January 2, 2019.

Seconded by Alderman Eggert and adopted. Ayes 5.

RICHELLE J. PASCERI
City Clerk

